



# Maine Human Rights Commission

# 51 State House Station - Augusta, ME 04333

**Patricia E. Ryan**  
*Executive Director*

**John P. Gause**  
*Commission Counsel*

## COMMISSION MEETING MINUTES

*Senator Conference Center (Best Western) Embassy Room  
284 Western Ave ~ Augusta, Maine*

**June 28, 2010**

Commissioner Vestal called the June 28, 2010 Commission meeting to order at 8:31 a.m. Present were Commissioners: Paul Vestal, Kenneth Fredette, A. Mavourneen Thompson.

Commissioner Fredette excused himself from the meeting.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case E08-0504 Mitchell v. Families Unlimited be moved to the last on the agenda at the request of the parties.

Executive Director Patricia Ryan requested that case H10-0120 Bushey v. Hughes Associates be tabled to the August Commission Meeting at the request of one of the parties.

- Executive Director Patricia Ryan requested that case E08-0610 Sherri Ferrier v. Employment Experts, LLC and E08-0610: Sherri Ferrier (Portland) v. Silvex Surface Technology, Inc. be tabled from the consent agenda due to settlement between the parties.
- Executive Director Patricia Ryan requested that case E08-0595 Paula Bowden v. Barbara Stearns be tabled to the August the agenda at the request of one of the parties.

Commissioner Thompson moved, seconded by Commissioner Vestal to adopt the agenda as amended.  
2 in favor | 0 opposed.

### **CONSENT AGENDA** (*see detailed listing on page 3*)

Commissioner Vestal moved, seconded by Commissioner Thompson, to accept the Investigator's recommendations in each of the cases on the revised Consent Agenda. 2 in favor | 0 opposed.

### **MINUTES**

Commissioner Vestal moved, seconded by Commissioner Thompson, to adopt the May 24<sup>th</sup> Commission Meeting Minutes. 2 in favor | 0 opposed.

## ADMINISTRATION

- Personnel Report: Executive Director Patricia Ryan reviewed the report, dated June 22, 2010, indicating this is the last meeting Fran Davis will attend due to her retirement. Domini Pham will be filling the vacant Field Investigator position effective July 1<sup>st</sup>. The Office Associate II (receptionist) position is vacant again and will be filled as soon as possible.

## COMPLIANCE

- Compliance Report: Commissioners reviewed Fran Davis' report and it was placed on file.

Commissioner Thompson moved, seconded by Commissioner Vestal to accept the Conciliation Agreement in H09-0504 Ramsay v. Jameson Woods Condominium Associate/R&E Associates, Inc. the matter been resolved between the parties. 2 in favor | 0 opposed.

## INVESTIGATION

- New Charges: Commission staff opened 50 new cases in May.
- Administrative Dismissals: Commission staff administratively dismissed 19 cases in May.
- Pre-determination Settlements: During the month of May, investigators were responsible for obtaining settlements in 10 cases resulting in a total monetary relief in excess of \$182,100.

Commissioner Fredette rejoined the meeting.

**LITIGATION:** Commission Counsel John Gause presented a memo requesting that Commissioners delegate authority to act as Executive Director in case PA10-0173: Marianne McGettigan v. Town of Freeport as Executive Director Patricia Ryan has recused herself from the case. Commissioner Fredette moved, seconded by Commissioner Thompson to delegate authority to act as the Commissioner's Executive Director to Commission Counsel John Gause. 3 in favor | 0 opposed.

Commissioners agreed to move other litigation items to Executive Session.

**NEW BUSINESS:** Executive Director Patricia Ryan presented the proposed the 2011 Commission Meeting schedule. There were no objections or changes to the scheduled dates.

## CASES VOTED ON:

PA08-0622: Fuad Umar (Waterville) v. Wal-Mart East LP (AR): Complainant was not present. Respondent was not present. Commissioner Fredette moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondent, Wal-Mart Stores East, LP, discriminated against Complainant Fuad Umar, because of race or color, or retaliated against him for complaining about racial discrimination. 3 in favor | 0 opposed.

