



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES JUNE 26, 2023 MEETING

*Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM*

Commissioner Julie O'Brien chaired the meeting and called it to order at 8:35 AM. Also present were Commissioners Mark Walker and Thomas Douglas.

### AGENDA

Executive Director Amy Sneirson presented a Complainant's request that the Commission issue a "right-to-sue" letter in *Martel v. Brann & Isaacson* (E21-0297), a case on the day's Consent Agenda. Commissioner O'Brien moved, seconded by Commissioner Walker, to deny Complainant's request for a right-to-sue letter. 3 in favor | 0 opposed.

### MINUTES

Commissioner Walker moved, seconded by Commissioner O'Brien, to adopt the May 2023 Commission Meeting Minutes. 3 in favor | 0 opposed.

### ADMINISTRATION

Monthly reports: E.D. Sneirson discussed reporting on the following Commission activities:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there two unsuccessful conciliations and no successful conciliations, with four reasonable-grounds cases remaining in active conciliation.
- New Charges: 50 new complaints filed in May 2023.
- Administrative Dismissals: Seven administrative dismissals issued in May 2023.
- Pre-determination settlements: 33 settlements and/or withdrawals with benefits, with benefits of over \$500,000 to complainants, in May 2023.

### New Business:

E.D. Sneirson stated that the Legislature is moving toward wrapping up the current session, and described several bills impacting the MHRA being signed into law, placed on the Special Appropriations Table, or carried over to the next Legislative session. The Legislature's Appropriations and Financial Affairs Committee voted to fund two new Commission positions that the Office of the Governor had proposed to include in the Biennial Budget, which is great news given the serious impact that an increased housing case load is having on the Commission's ability to timely resolve non-housing cases.

E.D. Sneirson reported that the Commission is currently amidst a State-required Request for Proposals process for mediators to serve on the panel for Commission mediations and conciliations.

Looking toward 2024 Commission meeting dates, E.D. Sneirson presented a proposed schedule for meetings. Commissioner O'Brien moved, seconded by Commissioner Douglas, to adopt the proposed 2024 meeting schedule. 3 in favor | 0 opposed.

At approximately 9:00 AM, Commissioner O'Brien began the Morning Session Hearing Agenda.

At approximately 9:05 AM, Commissioner Edward David joined the meeting.

### **CASES VOTED ON IN A.M. SESSION**

E21-0191: Kayleigh Davis (Standish) v. Round One Entertainment, Inc., d/b/a Round One Bowling & Amusement (Portland). Attorney Erik Peters presented the position of the Complainant. Attorney Josh Nadreau presented the position of the Respondent. Investigator Angela Morse reviewed their report and recommendations and/or answered Commissioner questions. Commissioner Walker moved, seconded by Commissioner Walker, to find that there are no reasonable grounds to believe that Round One Entertainment, Inc., d/b/a Round One Bowling & Amusement, discriminated against Kayleigh Davis on the basis of religion, or retaliated against her in violation of the MHRA, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

PA21-0227 and -0228: Jared McKenna (Shapleigh) and Gaven McKenna (Shapleigh) v. Department of Health and Human Services, Office of Aging and Disability Services (Augusta). Attorney Richard O'Meara presented the position of the Complainants. Attorney Kelly Morrell presented the position of the Respondent. Investigator Alex Brindley reviewed their report and investigation and/or answered Commissioner questions. Commissioner David moved, seconded by Commissioner Walker, to return the case to the Commission for additional investigation. 3 in favor | 1 opposed (Douglas opposed).

E22-0017: Michael Kasprzak (Standish) v. TEGNA, Inc. (Tysons, Virginia). Michael Kasprzak presented his position as the Complainant. Attorney Karla Grossenbacher presented the position of the Respondent. Investigator Angela Morse reviewed their report and investigation and/or answered Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that TEGNA, Inc., discriminated against Michael Kasprzak on the basis of religion, or retaliated against him for engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

E22-0115(A-D): Jane Hutchison (Presque Isle) v. Easton Schools Department (Easton), Laura Hunter (Easton), Erin Ireland (Easton) & Mark Stanley (Easton). Complainant was not present. Commissioner Douglas moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Easton Schools Department, Laura Hunter, Erin Ireland, or Mark Stanley discriminated against Jane Hutchison on the basis of age, ancestry, color, national origin, or race; and that there are no reasonable grounds to believe that Easton Schools Department, Laura Hunter, Erin Ireland, or Mark Stanley retaliated against Jane Hutchison for engaging in WPA-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

At approximately 10:30 AM, the Commission took a brief recess.

### **EXECUTIVE SESSION**

At approximately 10:35 AM., Commissioner Douglas moved, seconded by Commissioner Walker, 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 11:15 AM, Commissioner O'Brien moved, seconded by Commissioner Walker, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner O'Brien moved, seconded by Commissioner Walker, to authorize Commission Counsel to sign on the Commission's behalf the post-conciliation settlement agreement providing for public interest remedies in the reasonable-grounds case of *Randolph v Rockland Marine Corp.* (E20-0544). 4 in favor | 0 opposed.

*\* Indicates a case in which a "reasonable grounds" finding is recommended*

Commissioner Douglas moved, seconded by Commissioner Walker, to not initiate litigation in *Leeman v Tri-County Waste et al.* (PA21-0339-ABC), a reasonable-grounds case which was not successfully conciliated. 4 in favor | 0 opposed.

### CASES VOTED ON IN P.M. SESSION

At approximately 11:45 AM, Commissioner O'Brien began the Afternoon Session Hearing Agenda.

H22-0429: Thomas Rogers (Bangor) v. Freese Building Associates Limited Partnerships (Rockport). Thomas Rogers presented his position as the Complainant. Attorney Esther Labrado presented the position of the Respondent. Investigator Alex Brindley reviewed the report and recommendations and/or answered Commissioner questions. Commissioner David moved, seconded by Commissioner Walker, to find that there are no reasonable grounds to believe that Freese Building Associates Limited Partnership discriminated against Thomas Rogers on the basis of disability, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

H23-0050: Sarah Whyngaught (Peru) v. Maine State Housing Authority (Augusta). Sarah Whyngaught presented her position as the Complainant. Attorney Ashley Carson presented the position of the Respondent. Investigator Alex Brindley reviewed the report and recommendations and/or answered Commissioner questions. Commissioner Douglas moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Maine State Housing Authority discriminated against Sarah Whyngaught on the basis of sex and/or disability, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

H/PA23-0068: Zelia Correia (Belfast) v. Waldo County Action Partnership/ Home Energy Assistance Program (Belfast). Zelia Correia presented her position as the Complainant. Donna Kelley presented the position of Respondent. Investigator Angela Morse reviewed the report and recommendations and/or answered Commissioner questions. Commissioner Walker moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Waldo County Action Partnership/Home Energy Assistance Program discriminated against Zelia Correia on the basis of disability and/or receipt of public assistance in violation of the MHRA, and that there are no reasonable grounds to believe that Waldo County Action Partnership/Home Energy Assistance Program interfered with Zelia Correia's right to housing free of disability discrimination in violation of the MHRA, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

At approximately 1:15 P.M., the meeting was adjourned.

\* Indicates a case in which a "reasonable grounds" finding is recommended