



Maine Human Rights Commission

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COMMISSION MEETING MINUTES - ZOOM -

June 14, 2021

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:32 AM. Also present were Commissioners Jefferson Ashby, Edward David, Jill Duson, and Julie O'Brien.

AGENDA

Commissioner Ashby moved, seconded by Commissioner Duson, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 5). 5 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner O'Brien, to adopt the May 2021 Commission Meeting Minutes. 4 in favor | 0 opposed | 1 abstained (Whitworth).

ADMINISTRATION

Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: No personnel changes to report, hiring underway for a vacant Secretary Associate Legal position.
- Compliance: Since the last Commission meeting, there have been 10 reasonable-grounds cases in active conciliation, no successful conciliations (or post-conciliation settlements), and one unsuccessful conciliation.
- Investigations in May:
 - New Charges: 64 filed.
 - Administrative Dismissals: 15 issued.
 - Predetermination settlement agreements: Four, with benefits of \$83,000 to complainants.
- Litigation - This was tabled until after Executive Session.

NEW BUSINESS

E.D. Sneirson reported that the 2022-2023 Biennial Budget that included the Commission's baseline funding was previously passed by the Legislature, and the Legislature is now considering the Governor's Change Package regarding agency initiatives. The Judiciary Committee did approve of the Commission's initiatives, which are now under ongoing consideration by the Appropriations and Financial Affairs Committee. LD 1688 submitted by the Commission did pass Judiciary Committee review, and is set to be considered by the House and Senate.

The agency's offices continue to operate mostly remotely per the Governor's order to continue doing so until July 1. The state is conducting a state employee survey regarding masks and vaccination status, and plans to issue revised directives regarding office opening/use in early July.

E.D. Sneirson also noted that the preliminary Commission meeting dates for 2022 have been set and will be sent to Commissioners for review.

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

CASES VOTED ON (* Indicates a case in which a "reasonable grounds" finding was recommended)

AM session.

E19-0332: Hermila Vargas (Milbridge) v. Wyman's (Milbridge) [hearing interpreted in Spanish]. Attorney Mike Guare restated Complainant's position. Attorney Elizabeth Johnston restated Respondent's position. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Respondent Wyman's discriminated against Complainant Hermila Vargas on the basis of national origin and/or race, or retaliated against her for engaging in WPA- and/or MHRA-protected activity. 5 in favor | 0 opposed.

H/E19-0254A&B*: Walesca Rodriguez (Yauco, Puerto Rico) v. Worcester Wreath Company (Harrington, ME), Worcester Resources, LLC (Harrington, ME), Worcester Holdings, LLC (Harrington, ME), Damian Mejia (Fort Fairfield, ME), and Brianna Mejia-Bouchard (Fort Fairfield, ME) [hearing interpreted in Spanish]. Attorney Peter Mancuso restated the Complainant's Position. Attorney Matt Raynes restated the Worcester Respondents's position. Respondents Damian Mejia and Brianna Mejia-Bouchard did not appear. Investigator Alice Neal reviewed their report and recommendations.

- Commissioner David moved, seconded by Commissioner Ashby, to find: (1) **reasonable grounds** to believe that Brianna Mejia-Bouchard discriminated against Walesca Rodriguez in employment on the basis of sex when she was subjected to hostile work environment and discharged her from her employment; (2) **reasonable grounds** to believe that Brianna Mejia-Bouchard unlawfully retaliated against Walesca Rodriguez in violation of the WPA and/or MHRA; (3) no reasonable grounds to believe that Brianna Mejia-Bouchard discriminated against Walesca Rodriguez in employment on the basis of sexual orientation, race, national origin, and/or ancestry; and (4) no reasonable grounds to believe that Brianna Mejia-Bouchard discriminated against Walesca Rodriguez in housing on the basis of sex, sexual orientation, race, national origin, and/or ancestry. 5 in favor | 0 opposed.
- Commissioner David moved, seconded by Commissioner Whitworth, to find: (5) **reasonable grounds** to believe that Damian Mejia unlawfully interfered with Walesca Rodriguez's MHRA-protected rights in violation of the MHRA; (6) no reasonable grounds to believe that Damian Mejia discriminated against Walesca Rodriguez in employment on the basis of sex, sexual orientation, race, national origin, and/or ancestry, or that he retaliated against her in violation of the WPA; and (7) no reasonable grounds to believe that Damian Mejia discriminated against Walesca Rodriguez in housing on the basis of sex, sexual orientation, race, national origin, and/or ancestry. 5 in favor | 0 opposed.
- Commissioner Ashby moved, seconded by Commissioner Duson, (8) to find no reasonable grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, and/or Worcester Holdings, LLC discriminated against Walesca Rodriguez in employment on the basis of sex, sexual orientation, race, national origin, and/or ancestry. 3 in favor | 2 opposed (Duson and David opposed).
- Commissioner Ashby moved, seconded by Commissioner David, (9) to find no reasonable grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, and/or Worcester Holdings, LLC discriminated against Walesca Rodriguez in housing on the basis of sex, sexual orientation, race, national origin, and/or ancestry. 5 in favor | 0 opposed.
- Commissioner Ashby moved, seconded by Commissioner David, (10) to find no reasonable grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, and/or Worcester Holdings, LLC unlawfully retaliated against Walesca Rodriguez in violation of the WPA and/or MHRA. 5 in favor | 0 opposed.

