



Maine Human Rights Commission

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COMMISSION MEETING MINUTES - ZOOM -

November 16, 2020

Commissioner Whitworth chaired the meeting and called it to order at 8:31 AM. Also present were Commissioners Helberg, Ashby, and David.

AGENDA

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 Consent Agenda (see listing on page 4). 4 in favor | 0 opposed.

MINUTES

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

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: The personnel report was presented and placed on file.
- Compliance: Since the last meeting, there were 2 unsuccessful conciliations, and no successful conciliations. Six reasonable-grounds cases remain in active conciliation.
 - Commissioner Helberg moved, seconded by Commissioner Ashby, to dismiss the reasonable-grounds case of Wynaught v. Creative Wood Products of Maine & Michael Deschenes (E18-0084), as the conciliation agreement has been fully implemented.. 4 in favor | 0 opposed.
- New Charges: 51 new complaints filed in October.
- Administrative Dismissals: 31 administrative dismissals (including 10 right-to-sue letters) issued in October.
- There were 13 predetermination settlement agreements totaling \$ 122,750 in benefits to complainants.

Quarterly reports:

- Training & Education: Commission staff attended/participated in 16 training or education sessions from July through September.
- Financial Report: Presented and placed on file.
- Pending Inventory: 706 cases pending at the end of October 2020.

NEW BUSINESS

Commissioner David, moved, seconded by Commissioner Ashby, to reopen case #E19-0424 (Ricky Ho v Charlie's Philly Eatery) for further investigation. 4 in favor | 0 opposed.

The Commission has several new HUD partnership grants, including one pursuant to the federal CARES Act grant that will fund an informational video and public service announcement highlighting COVID issues related to MHRA interact discrimination.

At 8:46 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON

E19-0036: Dennis Cravero (Portland) v. Comprehensive Pharmacy Services (Memphis, TN). Dennis Cravero restated his position as the Complainant. Attorney James Erwin restated the position of the Respondent. Investigator Robert Beauchesne reviewed his report and recommended findings. Commissioner Helberg moved, seconded by Commissioner David, to find there are no reasonable grounds to believe that Comprehensive Pharmacy Services discriminated against Dennis Cravero on the basis of disability (discharge, hostile work environment). 4 in favor | 0 opposed.

E19-0351A/B: Mark Ardito (Belgrade) v. Solvay Specialty Polymers USA, LLC and Solvay SA (Princeton, NJ). Mark Ardito restated his position as the Complainant. Attorney Rick Bergstrom restated the position of the Respondent. Investigator Milo Gitchos reviewed his report and recommended findings. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Solvay Specialty Polymers USA, L.L.C. retaliated against Mark Ardito for engaging in WPA- and/or MHRA-protected conduct. 3 in favor | 1 opposed (David opposed)

E19-0379A/B: Mark Opio (Portland) v. Whole Foods Market (Portland) and Amazon (Seattle, WA). Attorney Carol Garvan restated the position of the Complainant. Respondents were not present. Investigator Jane O'Reilly reviewed her report and recommended findings. Commissioner David moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Whole Foods discriminated against Mark Opio on the basis of race, color, ancestry, and/or national origin. 3 in favor | 1 opposed (Whitworth opposed). Commissioner David moved, seconded by Commissioner Helberg, to find there are no reasonable grounds to believe that Whole Foods and/or Amazon retaliated against Mark Opio for engaging in WPA- and/or MHRA-protected activity. 4 in favor | 0 opposed. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Amazon discriminated against Mark Opio on the basis of race, color, ancestry, and/or national origin. 4 in favor | 0 opposed.

E19-0380: Izrael Ferrell-Hodges (Greene) v. Hannaford Bros. Co., LLC (Scarborough). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Hannaford Bros. Co., LLC discriminated against Izrael Ferrell-Hodges based on disability and no reasonable grounds to believe that Hannaford Bros. Co., LLC retaliated against Izrael Ferrell-Hodges for engaging in MHRA-protected activity. 4 in favor | 0 opposed.

