



# Maine Human Rights Commission

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Amy M. Sneirson  
*Executive Director*

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## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**April 9, 2012**

Commissioner Chandler called the April 9<sup>th</sup> Commission meeting to order at 8:31 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Deborah Whitworth and Arnold Clark.

Commissioner Chandler called for adoption of the agenda.

- Executive Director Amy Sneirson requested that case E11-0205 Shirley Kelderhouse (Dover Foxcroft) v. Piscataquis Regional YMCA (Dover Foxcroft) be removed from the agenda and reviewed with the pre-determination settlements.
- Executive Director Amy Sneirson requested that case E10-0588 Robin Estes (Wells) v. Marden's Inc. (Waterville) be tabled to the May 21, 2012 Commission Meeting.
- Executive Director Amy Sneirson requested that case E10-0496 Michael Owens (Turner) v. Dorothy Egg Farms LLC (Winthrop) be tabled to the May 21, 2012 Commission Meeting.
- Executive Director Amy Sneirson requested that case PA10-0457: Carol Holmes (Derry, NH) v. Open Hearth LLC (Trenton) be tabled to the May 21, 2012 Commission Meeting.
- Executive Director Amy Sneirson requested that case E10-0487: Ingrid Carlson (Portland) v. Central Maine Medical Center (Lewiston) be tabled to the May 21, 2012 Commission Meeting.
- Executive Director Amy Sneirson requested that case H11-0635: Pamela Grant (Lewiston) v. Auburn Housing Authority (Auburn) be tabled to the May 21, 2012 Commission Meeting.
- Executive Director Amy Sneirson requested that case H11-0527: Edwin Murray/Michelle Murray (Gardiner) v. LeBrecque Property Management LLC/ Steven LeBrecque (Sabattus) be removed from the Agenda for further investigation.
- Executive Director Amy Sneirson requested that case PA10-0205: Michael Murphy (York) v. York Hospital (York) be taken out of order later in the morning at the request of Complainant's counsel.

Commissioner Whitworth moved, seconded by Commissioner Chandler, to adopt the agenda as amended. 4 in favor | 0 opposed.

**CONSENT AGENDA** (see detailed listing on page 4)

Commissioner Chandler moved, seconded by Commissioner Whitworth, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 4 in favor | 0 opposed.

**MINUTES:**

Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the March 5, 2012 Commission Meeting Minutes. 4 in favor | 0 opposed.

**QUARTERLY PROGRAM REVIEW:**

- Inventory Status Report & Resolutions: There were 683 open cases at the end of March, 2012. The Commission closed 142 cases during the preceding quarter; 36 of those cases were closed providing some benefit to Complainants. The relief obtained in those cases also benefited 280 people. The monetary amount recovered for Complainants during that time period was \$496,381.
- Training/Education: Commissioners reviewed the second quarter report and it was placed on file.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

**ADMINISTRATION:**

Personnel Report: Executive Director Amy Sneirson reviewed the report dated April 2, 2012. Compliance Manager Jill Duson began work on March 19, 2012. In April, Mediator Rebekah Smith will begin conducting mediations on a volunteer basis with the Commission. Smith receives funding from the Skadden Fellowship Foundation for her mediation assistance to the Commission.

In February, the Commission was awarded three grants by HUD for Fair Housing Assistance Partnership Activities. The Commission signed agreements with Alpha One, Pine Tree Legal Assistance and Sheila Pierce to carry out work related to the three HUD grants.

**COMPLIANCE:**

Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

**INVESTIGATION:**

- New Charges: Commission staff opened 61 new cases in March.
- Administrative Dismissals: Commission staff dismissed 13 cases in March.
- Pre-determination Settlements: During the month December, staff were responsible for obtaining settlements in 19 cases resulting in total monetary relief in excess of \$ 183,185 for complainants.

**LITIGATION:** Moved to Executive Session.

**NEW BUSINESS:** None.

At 8:36 AM Commissioner Vestal called for a 10 minute recess.

**CASES VOTED ON:**

E10-0274 David F. Hill (S. Thomaston) v. Davis Long Term Care Group, Inc. d/b/a Seven Tree Manor (Rockland). Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Complainant, David F. Hill, was subjected to retaliation (position eliminated) by Respondent, Davis Long Term Care Group, Inc. d/b/a Seven Tree Manor, as a result of Complainant's whistleblowing. 4 in favor | 0 opposed.

