



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

November 21, 2016

Commissioner Whitworth served as Chair of the meeting, and called the meeting to order at 8:31 AM. Present were Commissioners John Norman, Deborah Whitworth, and Fred Oettinger.

AGENDA

Commissioner Whitworth called for adoption of the Agenda and Consent Agenda, as amended.

Commissioner Oettinger moved, seconded by Commissioner Whitworth, to adopt the Agenda as amended and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 2 in favor | 0 opposed | 1 abstained (Norman abstained). See detailed listing of Consent Agenda cases on page 3.

MINUTES

Commissioner Norman moved, seconded by Commissioner Oettinger, to adopt the October 2016 Commission Meeting Minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Amy Sneirson next discussed monthly reporting on Commission activities:

- Personnel: The Commission received 45 applications for the two vacant Human Rights Investigator positions and is interviewing 12 candidates in the upcoming weeks.
- Compliance: There are three reasonable-grounds cases pending in conciliation, and have been four unsuccessful conciliations. There were no successful conciliations.
- Investigation
 - New Charges: 32 new charges filed in October.
 - Administrative Dismissals: 29 Administrative Dismissals issued in October.
 - There were two pre-determination settlements with benefits of \$112,000 to complainants.

Quarterly reports: Executive Director Sneirson first provided a quarterly report on Commission activities in the fourth quarter of the state's fiscal year:

- As of the end of October, there were 657 cases pending investigation at the Commission.
- Commission staff attended or presented at 8 trainings in the quarter.
- The Quarterly Financial Report was presented and placed on file.
- The litigation portion of the agenda was deferred for discussion after Commissioners discussed pending/contemplated litigation in Executive Session.

New business: Executive Director Sneirson noted that the Legislature's cloture is in January; she will be working to identify a legislator willing to sponsor a bill to add more staff to the Commission based on the recommendations of the Executive Review Panel Report. Also, on 11/18/2016, the Maine Department of

Administrative and Financial Services notified the Commission that the conference room where we hold Commission meetings will no longer be available; we will be working on identifying alternatives.

The Commission took a ten-minute break.

At 8:45 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON 8:46 A.M.

PA15-0183 and PA15-0184: Timothy Damien (Bradley) v. Acadia Hospital (Bangor) & Bangor Interpreting Agency (Bangor). This case was interpreted by an American Sign Language interpreter who is legally certified. Timothy Damien restated his positions in both cases. Attorney Kirk Bloomer restated the position of Respondent Bangor Interpreting Agency. Attorney Megan Randlett restated the position of Respondent Acadia Hospital. Investigator Beauchesne Restated the facts of the cases. Commissioner Norman moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Timothy Damien was unlawfully discriminated against by Acadia Hospital on the basis of physical disability (failure to provide a reasonable accommodation) or by Bangor Interpreting Agency on the basis of physical disability (failure to provide a reasonable accommodation). 3 in favor | 0 opposed.

E14-0592 and E14-0729: Falan Copage (Portland) v. Island View Motel (Old Orchard Beach) & Mark Kramer (Old Orchard Beach). Respondents were not present. Investigator Robert Beauchesne restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Norman, to find **reasonable grounds** to believe that Island View Motel discriminated against Falan Copage based upon her sex in violation of the MHRA when it subjected her to a hostile work environment **and** that Mark Kramer discriminated against Falan Copage based upon her sex in violation of the MHRA when he intentionally interfered with her right to be free of sexual harassment in the workplace. 3 in favor | 0 opposed.

E14-0606: Joan B. Blanchard (Carrabassett Valley) v. Sugarloaf Mountain Corp./Boyne USA (Carrabassett Valley). Complainant was not present. Commissioner John Norman moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Sugarloaf Mountain Corp./Boyne USA subjected Joan Blanchard to discrimination in employment based upon age or sex or retaliation for protected conduct in violation of the WPA and/or the MHRA. 3 in favor | 0 opposed.

E14-0615: Michael Thibodeau (Augusta) v. Penn National Gaming d/b/a Hollywood Casino Hotel and Raceway (Bangor). Attorney Kristin Aiello restated the position of the Complainant. Attorney Matthew Raynes restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Penn National Gaming d/b/a Hollywood Casino Hotel and Raceway discriminated against Michael Thibodeau on the basis of disability with respect to hire. 3 in favor | 0 opposed.

E15-0084: Elizabeth L. Hudson (Augusta) v. SOM/Ethics Commission (Augusta). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that State of Maine/Ethics Commission discriminated against Elizabeth L. Hudson on the basis of disability by not providing a reasonable accommodation, discriminated against her on the basis of her disability in the terms and conditions of her employment, subjected her to a hostile work environment on the basis of disability in violation of the MHRA, or retaliated against her due to her request for a reasonable accommodation. 3 in favor | 0 opposed.

H16-0278: GinA (Windsor) v. Inn at Waterville (Waterville). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that

Respondent Inn at Waterville discriminated against GinA on the basis of disability by denying her a reasonable accommodation, discriminated against GinA in the terms and conditions of her housing on the basis of disability or receipt of public assistance benefits, or retaliated against GinA for asserting her rights under the Maine Human Rights Act. 2 in favor | 0 opposed | 1 abstained (Norman abstained).

EXECUTIVE SESSION:

At 9:52 AM Commissioner Oettinger moved, seconded by Commissioner Norman, 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). 3 in favor | 0 opposed.

At approximately 10:05 AM Commissioner Norman moved, seconded by Commissioner Oettinger, to come out of executive session. 3 in favor | 0 opposed.

LITIGATION:

Commissioner Norman moved, seconded by Commissioner Oettinger, that the Commission should not proceed with litigation in the following reasonable-grounds cases:

- **E14-0364, Cowger v. Addison Point Agency:**
- **E14-0365, Ivey v. Addison Point Agency:**
- **E15-0546, Schneider v. Sunshine Pathways/Corp. Holdings, LLC**
- **E15-0594, Robert J. LaPointe v. Gary’s Home Appliance & Furniture**

3 in favor | 0 opposed.

At approximately 10:55 AM, Commissioner Whitworth 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.

- E14-0586: Kristen E. Walsh (Casco) v. NE Patients Group d/b/a Wellness Connection of ME (Portland) NRG
- E14-0595/96: Vicki Trask (Hamden) v. NFI North, Inc. (Contoocook, NH) & Jay Bowker (Bangor) NRG
- E14-0598: Wanda E. Lagasse (Portland) v. Giroux Oil Co. Inc., dba Giroux Energy Solutions (Portland) **RG**
- E14-0617: Ian J. Stevens (Thomaston) v. Walmart (Thomaston) NRG
- E14-0622: Christopher M. Baricko (Shapleigh) v. (Town of) Durham (Durham) NRG
- E14-0624: Winter N. Porter (Thomaston) v. Friendship Enterp. Inc. d/b/a Friendship Trap (Friendship) NRG
- E14-0650: Raymond T. McKeen (Gray) v. D&G Machine Products, Inc. (Westbrook) NRG
- H16-0299: Bonnie Thao (Old Orchard Beach) v. LH Housing, LLC (Portland) NRG
- H16-0301: Blong Thao (Old Orchard Beach) v. Garrett Ryan (Scarborough) NRG
- H16-0324: GinA (Windsor) v. 50 High Street, LLC (Waterville) & Glenn Kibler (Belgrade Lakes) NRG