E19-0381*: Katherine Lydon (Cape Elizabeth) v. Onpoint Health Data (Portland). Attorney Melinda Caterine restated the position of the Respondent. Katherine Lydon restated her position as the Complainant. Investigator Gitchos reviewed his report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Onpoint Health Data discriminated against Katherine Lydon based on her sex. 4 in favor | 0 opposed.

E19-0445*: Sierra Boucher (Readfield) v. Community Surgical Supply (Toms River, NJ). Attorney Gregg Kahn restated the position of the Respondent. Attorney Carol Garvan restated the position of the Complainant. Investigator Kit Thompson Crossman reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Helberg to find **reasonable grounds** to believe that Community Surgical Supply discriminated against Sierra Boucher on the basis of sex, and to find **reasonable grounds** to believe that Community Surgical Supply retaliated against Sierra Boucher for engaging in MHRA-protected activity, and to find no reasonable grounds to believe that Community Surgical Supply interfered with Sierra Boucher's right to breastfeed. 4 in favor | 0 opposed.

PA19-0074: Joshua L. Bach (Buxton) v. Town of Buxton (Buxton). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that the Town of Buxton discriminated against Joshua Bach based on his religion. 4 in favor | 0 opposed.

PA19-0262: W. Daryl McIlwain (Portland) v. Cumberland County Sheriff's Office (Portland). Daryl McIlwain restated his position as Complainant. Attorney Robert Bower restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable grounds to believe that the Cumberland County Sheriff's Department discriminated against W. Daryl McIlwain on the basis of race. 4 in favor | 0 opposed.

H20-0263-A&B*: eKatrina Jaynes (Hallowell) v. Richard Parkhurst and Janet Parkhurst/Downtown, LLC (Readfield). Attorney Gregg Patient restated the position of the Respondents. eKatrina Jaynes restated her position as the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth to find the following: **reasonable grounds** to believe that Downtown LLC, Richard Parkhurst, and/or Janet Parkhurst discriminated against eKatrina Jaynes on the basis of disability when they denied her reasonable accommodation request; **reasonable grounds** to believe that Downtown LLC, Richard Parkhurst, and/or Janet Parkhurst discriminated against eKatrina Jaynes on the basis of disability when they treated her differently in the terms and conditions of her housing (making housing unavailable to her); **reasonable grounds** to believe that Downtown LLC, Richard Parkhurst, and/or Janet Parkhurst discriminated against eKatrina Jaynes on the basis of disability in the terms and conditions of housing (failing to return security deposit); no reasonable grounds to believe that Downtown LLC, Richard Parkhurst, and/or Janet Parkhurst discriminated against eKatrina Jaynes on the basis of disability when they treated her differently in the terms and conditions of her housing (not granting a request to transfer units); and **reasonable grounds** to believe that Downtown LLC, Richard Parkhurst, and/or Janet Parkhurst retaliated against eKatrina Jaynes for asserting her rights under the Maine Human Rights Act. 2 in favor | 0 opposed | 2 abstained (Ashby and Helberg recused).

EXECUTIVE SESSION

At 1:33 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, 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 1:45 PM Commissioner Ashby left the meeting.

At approximately 1:50 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of Executive Session. 3 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Whitworth, to litigate the following reasonable-grounds cases in which conciliation was not successful:

- Bartos/Loggans v Twin Cities et al. (H19-0428-A/B; HUD No. 01-20-3920-8), and
- Hobson/Hobson v King et al. (H20-0029-A, C-E; HUD No. 01-20-4846-8).

3 in favor | 0 opposed.

At approximately 1:52 PM 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.

E19-0329: Greg Heffernan (Hollis) v. Town of Buxton (Buxton)	NRG
E19-0393: Vateika Guess (Westbrook) v. Sellers Publishing (South Portland)	NRG
H20-0006 A-C: Christine Cantara (Saco) v. Elm Street Living, LLC (Saco), Susan Sonesson (Saco), John Donnell (Cape Elizabeth)	NRG
H20-0019 A-C: Brock Cantara (Saco) v. Elm Street Living, LLC (Saco), Susan Sonesson (Saco), John Donnell (Cape Elizabeth)	NRG
PA19-0346A&B*: Devan Demmons (Carmel) v. Bingham General Store (Bingham) and Tim Earl (Bingham)	RG