E09-0039: Cynthia Boisvert (Oakfield) v. Life by Design (Houlton) / E09-0039A: Cynthia Boisvert (Oakfield) v. D. Gray (Houlton): Complainant was not present. Respondent was not present. Commissioner Fredette moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the respondent Life By Design and/or Deborah Gray, subjected the Complainant, Cynthia Boisvert, to discrimination in employment because of her physical disability, or whistleblowing. 3 in favor | 0 opposed.

PA09-0046: Sebbie Susso (Damariscotta) v. Town of Damariscotta / PA09-0320: Alhadji Dean (Damariscotta) v. Town of Damariscotta: Complainants were not present. Respondent was present. Commissioner Thompson moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that the Respondent, Town of Damariscotta, unlawfully harassed Complainants, Sebbie Susso and Alhadji S. Dean, on the bases of race, color, national origin, or religion. 3 in favor | 0 opposed.

E09-0291: Bruce Boyington (Brewer) v. Orono Medical Center (Orono): Bruce Boyington restated the position of the Complainant. Respondent was not present. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Fredette, to find **reasonable grounds** to believe that the Respondent, Orono Medical Center, terminated Complainant, Bruce Boyington's employment due to whistleblower retaliation. 2 in favor | 1 opposed (Vestal)

PA09-0312: Norman Parsons (Belfast) v. JLL Management Corp d/b/a Belfast Center (Belfast): Norman Parsons restated the position of the Complainant. Attorney Ed Gould restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that the Respondent, JLL Management Corporation, discriminated against Complainant, Norman Parsons, because of disability. 3 in favor | 0 opposed.

E08-0554: Leora Mitchell (Ellsworth) v. Families United of Washington County (Machias): Attorney Julie Farr restated the position of the Complainant. Attorney Linda McGill restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondent, FYI, discriminated against Complainant, Leora Mitchell, because of whistleblower retaliation. 2 in favor | 0 opposed | 1 abstained (Vestal).

### **EXECUTIVE SESSION:**

Commissioner Thompson moved, seconded by Commissioner Fredette to move into executive session at 10:33 A.M. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 3 in favor | 0 opposed.

Commissioner Vestal moved, seconded by Commissioner Fredette, to move out of executive session at 10:35 a.m. . 3 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Thompson, that the Commission **should not** file a complaint in E08-0506A Peggy Dwyer v. State of Maine Department of Conservation and Catherine Carroll., and in E09-0444, Coleen Huntington v. Community Correctional Alternatives, Inc.3 in favor | 0 opposed.

### **OLD BUSINESS:**

### **ADJOURN:**

There being no further business to come before the Commission, the meetings was adjourned at 10:35 a.m. .

### **CONSENT AGENDA:**

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E09-0008:	Brenda Taylor (Warren) v. Borealis Breads (Wells)	RG
E09-0052:	Jason Micklon (Lisbon) v. J Mac's Custom Concrete (Auburn)	NRG
E09-0062:	Michael Perron (Lewiston) v. ING Institutional Plan Services, LLC (GA)	NRG
E09-0105:	Andrea Sienna Dode (Bath) v. Independence Association, Inc. (Brunswick)	NRG
E09-0336:	Sulo Rytky (Warren) v. Bank of America (NC)	NRG

E09-0337:	Victoria Rytky (Warren) v. Bank of America (NC)	NRG
E10-0006:	Joseph Pressley (Baileyville) v. Domtar Maine, LLC (Baileyville)	NRG
H10-0035:	Dana Bailey & Timothy Cote (Bangor) v. Metka Business Leasing, Inc. (Bangor)	NRG
H10-0115:	Michelle Carmean (Bangor) v. Calvin Bubar/JGQ Property Management (Brewer)	NRG
H10-0117:	Lance Burnham & o/b/o minor (Saco) v. T. & S. Whitehouse (Springvale)	NRG