H/E19-0255A&B*: Richard Rivera (Yauco, Puerto Rico) v. Worcester Wreath Company (Harrington, ME), Worcester Resources, LLC (Harrington, ME), Worcester Holdings, LLC (Harrington, ME), Damian Mejia (Fort Fairfield, ME), and Brianna Mejia Bouchard (Fort Fairfield, ME) [hearing interpreted in Spanish]. Attorney Peter Mancusco restated the Complainant's position. Attorney Matt Raynes restated the Worcester Respondents's position. Respondents Damian Mejia and Brianna Mejia-Bouchard did not appear. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find: (1) **reasonable grounds** to believe that Damian Mejia unlawfully interfered with Richard Rivera's MHRA-protected rights in violation of the MHRA; (2) **reasonable grounds** to believe that Brianna Mejia-Bouchard unlawfully retaliated against Richard Rivera in violation of the WPA and the MHRA; (3) no reasonable grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, Worcester Holdings, LLC, or Damian Mejia unlawfully retaliated against Richard Rivera in violation of the WPA; (4) no reasonable

grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, or Worcester Holdings, LLC unlawfully retaliated against Richard Rivera in violation of the MHRA; and (5) no reasonable grounds to believe that Worcester Wreath Company, Worcester Resources, LLC, or Worcester Holdings, LLC, Damian Mejia, or Brianna Mejia-Bouchard discriminated against Richard Rivera in housing or employment on the basis of race, national origin, and/or ancestry. 5 in favor | 0 opposed.

E19-0239: Sozan Elsalakawy (Westbrook) v. American Roots (Westbrook). AbouEl-Makarim Aboueissa, Complainant's husband, interpreted the proceedings [at Complainant's request] and read Complainant's position statement. Attorney James Cloutier restated Respondent's position. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that American Roots discriminated against Sozan Elsalakawy on the basis of disability by denying a request for a reasonable accommodation and no reasonable grounds to believe that American Roots discriminated against Sozan Elsalakawy on the basis of disability, national origin, and/or race with respect to her discharge from employment. 4 in favor | 0 opposed | 1 recused (Duson).

At 12:00 PM Commissioner Whitworth called for a 15 minute recess. Commissioner Ashby left the meeting.

E19-0243: Erin Foley (Portland) v. Maine Medical Center (Portland). Attorney Ali Tozier restated Complainant's position. Attorney Nicole Lorenzatti restated Respondent's position. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Maine Medical Center discriminated against Erin Foley in on the basis of sex and/or disability and no reasonable grounds to believe that Maine Medical Center retaliated against Erin Foley for engaging in WPA- and/or MHRA-protected activity. 4 in favor | 0 opposed.

Beginning of PM Session.

E19-0157*: Natasha E. Pomroy (Brewer) v. Cumberland Title Services, LLC (Portland). Attorney Jeana McCormick restated Respondent's position. Natasha E. Pomroy restated her position as Complainant. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find **reasonable grounds** to believe that Cumberland Title Services, LLC retaliated against Natasha Pomroy for engaging in WPA-protected conduct. 4 in favor | 0 opposed

E19-0213*: Nancy Sgroi (Bangor) v. Cumberland Title Services, LLC (Windham). Attorney Jeana McCormick restated Respondent's position. Attorney Erik Black restated Complainant's position. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find **reasonable grounds** to believe that Cumberland Title Services, LLC retaliated against Nancy Sgroi for engaging in WPA-protected conduct. 4 in favor | 0 opposed.

