



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051

Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711
www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

September 12, 2016

Commission Chair Arnold Clark called the September 12, 2016 Commission meeting to order at 8:23 a.m. Present were Commission Chair Arnold Clark, and Commissioners Deborah Whitworth, Ted Helberg and Fred Oettinger.

Executive Director Amy Sneirson advised the following three cases have been tabled to the October Commission meeting:

- H16-0073: Jamie Merrill and Dwayne Labrecque (Livermore Falls) v Patrick Duffy (Livermore Falls)
- E15-0084: Elizabeth L. Hudson (Augusta) v SOM/Ethics Commission (Augusta)
- H16-0116: Deiga M. Mohamed (Poland, ME) & Marc Rodrigue (Poland, ME) v Warren R. Knight (Loxahatchee, FL) & Smiling Hill Farm Land Company, LP (Westbrook, ME)

Executive Director Amy Sneirson presented a partial request for withdrawal on case H16-0073; Complainants seek to withdraw their claims against three of the four named Respondents because they reached a settlement with those three Respondents; they wish the claims against the fourth Respondent (Duffy) to proceed to hearing at the October meeting. Commissioner Whitworth moved, seconded by Commissioner Helberg, to allow Complainants withdraw their claims against three named Respondents. 4 in favor | 0 opposed.

AGENDA

Commission Chair Clark called for adoption of the Agenda and Consent Agenda.

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the revised Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed (see detailed listing on page 4).

MINUTES

Commissioner Whitworth moved, seconded by Chair Clark, to adopt the August 8, 2016 Commission Meeting Minutes. 2 in favor | 0 opposed | 2 abstained (Commissioners Helberg and Oettinger abstained).

ADMINISTRATION

ED Sneirson provided a report on the Commission's personnel, noting that two new investigators and a paralegal have begun at the Commission but one investigator position became vacant mid-August with the departure of Audrey Gillespie. The Commission submitted a Hiring Justification seeking an exemption from the statewide hiring freeze; the exemption request was received mid-august by the Office of the Governor and is awaiting decision.

COMPLIANCE:

Commissioners reviewed the compliance report showing that in August there were no successful conciliations, no new unsuccessful conciliations, and 12 conciliations in progress. It was placed on file.

INVESTIGATION:

- New Charges: In August, 35 new complaints were filed with the Commission.
- Administrative Dismissals: The Executive Director administratively dismissed 23 cases in August.
- Pre-determination Settlements: Since August 2016, 5 cases pending at the Commission were resolved resulting in almost \$15,000 in benefits to complainants.

NEW BUSINESS: ED Sneirson reported that there are no new updates from the Governor's Executive Order Review Panel. The Commission has submitted the 2017 Emergency Supplemental Budget Request and the 2018-19 Biennial Budget Request to the Bureau of Budget. Also, HUD completed its annual review of the Commission's work under the partnership agreement with HUD and recommended re-certifying the Commission for another year under the agreement. Finally, the Commission received a new HUD grant for outreach regarding service animals. The grant will allow the Commission to create a webinar about service animals and changes to the Maine law regarding service animals, and to do outreach and publicity about that webinar; the Commission will be issuing an RFP to obtain vendor bids for the project.

At 8:32 AM Chair Clark called for a 5 minute recess.

CASES VOTED ON 8:47 A.M.

E14-0435: *Carol Campbell (Milford) v Dysart's Service (Bangor)*. Complainant did not appear. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Dysart's Service discriminated against Complainant Carol Campbell on the basis of disability by terminating her employment. 4 in favor | 0 opposed.

E14-0459: *Lorraine Farris (Auburn, ME) v J&S Oil (Manchester, ME), & Nouria Energy Corp., and the J&S Division of Nouria Energy (Worcester, MA)*. Attorney John Lambert restated the position of Respondent J&S Oil. Attorney Rebecca Webber restated the position of the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find (a) **reasonable grounds** to believe that J&S Oil, Nouria Energy Co.p., and the J&S Division of Nouria Energy discriminated against Complainant Lorraine Farris in violation of the MHRA based upon her sex when it subjected her to a hostile work environment, **and** (b) **reasonable grounds** to believe J&S Oil, Nouria Energy Co., and the J&S Division of Nouria Energy discriminated against Complainant Lorraine Farris in violation of the MHRA based upon her sex when it discharged her from employment, **and** (c) **reasonable grounds** to believe that J&S Oil, Nouria Energy Corp., and the J&S Division of Nouria Energy retaliated against Complainant Lorraine Farris in violation of the MHRA and WPA because she engaged in protected activity. 4 in favor | 0 opposed.

E14-0461: *Adam Villalpando (Rialto, CA) v (Town of) East Millinocket/Fire Department (East Millinocket)*. Attorney William Vickerson restated the position of the Complainant. Attorney Dean Beaupain restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Complainant Adam Villalpando was subjected to unlawful race/national origin discrimination by Respondent Town of East Millinocket/Fire Department and no reasonable grounds to believe that Complainant Adam Villalpando was subjected to unlawful retaliation in violation of the MHRA and/or WPA by Respondent Town of East Millinocket/Fire Department. 4 in favor | 0 opposed.

