



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn ~ Augusta, Maine

January 23, 2016

Commission Chair Arnold Clark called the meeting to order at 8:30 AM. Present were Commissioners Deborah Whitworth, Ted Helberg, and Fred Oettinger.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda.

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the 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 of Consent Agenda cases on page 3.

Commissioner Norman joined the meeting at 8:35 AM.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Oettinger, to adopt the December 2016 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

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

- Personnel: The Commission has no personnel news to report.
- Compliance: Since the last meeting, one conciliation of reasonable-grounds cases was determined to be unsuccessful. There are four reasonable-grounds case pending in conciliation. There were no successful conciliations.
- Investigation:
 - New Charges: 47 new charges filed in December.
 - Administrative Dismissals: 48 administrative dismissals issued in December.
 - There were five predetermination settlements with benefits of \$108,500 to complainants.

New business:

- Executive Director Sneirson noted that the Legislature is now in session, and she provided testimony about the Commission's FY 2017 Emergency Supplemental Budget Request at a meeting of the Legislature's Appropriations Committee last week. The Governor recommended all of the Commission's requests that are before Appropriations for a vote. The Emergency Supplemental Budget Request was discussed and unanimously approved at the Judiciary Committee's work session, and now goes back to the Appropriations Committee.
- The bill that seeks to enact many of the recommendations of the Executive Review Panel's Recommendations is LR934 and has several cosponsors. E.D. Sneirson will attend and present at an

informational session on this bill at the Legislature on 2/1. The Commission is working on information for the fiscal note for this bill.

- The Maine Department of Labor has put in a bill request to shift to the Commission responsibility for enforcing Title 26 provisions that require employers to put up posters about, and offer annual training about, sexual harassment. There is not yet a fiscal note on this bill.

At 8:40 AM Commissioner Clark called for a five-minute break.

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

CASES VOTED ON 8:44 A.M.

E15-0540: Sandy J. Trask (Dayton) v. Dayton School Department (Dayton). Sandy J. Trask restated her position as the Complainant. Attorney Tom Trenholm restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. believe that Complainant Sandra J. Trask was subjected to unlawful discrimination on the basis of her age by Respondent Dayton School Department. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Dayton School Department subjected Complainant Sandra Trask to unlawful discrimination on the basis of her age.. 5 in favor | 0 opposed.

E15-0003: Nathan S. Chamberlain (Waterville) v. Walmart (Waterville). Complainant was not present. Respondent was in attendance but was not asked to present. Commissioner Helberg moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent Walmart discriminated against Complainant Nathan Chamberlain on the basis of disability by denying a request for a reasonable accommodation or by terminating his employment. 5 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Walmart retaliated against Complainant Nathan Chamberlain in violation of the MHRA because he engaged in protected activity. 5 in favor | 0 opposed.

H16-0372: Justin Engstrom (Bangor) v. D&L Apartments (Hampden). Attorney James Spaulding restated the position of the Respondent. Complainant did not appear. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **Reasonable Grounds** to believe that D & L Apartments discriminated against Justin Engstrom in the terms and conditions of housing based on disability. 3 in favor | 2 opposed (Commissioners Norman and Clark opposed).

H16-0401: Charles Clay (Bangor) v. DES Properties, LLC (Bangor) Attorney Matthew Cobb restated the position of the Respondent. Complainant was not present. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg to find **Reasonable Grounds** to believe that DES Properties, LLC discriminated against Charles Clay in the terms and conditions of housing based on disability. 5 in favor | 0 opposed.

At 10:00 Chair Clark called for a 5 minute recess.

EXECUTIVE SESSION:

At 10:08 AM, Commissioner Norman moved, seconded by Commissioner Oettinger, to go 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). 5 in favor | 0 opposed.

At approximately 10:23 AM, Commissioner Norman moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

Commissioner Norman moved, seconded by Commissioner Whitworth, that the Commission should reconsider its prior vote to litigate the following reasonable-grounds cases:

- **H15-0527, Walsh et al. v Kathy Bagley and Vernon Bagley:** 5 in favor | 0 opposed.

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

- **H15-0527, Walsh et al. v Kathy Bagley and Vernon Bagley:**
- **E14-0459, Farris v. J&S Oil, Nouria Energy Corp., and the J&S Division of Nouria Energy**
- **E14-0564, Thorp v. Lane Construction:** 5 in favor | 0 opposed.

At approximately 10:31 PM, Commissioner 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.

E14-0713	Floyd Lane, Jr. (Milford) v. Dorothea Dix Psychiatric Center (Bangor)	NRG
E14-0718	Tina Hatcher (Bangor) v. Beacon Hospice, an Amedisys Co. (Bangor)	NRG
E15-0004:	Heather A. Nordle (Gray, ME) v. Arsalan and Aimen LLC [Gray Mobile and Sunoco] (Gray, ME) and Muhammad Ismail, Owner (Peabody, MA).	NRG
E15-0030	Christopher J. Davis (Old Orchard Beach) v. Kris-Way Trucking (South Portland)	NRG
E15-0060	Diane R. Baker (Independence, MO) v. Nearterm Corporation (Houston, TX)	NRG
PA15-0062	Thomas J. Coffe (Orono) v. University of Maine Systems (Bangor)	NRG
E15-0066	Anahita Chern (Camden) v. Ernst & Young U.S., LLP (New York)	NRG
E16-0023	David W. Pete (Greenbush) v. Somic America (Brewer)	NRG
E16-0283	Jessica L. Cyr (Kittery) v. Diocese of Portland – Parish of the Ascension of the Lord (Kittery)	NRG
H16-0424	Devonna Bragdon (Addison) v. Joann Romer (Trenton)	NRG