



## Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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COMMISSION COUNSEL

### COMMISSION MEETING MINUTES

#### Senator Inn - Boardroom

*19 Union Street ~ Augusta, Maine*

November 13, 2017

Commission Chair Arnold Clark called the meeting to order at 8:30 AM. Present were Commissioners John Norman, Ted Helberg and Fred Oettinger.

#### AGENDA:

Commissioner Helberg moved, seconded by Commissioner Norman, 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 3). 4 in favor | 0 opposed.

#### MINUTES:

Commissioner Norman moved, seconded by Commissioner Helberg, to adopt the October 16, 2017 Commission meeting minutes. 4 in favor | 0 opposed.

Commissioner Whitworth joined the meeting at 8:35 AM.

#### ADMINISTRATION:

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from October:

- Personnel: No new activity, other than that the Commission received almost 30 applications for MHR Investigator position and interviewed nine candidates; the offer process is ongoing.
- Compliance: Since the last meeting, there have not been any unsuccessful or successful conciliations; there are four cases in active conciliation.
- Investigations in October 2017:
  - New Charges: 69 new charges filed.
  - Administrative Dismissals: 37 administrative dismissals.
  - There were 8 predetermination settlements with benefits of \$86,000 to complainants.
- Litigation: Commissioners decided to address this after Executive Session.

#### New business:

- Executive Director Amy Sneirson recommended administrative dismissal of two successfully conciliated reasonable-grounds cases in which all agreement terms have been fully implemented. Commissioner Whitworth moved, seconded by Commissioner Helberg, to dismiss case H16-0438-A/B, Jonathan Parsons v. The Grand Beach Inn and Portland Avenue Associates. 5 in favor | 0 opposed. Commissioner Commissioner Whitworth moved, seconded by Commissioner Helbert to dismiss H16-0376, Pine Tree Legal Assistance v. King Weinstein/Portland Avenue Assoc. Inc/Grand Beach Inn. 5 in favor | 0 opposed.

The Commission took an eight-minute break at 8:38 AM.

At 8:45 AM Commissioner Clark called the case hearing agenda to order.

### **CASES VOTED ON:**

E15-0508: Kathryn B. Bosse (Ellsworth) v. Eastern Maine Medical Center (Bangor). Kathryn Bosse restated her position as the Complainant. Attorney Megan Randlett restated the position of the Respondent. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Eastern Maine Medical Center discriminated against Complainant Kathryn B. Bosse based on her age when it demoted her and terminated her employment, and no reasonable grounds to believe that Eastern Maine Medical Center retaliated against Complainant Kathryn B. Bosse in violation of the MHRA and WPA because she engaged in protected activity. 5 in favor | 0 opposed.

E15-0526: Jo-Ann Kayatta (Portland) v. LG Funding d/b/a Cumberland County Mortgage (South Portland) Attorney Frank Chowdry and Respondent's owner Loni Graiver restated the position of the Respondent. Attorney Maria Fox restated the position of the Complainant. Investigator Jenn Corey restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent LG Funding d/b/a Cumberland County Mortgage discriminated against Complainant Jo-Ann Kayatta based on age when it demoted her. 5 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent LG Funding d/b/a Cumberland County Mortgage discriminated against Complainant Jo-Ann Kayatta based on age when it terminated her employment. 5 in favor | 0 opposed.

PA16-0039: Kenneth A. Capron (Portland) v. Southern Maine Area Agency on Aging (Scarborough) & Ann O'Sullivan (Scarborough). Kenneth Capron restated his position as the Complainant. Attorney Paige Streeter restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Complainant Kenneth A. Capron was subjected to unlawful discrimination in public accommodations due to his disability by Respondents Southern Maine Area Agency on Aging or Ann O'Sullivan, and no reasonable grounds to believe that Complainant Kenneth A. Capron was subjected retaliation in violation of the MHRA by Respondents Southern Maine Area Agency on Aging or Ann O'Sullivan. 4 in favor | 0 opposed | 1 recused ( Clark).

E16-0117: Andre Vanpoelvoorde (Augusta) v. Neighborhood Redemption (Augusta). Respondent was not present. Commissioner Norman moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent Neighborhood Redemption discriminated against Complainant Andre Vanpoelvoorde on the basis of sex/sexual orientation and disability by subjecting him to a hostile work environment, including by constructively discharging him. 5 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Respondent Neighborhood Redemption retaliated against Complainant Andre Vanpoelvoorde for asserting rights under the Maine Human Rights Act. 5 in favor | 0 opposed.

ED16-0216: Casey M. Smith (Portland) v. University of Maine Augusta (Augusta). Casey Smith restated his position as the Complainant. Attorney Jim Thelen restated the position of the Respondent. Investigator Stuart Evans restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that University of Maine Augusta discriminated against Casey M. Smith

by subjecting him to less favorable treatment on the basis of sex and no reasonable grounds to believe that University of Maine Augusta unlawfully retaliated against Casey M. Smith. 5 in favor 0 opposed.

At 10:45 AM, Commissioner Clark called for a 5 minute recess.

**EXECUTIVE SESSION:**

At 10:55 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, 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). 5 in favor | 0 opposed.

At approximately 10:59 AM, Commissioner Oettinger moved, seconded by Commissioner Helberg, to come out of executive session. 5 in favor | 0 opposed.

**LITIGATION:**

At approximately 11:00 AM, Commissioner Oettinger moved, seconded by Commissioner Norman, that the Commission should not pursue litigation in the reasonable-grounds case E16-0467, Cesare v Hudson Bus Lines/Student Transportation of America. 5 in favor | 0 opposed.

At 11:05 AM Commissioner Norman moved, seconded by Commissioner Oettinger, to adjourn the meeting.

**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.

E15-0500	Michelle Rounds (Bangor) v. Hollywood Casino Bangor (Bangor)	NRG
E15-0510	Robert McFetridge (Boothbay Harbor) v. Town of Boothbay Harbor (Boothbay Harbor)	NRG
PA15-0516	Edward Loring (Windham) v. SOM/Dept. Corrections/Maine Corr. Center (Augusta)	NRG
E15-0531	Rhonda J. Bickmore (Kenduskeag) v. Sears Holding Corp./K-Mart Division (Bangor)	NRG
E16-0070	Donna G. Dubay (Lewiston) v. CNB (South Poland)	NRG
PA16-0134	George J. Stanley (Greene) v. SOM/DAFS/Bureau of General Serv./Prop. Mgmt. Div. (Landlord) (Augusta)	NRG
PA16-0138	Matthew M. Drake (Bangor) v. Hollywood Casino of Bangor (Bangor)	NRG
E16-0159	Karen A. Small (Pittsfield) v. C M Almy (Pittsfield) NRG	
E16-0325	Linda F. Cleaves (Lisbon) v. W.A. Fasteners (Pownal)	NRG
E16-0339	Tauryn L. Moten (Portland) v. Harley Davidson Motor. (Portland) & Steve Reynolds (Portland)	NRG
H17-0322	Olanian Jackson (Fairfield) v. Sherwood Associates (Portland) & Monroe Group (Waterville)	NRG