



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

November 5, 2012

Commissioner Vestal called the November 5th Commission meeting to order at 8:30 a.m. Present were Commissioners Paul Vestal, Sallie Chandler, A. Mavourneen Thompson, and Deborah Whitworth.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Amy Sneirson requested that case E10-0565 Kyle Belch (Thorndike) v. Home Depot U.S.A, Inc. (Bangor) be tabled from the Agenda to the December 17th meeting.
- Executive Director Amy Sneirson requested that case E11-0358: Angela Webber (Windham) v. Maine Business Center (Portland) be tabled from the Agenda to the December 17th meeting.
- Executive Director Amy Sneirson requested that case E10-0561: Heather Sarchi (Lewiston) v. American Eagle Outfitters, Inc. (South Portland) be tabled from the Agenda to the December 17th meeting.

Commissioner Chandler moved, seconded by Commissioner Whitworth, to adopt the agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 5)

Commissioner Chandler moved, seconded by Commissioner Thompson, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 4 in favor | 0 opposed.

MINUTES:

Commissioner Chandler moved, seconded by Commissioner Whitworth, to adopt the September 24, 2012 Commission Meeting Minutes. 4 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW:

- Inventory Status Report & Resolutions: There were 756 open cases as of October 22. The Commission closed 139 cases during the preceding quarter; 31 of those cases were closed providing some monetary benefit to Complainants. The relief obtained in all cases benefited 39 people. The monetary amount recovered for Complainants during that time period was \$846,724.
- Training/Education: Commissioners reviewed the quarterly report indicating that staff participated in 5 training sessions.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.

- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION:

Personnel Report: Executive Director Amy Sneirson reported that there were no significant personnel changes at the Commission since the Commission's last meeting. Intern Mark Coursey will be finishing up his semester's internship in December.

Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

INVESTIGATION:

New Charges: Commission staff opened 46 new cases in September and 52 new charges in October.

Administrative Dismissals: Commission staff dismissed 17 cases in September and 27 charges in October..

Pre-determination Settlements: Since September 18, 2012, staff were responsible for obtaining settlements in 12 cases resulting in total monetary relief in excess of \$150,086 for complainants.

NEW BUSINESS:

Legal Counsel John P. Gause reviewed the status of the Proposed Rule Amendments to Chapter 2 Procedural rule; and Chapter 8, Housing Regulations of the Maine Human Rights Commission. The Commission just received feedback from HUD, which was not opposed to any of the proposed rule amendments. Accordingly, the Commission will initiate the APA process.

Legal Counsel John P. Gause reviewed the current six month limit for retaining "reasonable grounds" reports on the MHRC website, an exception to this policy will be given for cases as deemed appropriate by the Executive Director.

LITIGATION: Moved to after Executive Session.

At 8:40 AM Commissioner Vestal called for a 5 minute recess.

CASES VOTED ON:

ED/PA11-0333: Corey Shaw (Gainesville, Fl.) v. Bridgton Academy (North Bridgton). Attorney Zack Paakkonen restated the position of the Complainant. Attorney Patricia Peard restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Bridgton Academy discriminated against Complainant Corey Shaw because of race and color in access to public accommodations or education. 4 in favor | 0 opposed.

E11-0539: Thorunn Reynisdóttir (Iceland) v. Auto Europe Holdings, Inc & Auto Europe LLC (Portland). Attorney Adam Taylor restated the position of the Complainant. Attorney Patricia Peard restated the position of the Respondent. Chief Investigator Barbara Lelli (for Investigator Domini Pham) restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Auto Europe Holdings, Inc. and Auto Europe LLC, discriminated against Complainant Thorunn Reynisdóttir by subjecting her to a hostile work environment or terminating her because of her gender and national origin. 4 in favor | 0 opposed.

E11-0180: Larry Nortridge (Portland) v. AMVETS Charles J. Loring Post #25 (Portland).

E11-0180-A: Larry Nortridge (Portland) v. AMVETS Department of Maine (Sanford).

E11-0181: Larry Nortridge (Portland) v. AMVETS National Service Organization (Lanham, MD). Attorney James Hamilton restated the position of the Respondent. Attorney Roberta de Araujo restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Thompson, to find **reasonable grounds** to believe that Respondent AMVETS Charles J. Loring Post #25 unlawfully retaliated against Complainant Larry W. Northridge for activity protected by the Maine Whistleblowers' Protection Act. 4 in favor | 0 Opposed. Commissioner Chandler moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent AMVETS Department of Maine (E11-0180-A) or Respondent AMVETS National Service Organization (E11-0181) unlawfully retaliated against the Complainant Larry W. Nortridge for activity protected by the Maine Whistleblowers' Protection Act. 4 in favor | 0 opposed.