E10-0294: Vicki E. Bricker (Camden) v. Windward Gardens (Camden): Complainant was not present, Respondent was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Complainant, Vicki E. Bricker, was subject to unlawful discrimination in employment by Respondent, Windward Gardens, due to her disabilities, and/or her association with an individual with disabilities (her daughter), and/or in retaliation for whistleblowing. 4 in favor | 0 opposed.

E10-0416: Gina A. Morgan (Bowdoinham v. Sweetser (Brunswick): Complainant was not present. Respondent was not present. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondent Sweetser subjected Complainant Gina Morgan to unlawful sexual harassment or that Respondent Sweetser retaliated against Complainant Gina Morgan for whistleblower activity. 4 in favor | 0 opposed.

E10-0443: Jack Morehouse (Pittsfield) v. Robert Berg Enterprises, Inc. d/b/a Berg Sportswear (Corinna). Attorney Julie Farr restated the position of the Respondent. Attorney Jeffrey Schwartz restated the position of the Complainant. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Berg Sportswear retaliated against Mr. Morehouse for protected activity. 3 in favor | 1 opposed (Clark opposed).

PA10-0205: Michael Murphy v. York Hospital: Attorney Karen Wolf restated the position of the Respondent. Attorney Beth Gallie restated the position of the Complainant. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that York Hospital discriminated against Michael Murphy on the basis of his disability by failing to provide him with a qualified in-person interpreter to ensure effective communication. 3 in favor | 0 opposed | 1 abstained (Clark abstained).

E10-0492: Christian Talbot (Westbrook) v. Chilton Furniture Company (Scarborough): Attorney Carol Garvan restated the position of the Complainant. Attorney Doug Currier restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that the Respondent, Chilton Furniture Company discriminated against Complainant, Christian Talbot, in employment because of physical disability or by refusing to return him to his employment. 4 in favor | 0 opposed.

At 10:20 Commissioner Vestal called for a 10 minute break.

E10-0575: Kathy Neill (Bangor) v. KidsPeace National Centers of New England, Inc. (Schnecksville, PA). Attorney Mark Dunlap restated the position of the Respondent. Attorney Matthew Keegan restated the position

of the Complainant. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find **reasonable grounds** to believe that the Respondent KidsPeace National Centers for New England terminated Complainant Kathy Neill's employment because of whistleblower retaliation. 3 in favor | 0 opposed | 1 abstained (Vestal).

E11-0219: Kelley Maloney (Waterville) v. Maine General Health (Augusta). Attorney Julie Farr restated the position of the Complainant. Attorney Katy Rand restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Complainant, Kelley Maloney, was subjected to unlawful discrimination in employment (denied a reasonable accommodation) by Respondent, Maine General Health because of her disabilities. 4 in favor | 0 opposed.

E11-0588: Jessika L. Duprey (Waterville) v. Mid-Maine Homeless Shelter (Waterville): Attorney Thad Zmistowski restated the position of the Respondent. Attorney Jason Jabar restated the position of the Complainant. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent Mid-Maine Homeless Shelter discriminated against Complainant Jessika L. Duprey in the terms and conditions of employment and terminated her because of her age, mental disability, and retaliation for exercising her rights under the Maine Human Rights Act. 3 in favor | 0 opposed | 1 abstained (Clark).

#### **EXECUTIVE SESSION:**

Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session at 11:14 p.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth to come out of executive session at 11:32 a.m. 4 in favor | 0 opposed.

#### **ADJOURN:**

There being no further business to come before the Commission, the meeting was adjourned at 11:32 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.

E10-0399:	Leonard Smith (Exeter) v. State of Maine/Secretary of State/Bureau of Motor Vehicles (Augusta)	NRG
PA10-0408:	John Auclair (Charleston) v. State of Maine/Department of Corrections (Augusta)	NRG
E11-0031:	Marcel Drouin (Lewiston) v. L.L. Bean (Freeport)	NRG
E11-0033:	Catherine Gilbert (Portland) v. Portland Center for Assisted Living (Portland)	NRG
E11-0036:	Russell Martell (Coos Bay, Or) v. Northcountry Management Group, Inc. d/b/a Burger King (Bangor)	NRG
PA11-0199:	Rebecca Beacham (Old Town) v. Bear's Den Motel Restaurant Tavern, Inc. (Dover Foxcroft)	NRG
H11-0755:	Amanda Turcotte (Lisbon) v. Right Investments LLC/Roland Bisson (Lewiston)	<b>RG</b>