



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

December 17, 2018

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners John Norman, Ted Helberg, and Fred Oettinger.

AGENDA

Commissioner Helberg moved, seconded by Commissioner Norman, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 4 in favor | 0 opposed.

MINUTES

Commissioner Oettinger moved, seconded by Commissioner Norman, to adopt the November 19, 2018 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from November:

- Personnel: Kathryn Hutchison joined the Commission as an Investigator.
- Compliance:
 - Since the last meeting, there were three unsuccessful conciliations and no successful conciliations. Six reasonable-grounds cases remain in active conciliation.
 - Executive Director Sneirson recommended dismissal of the reasonable-grounds case Bauman v. Lassel (#HI8-0024) because the conciliation agreement has been fully implemented. Commissioner Oettinger moved, seconded by Commissioner Helberg, to dismiss H18-0024. 4 in favor | 0 opposed.
- New Charges: 48 new complaints filed in November.
- Administrative Dismissals:
 - 15 administrative dismissals issued in November.
 - The Commissioners also reviewed a list of “Administrative Determinations to be Approved (NRG)” set forth in the Commission’s December agenda. Commissioner Helberg moved, seconded by Commissioner Oettinger, to dismiss each of the cases so listed (see listing on page 4) with a finding that there are no reasonable grounds to believe unlawful discrimination occurred. 4 in favor | 0 opposed.
- There were eight predetermination settlement agreements totaling \$186,000 in benefits to complainants.

NEW BUSINESS

Executive Director Sneirson reviewed the start of a new legislative session and mentioned that the Commission expects both to be submitting a number of proposed statutory amendments to the MHRA and to be hearing about proposed MHRA amendments from other groups or legislators. The Commission has a February 1 deadline to submit proposed agency bills, which is later than the deadline for legislators' submissions.

8:45 CASES VOTED ON

PA16-0537*: Gordon Boerner (Farmingdale) v. Bureau of Motor Vehicles (Augusta). Attorney Kelly Morrell restated the position of the Respondent. Complainant did not appear. Investigator Joseph Hensley restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe that Bureau of Motor Vehicles discriminated against Gordon Boerner based on his disability by denying him a reasonable modification/auxiliary aid necessary to allow him to fully access its services. 4 in favor | 0 opposed.

PA17-0239*: Corey Deveau (West Gardiner) v. Bureau of Motor Vehicles (Augusta). Attorney Kelly Morrell restated the position of the Respondent. Corey Deveau restated his position as the Complainant. Investigator Jennifer Corey Meehan restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe that Bureau of Motor Vehicles discriminated against Corey Deveau due to his disability. 4 in favor | 0 opposed.

PA16-0472*: John J. Mokarzel (Ogunquit) v. H&B Realty, LLC (Gray). Attorney Marshall Tinkle restated the position of the Respondent. Attorney Neil Weinstein restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe H&B Realty, LLC discriminated against John J. Mokarzel on the basis of national origin (by association). 4 in favor | 0 opposed

At 10:11 Commissioner Whitworth called for a 5 minute recess.

E16-0482: Courtney Willigar (Monticello) v. Town of Littleton (Littleton). Attorney John Gause restated the position of the Complainant. Respondent did not appear. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that the Town of Littleton retaliated against Courtney Willigar for engaging in WPA- and/or MHRA-protected conduct. 3 in favor | 1 opposed (Whitworth opposed).

PA17-0060*: Martin Van Hall, Sr. (Eddington) v. Fraternal Order of Eagles #3177 (Brewer). Jeff Hull restated the position of the Respondent. Attorney Sarah Churchill restated the position of the Complainant. Investigator Jennifer Corey Meehan restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe that the Fraternal Order of Eagles #3177 retaliated against Martin Van Hall, Sr. for engaging in MHRA-protected activity, and that there are no

reasonable grounds to believe that Fraternal Order of Eagles #3177 discriminated against Martin Van Hall, Sr. on the basis of race or national origin. 4 in favor | 0 opposed

EXECUTIVE SESSION

At 11:04 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). 4 in favor | 0 opposed.

At approximately 11:31 AM, Commissioner Whitworth moved, seconded by Commissioner Oettinger, to come out of executive session. 4 in favor | 0 opposed.

Commissioner Oettinger moved, seconded by Commissioner Norman, not to litigate the following cases:

- E16-0392, Linda Pelletier v. Ambulance Service Inc;
- E16-0393, David Pelletier v. Ambulance Service Inc; and
- E17-0400, Adrian Moss v. Brock Services LLC.

4 in favor | 0 opposed.

At 11:29 the meeting was adjourned.

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.

PA17-0241:	Harold Glidden (Warren) v. State of Maine/Department of Corrections/Maine State Prison	NRG
E17-0257:	Louis Lisotto (Norway) v. NorDx (Scarborough)	NRG
E17-0324-B:	Heidi Miller (Clinton) v. Discovery House Acadia Health (Waterville)	NRG
E17-0511:	Alice A. Gray (Mattawamkeag) v. Regional School Unit # 67 (Lincoln)	NRG
E17-0516ABC:	Todd Hachey (Brewer) v. Miller Drug LLC (Bangor)/Affiliated Healthcare (Bangor)/Eastern Maine Healthcare Systems (Brewer)	NRG
H18-0299A,E-L:	Kimberly Peterson (Kennebunk) v. Executive Board of Directors of the Farragut at Kennebunk Homeowner’s Association (Kennebunk), Tom Wellman (Kennebunk), LeiLanie D’Agostino (Kennebunk), CeCe Carta (Kennebunk), LeeAnn Leahy (Kennebunk), Judy Hyotte (Kennebunk), David Lebel (Kennebunk), Frank Tellier (Kennebunk), & Rosamond Becker (Kennebunk)	NRG

TABLED CASES

ADMINISTRATIVE DETERMINATIONS

PA16-0527:	Missy Gagnon (Windham) v. SOM/DOC/Maine Correctional Center (Augusta)	NRG
E18-0026:	Pamela Conklin (Fort Fairfield) v. The Aroostook Medical Center (Presque Isle)	NRG
E18-0195:	Jane R. Gilmartin (Standish) v. St. Joseph's College (Standish)	NRG
E18-0211:	Marshal Crandall (Vassalboro) v. New England Motor Freight (Scarborough)	NRG
PA18-0216-B:	Linna Kuo (Kittery) v. Town of Kittery (Kittery)	NRG
PA18-0262:	Dean Moore (Warren) v. Maine State Prison (Warren)	NRG
PA18-0263:	Rene Bernier (Sanford) v. City of Sanford (Sanford)	NRG
PA18-0327:	Kevin Osgood (Rockland) v. Sweetser and Board Members (Rockland)	NRG
E18-0349:	Christopher Day (Skowhegan) v. Joseph Cloutier (Augusta)	NRG
E18-0386AB:	Mauren Oertel (Bangor) v. Timber Kitchen and Bar (Bangor) and Ocean Properties Resorts and Affiliates (Delray Beach, FL)	NRG
E18-0401:	Leo R. Gagne (Wells) v. Chase's Country Store (Wells)	NRG
H18-0403AB:	Jamie Fontaine (Augusta) v. Central Maine Property Management, LLC (Lewiston), Pamela Keddy (Plant City, FL)	NRG
PA18-0437:	Glen Plourde (Albion) v. Unknown	NRG
E18-0464:	Joshua Johnston (Waterville) v. Richard Pillsbury (Waterville)	NRG