E11-0353: Mark Thiboutot (Sidney) v. Safelite Fulfillment, Inc. d/b/a Safelite AutoGlass (Augusta). Mark Thiboutot restated the position of the Complainant. Respondent was not present. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Safelite Fulfillment, Inc. d/b/a Safelite AutoGlass discriminated against Mark Thiboutot on the basis of perceived disability by terminating his employment. 4 in favor | 0 opposed.

E11-0608: Leonard Hanson (Crawford) v. Calais School Department (Calais). Attorney Erik Black restated the position of the Complainant. Attorney Tom Trenholm restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Chandler, to believe there are no reasonable grounds to believe that Complainant Leonard D. Hanson was subjected to unlawful discrimination in employment (denied a reasonable accommodation) by Respondent Calais School Department and/or AOS 77 because of his disabilities. 4 in favor | 0 opposed.

At 10:30 Chair Vestal called for a 5 minute break.

E11-0720: Norma Milliard (Presque Isle) v. Maine School Administrative District No 1 (Presque Isle). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent MSAD No. 1 discriminated against Complainant Norma E. Milliard in the terms, conditions and privileges of employment because of her age or disability. 4 in favor | 0 opposed.

E12-0050: Mariano Mawein (Portland) v. Idexx Laboratories (Lewiston). Mariano Mawein restated the position of the Complainant. Attorney Alexia Pappas restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Idexx discriminated against Mr. Mawein based upon race, color, ancestry/national origin, religion or that it retaliated against him. 4 in favor | 0 opposed.

E12-0089: William Klingelhofer (Rockport) v. Bowdoin College (Brunswick). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent Bowdoin College discriminated against Complainant William G. Klingelhofer on the basis of age in its hiring process. 4 in favor | 0 opposed.

H12-0213: Marvin Charette (Augusta) v. Priscilla Staples (Fort Kent). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondent Priscilla Staples refused to provide Complainant with a reasonable accommodation (permission to smoke medical marijuana in his apartment) or that Respondent issued a notice of eviction to Complainant due to disability discrimination. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Whitworth, to move into executive session at 11:11 a.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

At approximately 11:25 a.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION:

At approximately 11:26 p.m., Commissioner Chandler moved, seconded by Commissioner Whitworth, for the Commission not to file a court complaint in the following “reasonable grounds” cases:

- E10-0325: Erica Kilde v. Realty Resources Hospitality d/b/a Denny’s (hostile work environment based on disability); and
- E11-0208: Jeffrey Bearce v. City of Waterville (failure to provide reasonable accommodations due to disability).

4 in favor | 0 opposed.

Commission Counsel John Gause also reviewed the status of pending litigation and of cases pending a litigation determination.

ADJOURN:

There being no further business to come before the Commission, Commissioner Whitworth moved, seconded by Commissioner Chandler, to adjourn the meeting. 4 in favor | 0 opposed.

The meeting was adjourned at 11:26 AM.

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there was no written disagreement to the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

CONSENT AGENDA

E10-0605:	Tina Brann-Guimond (Whitefield) v. Helen Hanson & Stephen O'Donnell Individually/on behalf of Helen Hanson (Augusta)	NRG
E10-0635:	Hubert Affo (Lewiston) v. Granite Bay Care, Inc. (Portland)	NRG
E10-0642:	Aimee Porter (New Gloucester) v. Bush Equities, Inc. d/b/a Cuddledown (Portland)	NRG
E11-0232:	James Doiron (Livermore Falls) v. Verso Paper LLC (Jay)	NRG
E11-0477:	Mark McVey (Brewer) v. City of Brewer (Brewer)	NRG
PA11-0518:	Ibrahim Saleebaan (Portland) v. City of Portland/ Portland International Jetport (Lewiston)	NRG
PA11-0657:	David Gonsalves (Sagamore, MA) v. Lafayette Riverside, Inc. d/b/a Fireside Inn & Suites (Portland, Me)	NRG
E12-0069:	Jason Lear (Portland) v. Lafayette Inn by the Bay, LLC d/b/a Holiday Inn by the Bay (Portland)	NRG
E12-0087:	George Williams (Middletown CT) v. State of Maine Department of Transportation (Augusta)	NRG
H12-0286:	Margaret Visconti (Gardiner) v. Paige Realty Trust, LLC (Manchester)/ Asset Management & Michael Lee (Augusta)	NRG
H12-0287:	Margaret Visconti (Gardiner) v. Christopher Menard (Unknown)	RG
H12-0288:	Wyatt Smith & Kirstin Kierstead (Wilton) v. Leon & Cherri White (Norridgewock)	NRG