E19-0364*: Christopher L. Bragg (Waterville) v. Walmart (Bentonville). Attorney Jonathan Rue restated Respondent's position. Attorney Valerie Wicks restated Complainant's position. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Duson, to find **reasonable grounds** to believe that Walmart discriminated against Christopher Bragg based on disability (reasonable accommodation, discharge, failure to hire), and **reasonable grounds** to believe that Walmart retaliated against Christopher Bragg for engaging in MHRA-protected activity. 4 in favor | 0 opposed. Commissioner Duson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Walmart retaliated against Christopher Bragg for engaging in WPA-protected activity. 4 in favor | 0 opposed.

E20-0007*: Darren Lyons (Monticello) v. Walmart (Houlton). Attorney Jonathan Rue restated Respondent's position. Attorney Kristin Aiello restated Complainant's position. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Duson, to find **reasonable grounds** to believe that Walmart discriminated against Darren Lyons based on his disability in the terms and conditions of his employment when it denied his reasonable accommodation. 4 in favor | 0 opposed.

H/PA21-0007AB: Judith Ranta (Long Beach, NY) v. CP Management (Exeter, NH) and James Wells (Wells, ME). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Duson, to find no reasonable

grounds to believe that CP Management and/or James Wells discriminated against Judith Ranta on the basis race, color, national origin, ancestry, and/or disability (association) and no reasonable grounds to believe that CP Management and/or James Wells retaliated against Judith Ranta for engaging in MHRA-protected activity. 4 in favor | 0 opposed.

H21-0024ABDE*: Kevin Osgood (Rockland) v. Summer Street Housing Preservation, Inc. (Rockland), Elizabeth Schuh (Rockland), MCH, Inc. (Rockland), and MCH Housing, Inc. (Rockland). Attorney Julie Pitney restated Respondents's position. Attorney Mark Joyce restated Complainant's position. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Duson moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Summer Street Housing Preservation, Inc., Elizabeth Schuh, MCH, Inc., and MCH Housing, Inc., discriminated against Kevin Osgood on the basis of disability. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 3:08 PM, 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 3:15 PM, Commissioner O'Brien moved, seconded by Commissioner Whitworth, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Duson, to litigate two reasonable-grounds cases which were not successfully resolved via conciliation: Tummings & Tummings v. Russo & Russo (H20-340A&C) and Guerette v. Larkin (H20-0399). 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Whitworth, to not litigate four reasonable-grounds cases which were not successfully resolved via conciliation: Lemire v. Armor Correctional Health Services, Inc. (E19-0470); Dinsmore v. Maine State Prison (E19-0149); Sorenson v. Shaw's Supermarket 0628 (E19-0172); and Shaw v. Center for Diagnostic Imaging (E19-0355). 4 in favor | 0 opposed.

At 3:25 PM The meeting was adjourned.

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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.

E19-0298*: Charity Peavey (Enfield) v. Burlington Municipal Fire Department (Burlington)	RG
E19-0399*: Lindsey Ayer (South Portland) v. MAC Acquisition, LLC d/b/a Macaroni Grill (South Portland)	RG
E19-0506ABC: Valerie Glantschnig (Waterville) v. Mid Maine Homeless Shelter (Waterville), Richard Campagnon,(Waterville) and Karyn Bournival (Waterville)	NRG
ED/PA19-0345ABC*: Patricia Dionne o/b/o Minor Child (Portland) v. YMCA of Southern Maine (Portland), Helen Brena (Portland), and Jane Dimauro (Portland)	RG/NRG
H21-0009: Laura Bell (Bangor, ME) v. Community Housing of Maine, Inc.	NRG
H21-0024C: Osgood v. Rankin Center Condominium Owners Association (Rockland)	NRG
H21-0025-ABC: Gary Manuel (Bangor) v. Waterworks Development, Lp (Bangor), The Caleb Group Aaryn Garey (Bangor)	NRG
H21-0026: Callie Hull (Presque Isle) v. Maine Homes and Land, LLC (Westfield)	NRG
H21-0040ABC: Melissa O'Brien (Wells, ME) v. Knight Rider, LLC (El Dorado Hills), Steven Curry (Auburn, ME), & Sanford Housing Authority (Sanford, ME)	NRG

TABLED CASES

H20-0085AC*, Robin Jannelle (Augusta) v. Mae E. Simmons (South China), Dennis Simmons (South China), Augusta Housing Authority (Augusta), Danielle Thibodeau (Augusta), Logan McNeill (Augusta), Tatiana Nirza (Augusta), Norma Duperre (Augusta), Eileen Williams (Augusta), MaKenzie Hewins (Augusta), and John Wilcox (Augusta)

H20-0085B, Robin Jannelle (Augusta) v. Amanda Olson, Executive Director (Augusta)

(* Indicates a case in which a "reasonable grounds" finding was recommended)