



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

ZOOM

June 8, 2020

Commissioner Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Helberg, Ashby, and David.

AGENDA

Executive Director Amy Sneirson presented Complainant's request to withdraw their complaint in case E18-0538, Gagnon v Norris, Inc.. Because the case appeared on the Consent Agenda, the withdrawal required the Commission's approval. Commissioner Helberg moved, seconded by Commissioner Ashby, to grant the request to withdraw. 4 in favor | 0 opposed.

With that one change to the Consent Agenda (removing E18-0538), Commissioner Ashby moved, seconded by Commissioner Helberg, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the amended Consent Agenda (see listing on page 4). 4 in favor | 0 opposed.

MINUTES

Commissioner Helberg moved, seconded by Commissioner David, to adopt the May 4, 2020 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from April and May:

- Personnel: Executive Director Sneirson provided an update on staffing limitations at the Commission due to COVID-19 and otherwise, and described adjustments that have been made to accommodate these limitations.
- Compliance: Since the last meeting, there were three unsuccessful conciliations and zero successful conciliations. Three reasonable-grounds cases remain in active conciliation.
 - Executive Director Sneirson requested that the Commissioners approve settlement in a case that failed conciliation but settled shortly thereafter. Commissioner Helberg moved, seconded by Commissioner David, to accept the conciliation agreement in Cheryl Miller v. David Dunn (H19-0314). 4 in favor | 0 opposed.
- New Charges: 60 new complaints filed in April and 42 new complaints filed in May.

- Administrative Dismissals: 3 administrative dismissals issued in April and 3 issued in May. Executive Director Sneirson stated that the Commission has been holding off on administrative dismissals during the pandemic because of court closures; with courts opening more, the Commission will resume issuing administrative dismissals as per usual.
- Predetermination settlements: In April there were 15 with benefits of \$262,500 to complainants, and in May there were 10 with benefits of \$309,725 to complainants.

NEW BUSINESS

Executive Director Sneirson discussed how the agency is operating at this time given COVID-9 issues. Sneirson informed the Commissioners that the State's Bureau of General Services has notified the agency that renovation of 19 Union Station are complete, with other agencies moving in now and the Commission to move back on June 22. There was also discussion of COVID-19 considerations required to adapt staff needs given the new office layout.

At 8:51 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON

PA18-0363*: Ying Liu (Alfred) v. The Maine Mall (South Portland). Attorney Daniel Schwarz restated the position of the Respondent. Complainant Ying Liu and her spouse Frederick Buehlev restated Ms. Liu's position as the Complainant. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find there are reasonable grounds to believe that Respondent The Maine Mall discriminated against Complainant Ying Liu on the basis of disability by denying her the full and equal enjoyment of a place of public accommodation by refusing to allow her to use her service animal. 2 in favor | 2 opposed (Helberg and Whitworth opposed); the motion did not pass. Without a majority vote in favor of a "reasonable grounds" finding, the default finding was no reasonable grounds to believe unlawful discrimination occurred. No other motion was made.

PA18-0481: David Paquette (Windham) v. CPC Director Hannah Monaco and Regional Manager Tim App (Windham). Complainant David Paquette was not present. Commissioner David moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that CPC Director Hannah Monaco and Regional Manager Tim App discriminated against David Paquette on the basis of disability. 4 in favor | 0 opposed.

E19-0084: Cathryn Oliver (Limerick) v. Casa Inc. (Scarborough) and ICF Alison Dame, DON (Scarborough). Cathryn Oliver restated her position as the Complainant. Attorney Kathleen Landis restated the position of the Respondent. Chief Alice Neal reviewed the report and recommendations by Investigator Kit Thomson Crossman. Commissioner David moved, seconded by Commissioner Helberg, to find there are no reasonable grounds to believe that CASA, Inc. or ICF Alison Dame DON discriminated against Cathryn Oliver on the basis of her religion and no reasonable grounds to believe that CASA, Inc. or ICF Alison Dame DON retaliated against Cathryn Oliver in violation of the MHRA or the WPA for engaging in protected activity. 4 in favor | 0 opposed.

10:03 AM - 5 Minute Recess

E19-0117: Chandler Villetta (Portland) v. Cool As A Moose (Portland). Complainant Chandler Villetta was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Cool As A Moose discriminated against Chandler Villetta on the basis of disability, sex or sexual orientation by creating a hostile work environment, and no reasonable grounds to believe that Cool As A Moose discriminated against Chandler Villetta for previously asserting a claim under the Workers' Compensation Act, and no reasonable grounds to believe that Cool As A Moose retaliated against Chandler Villetta for engaging in WPA- and/or MHRA-protected activity. 4 in favor | 0 opposed.

E19-0121*: Amanda LaCroix (Augusta) v. UPLIFT INC. (Gardiner). Attorney Gregg Frame restated the position of the Respondent. Amanda LaCroix was not present. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that UPLIFT INC. discriminated against Amanda LaCroix based on her sex (pregnancy) when it discharged her. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 10:41 AM, Commissioner Whitworth moved, seconded by Commissioner David,, 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 11:10 AM, Commissioner Ashby moved, seconded by Commissioner Helberg, to come out of executive session. 4 in favor | 0 opposed.

At approximately 11:10 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.

E18-0431* Erin Hodgkins (Ellsworth) v. Charlie's Pizza (Ellsworth) and Melvin Lambert (Winterport)	RG
A, B	
E18-0442: Jonathan D. Knight (Lisbon) v. JR Squared (Auburn)	NRG
E19-0173: Ashley Wozneak (Portland) v. Covetrus (Portland)	NRG
E19-0182: Sabrina Wallace (Lewiston) v. At Work (Turner)	NRG
H19-0422: Andrew Clisham (Bangor) & Tina Slate (Bangor) v. Michael Rolnick (Bangor), Frank Cook (Bangor), A, B, C & Joan Poulin (Bangor)	NRG
H19-0427* Heidi McIntosh (Auburn) v. Twin Cities Group, LLC (Auburn) & Olga Dolgicer (Auburn)	RG
A, B	
H19-0443: Jasmine Roy (Orono) v. Julie Kenney (Orono)	NRG
H20-0086-C: Rebecca Beaulieu, individually and on behalf of Minor Children (Winthrop) & Nick Painter, Individually and on Behalf of Minor Children (Winthrop) v. Andy Bailey (Winthrop)	NRG

TABLED

PA18-0172: Michael Donatelli (Old Orchard Beach) v. Old Orchard Beach Police Department, Scott Jarrett, Dana Kelly, A-K Gerald Hamilton, Anthony Germaine, Christopher Greenwood, Steven Broy, Town of Old Orchard Beach, Rod Belanger, Dan Feeney, and Jami Ladakakas (Old Orchard Beach)	
PA18-0173: Peter C. Chien, Jr. (Old Orchard Beach) v. Old Orchard Beach Police Department, Scott Jarrett, Dana Kelly, A-I Gerald Hamilton, Anthony Germaine, Steven Broy, Town of Old Orchard Beach, Rod Belanger, and Dan Fenney (Old Orchard Beach)	