



## Maine Human Rights Commission

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EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

### COMMISSION MEETING MINUTES

#### Senator Inn - BOARDROOM

284 Western Ave ~ Augusta, Maine 04330

August 10, 2020

Commissioner Deborah Whitworth called the meeting to order at 8:31 AM. Also present were Commissioners Ted Helberg, Jefferson Ashby and Edward David.

#### AGENDA

Commissioner Helberg moved, seconded by Commissioner Ashby, 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 4). 4 in favor | 0 opposed.

#### MINUTES

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

#### ADMINISTRATION

Monthly reports: Executive Director Sneirson reported on Commission activities for July 2020:

- The personnel report was presented and placed on file.
- Compliance:
  - Since the last meeting, there were four unsuccessful conciliations and two successful conciliations. Four reasonable-grounds cases remain in active conciliation.
  - For the two reasonable-grounds cases with conciliation agreements for approval, Commissioner Helberg moved, seconded by Commissioner Ashby, to approve conciliation agreements in Geaghan v. Coffee News/John Buckley and Bill Buckley (E18-0420A/B) and Hill v. Great American Real Food Fast (E18-0356). 4 in favor | 0 opposed.
  - One reasonable-grounds case resolved after the conciliation period but before litigation via settlement agreement, and can be dismissed because all settlement terms have been fully implemented by the parties. Commissioner David moved, seconded by Commissioner Ashby, to dismiss the reasonable-grounds case of O'Brien-Nolin v Vincent Herzog (PA18-0009). 4 in favor | 0 opposed.
- New Charges: 56 new charges filed in July.
- Administrative Dismissals: 19 administrative dismissals in July.
- Pedetermination settlements: 19 in July with benefits of \$214,225 to complainants.

Quarterly: Executive Director Sneirson discussed FY2020's fourth quarter agency performance:

- Training & Education: Commission staff attended/presented at 13 trainings/presentations (webinars).
- Financial Report: Presented and placed on file.

- Pending inventory: At the end of the quarter on 7/31/20, the Commission had 714 cases pending, with the average age of cases in the agency at 245 days; cases that are with investigators have been with the agency on average an additional 174 days.

## NEW BUSINESS

Executive Director Sneirson reported that:

- The Governor's appointment for a new Commissioner for the seat held by Chair Arnold Clark has been withdrawn; Chair Clark's term ended in August 2019. The term of Commissioner Ted Helberg ended at the start of August 2020, and he continues to serve as a holdover until replaced.
- The Commission is unclear if the Legislature will hold a special session.
- The Commission is preparing proposals to address the Governor's requirement that all state agencies cut 10% of General Fund monies in their budgets. This will apply in the current fiscal year (FY2021) by curtailment and then in the biennium for FY2022-2023.

Litigation will be addressed after the Executive Session.

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

## CASES VOTED ON

PA18-0397A/B/C: Mark Chapman (Portland) v. Peter Rice (Augusta), Maine Board of Bar Overseers (Freeport), Executive Director Disability Rights Maine (Augusta). Mark Chapman restated his position as the Complainant. Attorney Peter Rice restated his position as a Respondent and on behalf of the Respondent the Executive Director of Disability Rights Maine. Attorney Kelly Morrell restated the position of the Respondent Maine Board of Bar Overseers. Investigator Jane O'Reilly presented her report and recommendations. Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable grounds to believe that Peter Rice of Disability Rights Maine, the Executive Director of Disability Rights Maine, and/or the Maine of Board Bar Overseers discriminated against Mark Chapman on the basis of disability; and there are no reasonable grounds to believe that Peter Rice of Disability Rights Maine, the Executive Director of Disability Rights Maine, and/or the Maine of Board Bar Overseers retaliated against Mark Chapman for engaging in MHRA-protected activity. 4 in favor | 0 opposed.

E18-0275: Steven D. Day (Madison) v. Sappi Fine Paper of North America (Skowhegan). Attorney Shelby Leighton restated the position of the Complainant. Attorney Melinda Caterine restated the position of the Respondent. Investigator Robert Beauchesne presented his report and recommendations. Commissioner Helberg moved, seconded by Commissioner David, to find there are no reasonable grounds to believe that Sappi Fine Paper of North America retaliated against Steven D. Day for engaging in WPA-protected conduct, or in retaliation for having filed a claim for workers' compensation with a prior employer. 4 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Ashby, to find that there are no reasonable grounds to believe that Sappi Fine Paper of North America discriminated against Steven D. Day on the basis of disability. 4 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Sappi Fine Paper of North America discriminated against Steven D. Day on the basis of age. 4 in favor | 0 opposed.