E14-0471: *Allison Woods (Surry) v The Jackson Laboratory (Bar Harbor)*. Attorney Anne Marie Storey restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Respondent The Jackson Laboratory discriminated against Complainant Allison Woods on the basis of disability by denying a request for a reasonable accommodation. 3 in favor | 0 opposed | 1 recused (Helberg recused). Commissioner Whitworth moved, seconded by Chair Clark, to find **reasonable grounds** to believe that that Respondent The Jackson Laboratory discriminated against Complainant Allison Woods on the basis of her physical or mental disability in the terms and conditions of her employment. 2 in favor | 1 opposed (Oettinger opposed) | 1 recused (Helberg recused). Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent The Jackson Laboratory discriminated against Complainant Allison Woods on the basis of disability or perceived disability when it terminated her employment. 2 in favor | 1 opposed (Oettinger opposed) | 1 recused (Helberg recused). Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that that Respondent The Jackson Laboratory discriminated against Complainant Allison Woods on the basis of disability by subjecting her to an illegal inquiry. 3 in favor | 0 opposed | 1 recused (Helberg recused).

E14-0503: *Dusty Trombley (Garland) v UTC Climate, Control and Security Systems (Pittsfield)*. Attorney Tom Reynolds restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Dusty Trombley was subjected to unlawful disability discrimination by UTC Climate, Control and Security Systems when it terminated her employment. 4 in favor | 0 opposed. Commissioner Helberg moved, seconded by Chair Clark, to find no reasonable grounds to believe that Dusty Trombley was subjected to unlawful disability discrimination by UTC Climate, Control and Security Systems when it failed to act upon her request for reasonable accommodations. 2 in favor | 2 opposed (Whitworth, Helberg opposed); the motion failed. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Dusty Trombley was subjected to unlawful disability discrimination by UTC Climate, Control and Security Systems when it failed to act upon her request for reasonable accommodations. 3 in favor | 1 opposed (Clark opposed).

E14-0504: *Dusty Trombley (Garland) v Adecco Group North America (Auburn)*. Attorney Kristin Aiello restated the position of the Complainant. Attorney Peter Bickerman restated the position of the Respondent. Investigator Robert Beauchesne restated the fact of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Dusty Trombley was subjected to unlawful disability discrimination by Adecco Group North America when it failed to act upon her request for reasonable accommodations and terminated her employment. 4 in favor | 0 opposed.

H16-0112: *Janalee Allen (Norway) v. Northeast Rental Housing, LLC (Norway), Peter Marcinuk (South Paris), Bradley Adkins (Norway)*. Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find (a) no reasonable grounds to believe that Respondents Northeast Rental Housing, Peter Marcinuk and Bradley Adkins discriminated against Complainant Janalee Allen on the basis of sex by subjecting her to a hostile housing environment, (b) no reasonable grounds to believe that Respondents Northeast Rental Housing, Peter Marcinuk and Bradley Adkins discriminated against Complainant Janalee Allen on the basis of disability by subjecting her to a hostile housing environment, and (c) no reasonable grounds to believe that Respondents Northeast Rental Housing, Peter Marcinuk and Bradley Adkins retaliated against Complainant Janalee Allen for asserting her rights under the MHRA. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

At 11:33 AM Commissioner Whitworth moved, seconded by Commissioner Helberg, to move into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 11:55 AM Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

At 11:55 AM, Commission Chair Clark adjourned the meeting.

CONSENT AGENDA

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.

E14-0429	Stephanie Cote (Saco) v Target (Augusta)	NRG
E14-0452	Casandra Lavezzi (f/k/a White) (Harpwell) v Apply America Group, LLC (North Hampton, NH)	NRG
E15-0208	Dennis A. Warden (Old Orchard Beach) v Dunegrass Golf (Old Orchard Beach)	NRG
E15-0211	Victoria E. Murray (South Bristol) v Maine Health Lincoln County Healthcare (Damariscotta)	NRG
E15-0277	Richard Ullman (West Bath) v Midcoast Federal Credit Union (Bath)	NRG
E15-0445	Beverly Farrington (Limerick) v Maine Medical Center (Portland)	NRG
E15-0490	Meghan Wilson (Gray) v Martins Point Health Care (Portland)	NRG
E15-0504	Mary A. Ramsdell (Fayette) v Tex Tech Industries (North Monmouth)	NRG
E16-0027	Benjamin B. Kodi (Portland) v Quality Containers of New England (Yarmouth) and	NRG
E16-0042	B&B Maine Enterprises (Portland)	NRG
H16-0185	Susan M. Mannette (Norway) v Community Concepts Inc. (South Paris), Norway Housing Associates Limited (Lewiston)	NRG