PA18-0471 Mark Chapman (Portland) v. Portland Permitting and Inspections Department (Portland). Mark Chapman restated his position as the Complainant. Attorney Torregrossa restated the position of the Respondent. Investigator Alex Brindley presented her report and recommendations. Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that Portland Permitting & Inspections Department discriminated against Mark Chapman on the basis of disability. 4 in favor | 0 opposed.

At 10:42 Executive Director called for a 3 minute recess.

E19-0014: Ahmed Kareem (Westbrook) v UBER (San Francisco, CA): This case was called, and the parties were present, but the Commission for administrative reasons tabled the case to be heard at its September 2020 meeting.

E19-0232\*: Lindsey Foster (Auburn) v. Community Health Options (Lewiston). Lindsey Foster restated her position as the Complainant. Attorney Taylor Fawns restated the position of Respondent. Investigator O'Reilly reviewed her report and recommendations. Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that Community Health Options discriminated against Lindsey Foster on the basis of age, race, and/or color, and that there are **reasonable grounds** to believe that Community Health Options retaliated against Lindsey Foster for engaging in WPA- and/or MHRA-protected activity. 4 in favor | 0 opposed.

E19-0248: William McLaughlin (South Berwick) v. Stonewall Kitchen York). Complainant was not present. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Stonewall Kitchen discriminated against William McLaughlin on the basis of sex and/or sexual orientation. 4 in favor | 0 opposed.

E19-0304: John Frank (South Portland) v Town of Windham (Windham). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that the Town of Windham discriminated against John Frank based on disability. 4 in favor | 0 opposed.

H20-0033A-D: Carl White (Orono) and Deborah White (Orono) v. Dryden Terrace Property Managers (Bangor), Epstein Properties (Bangor), Cabrel Company (Bangor), and Josh Whalen (Bangor). Carl White restated his and Deborah White's position as the Complainants. Attorney Wendy Paradis restated the positions of the Respondents. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Dryden Terrace Property Managers, Epstein Properties, Cabrel Company, and or/Josh Whalen discriminated against Carl White and/or Deborah White on the basis of disability. 4 in favor | 0 opposed.

## **EXECUTIVE SESSION**

At 12:02 PM, Commissioner Helberg 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 12:36 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

At approximately 12:38 PM, 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.

E18-0474	Annette King (Old Town) v. Penobscot Community Health Care (Bangor)	NR
E19-0066	Terri Crowley (Addison) v. Moosabec CSD and School Union 103 (Jonesport)	NRG
E19-0187	Abigail O'Brien (Scarborough) v Residential Mortgage Services Inc. (South Portland)	NRG
E19-0191	Matthew Ruttenberg (Auburn) v Brock Services, LLC (Houston TX)	NRG
E19-0278	Melissa Bauman (Lincoln) v. McLaughlin's at the Marina (Hampden)	NRG
E19-0285A/B	Jennie Haines (Jackman) v. Moose River Lumber/Pleasant River Lumber, Steve Gilboe (Moose River)	NRG
E19-0319	Scott Comar (Biddeford) v. UNUM (Portland)	NRG
E19-0436	Svetlana Ivanova (Eastbrook) v. AMHC (Caribou)	NRG
H19-0440A/B	Alan Gagne (Brunswick) v. Stanford Management LLC and Pheasant Run Associates (Portland)	NRG
E20-0001A	Joan DeWolf (Falmouth) v. First Atlantic Health Care, Inc. dba Falmouth by the Sea (South Portland)	NRG
E20-0001B	Joan DeWolf (Falmouth) v. Falmouth by the Sea (Falmouth)	NRG
H20-0127*	Benjamin Skibitsky (Dixfield) v. Vivian Savage (Old Orchard Beach)	RG
H20-0162	Ashley Raab and Alex Raab (East Waterboro) v. Thomas Dupuis (Limerick)	NRG