



# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051

*Temporary Physical location: 242 State Street, Augusta, ME 04330*  
Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711  
[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

### Senator Inn - BOARDROOM

284 Western Ave ~ Augusta, Maine 04330

August 26, 2019

Commission Chair Clark called the business session of the meeting to order at 8:30 AM. Also present were Commissioners Whitworth, Helberg and Ashby.

Executive Director Sneirson presented a memorandum outlining a request by a complainant on the Hearing Agenda to be issued a right-to-sue letter (E18-0225, Conforte v. Stephens Memorial & Maine Health) and another memorandum outlining a request by a complainant on the Consent Agenda to withdraw their complaint (E17-0387, MacMaster v. State Fire Marshal's Office). Commissioner Helberg moved, seconded by Commissioner Whitworth, to reject both complainants' requests. 4 in favor | 0 opposed.

### AGENDA

Commissioner Whitworth moved, seconded by Commissioner Ashby, 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 4). 4 in favor | 0 opposed.

### MINUTES

Commissioner Helberg moved, seconded by Commissioner Ashby, to adopt the July 22, 2019 Commission meeting minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

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

- Personnel: There were no personnel changes to report.
- Compliance: Since the last meeting, there were 3 unsuccessful conciliations and 2 successful conciliation. 6 reasonable-grounds cases remain in active conciliation.
- Commissioner Helberg moved, seconded by Commissioner Whitworth, to accept the conciliation agreements in the following cases:
  - E18-0121, Kenneth Lloyd v. City of Caribou; and
  - PA17-0500 A/B: Karen Wood v. Jacqueline Bevins and Jackie's Too.

4 in favor | 0 opposed.

*Minutes are considered to be **draft** until approved by the Commissioners at the next Commission Meeting.*

- New Charges: 64 new complaints filed in July.
- Administrative Dismissals: The Commissioners reviewed one proposed administrative dismissal. Commissioner Helberg moved, seconded by Commissioner Ashby, to issue administrative dismissal in the one case listed on page 4 with a statement that the dismissal constitutes a finding of “no reasonable grounds” to believe unlawful discrimination occurred. 4 in favor | 0 opposed.
- There were nine predetermination settlement agreements totaling \$170,985 in benefits to complainants.

Litigation: Moved to after executive session.

## NEW BUSINESS

Executive Director Sneirson provided the following updates:

- Changes to the MHRA from the recent legislative session will be in effect September 19, 2019. A Commission press release highlighting changes was sent to approximately 10 media outlets and about 25 other organizations, and is on the Commission’s website.
- Executive Director Sneirson and Chief Investigator Neal will be attending an upcoming HUD regional conference.
- The deadline to submit legislative proposals for the second session of the 129th Maine Legislative Session is September 27, 2019.
- On December 10, 2019, the Commission will be holding a daylong continuing legal education seminar, as one part of a larger statewide human rights conference, in Augusta.
- The Commission will be holding an implicit bias training for staff and Commissioners today at 12:00.

At 8:45 AM Commission Chair Clark began the case hearing agenda.

## CASES VOTED ON

E17-0443-AB: Benjamin Walker (Belfast) v. Penquis & MaineStream Finance (Bangor). Attorney Valarie Wicks restated the position of the Complainant. Attorney Matthew Raynes restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their report and recommended findings. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find there are No Reasonable Grounds to believe that Penquis or MaineStream Finance discriminated against Benjamin Walker on the basis of his race or national origin, and No Reasonable Grounds to believe that Penquis or MaineStream Finance discriminated against Benjamin Walker on the basis of his disability, and No Reasonable Grounds to believe that Penquis or MaineStream Finance retaliated against Benjamin Walker in violation of the MHRA or the WPA for engaging in protected activity. 4 in favor | 0 opposed.

E17-0464-AB: Brent Miller (Clinton) v. Acadia Healthcare Company, Inc. (Franklin, TN) and DHG Services, LLC (Bangor). Attorney Alison Tozier restated the position of the Complainant. Attorney Tara Walker restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their report and recommended findings. Commissioner Ashby moved, seconded by Commissioner Helberg, to find there are No Reasonable Grounds to believe that Acadia Healthcare Company, Inc. and/or DHG Services, LLC discriminated against Brent Miller on the basis of age. 4 in favor | 0 opposed. Commissioner Ashby moved, seconded by Commissioner Helberg, to find there are **Reasonable Grounds** to believe that Acadia Healthcare Company, Inc. and/or DHG Services, LLC, retaliated against Brent Miller for engaging in WPA-protected activity. 4 in favor | 0 opposed.

E17-0529: Patricia Lech (Old Town) v. State of Maine/Department of Health & Human Services/Center for Disease Control (Augusta). Patricia Lech restated her position as the Complainant, and provided Commissioners with several documents that were in the record as visual aids. Assistant Attorney General Valerie Wright restated the position of the Respondent, and objected to the provision of visual aids without an opportunity to compare them to the file. Investigator Robert Beauchesne reviewed his report and recommended findings. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find there are No Reasonable Grounds to believe that the State of Maine/Department of Health and Human Services/Center for Disease Control discriminated against Patricia Lech on the basis of disability, or retaliated against her for engaging in any protected activity. 4 in favor | 0 opposed.

E17-0536: Joseph Bury (Monson) v. Kennebec Valley Community College (Augusta). Joseph Bury restated his position as the Complainant. Attorney Amy M. Homans restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their report and recommended findings. Commissioner Helberg moved, seconded by Commissioner Ashby, to find No Reasonable Grounds to believe that Kennebec Valley Community College discriminated against Joseph Bury in employment on the basis of age. 4 in favor | 0 opposed.

E18-0043: Annabelle Z. Paghiligan-Wall (Auburn) v. Sykes Enterprise, Inc. (Tampa, FL). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find there are No Reasonable Grounds to believe that Sykes Enterprise, Inc. discriminated against Annabelle Z. Paghiligan-Wall on the basis of national origin, and No Reasonable Grounds to believe that Sykes Enterprises, Inc. retaliated against Annabelle Z. Paghiligan-Wall for engaging in WPA- or MHRA-protected activity. 4 in favor | 0 opposed.

E18-0065-AB: Dylan Scheys (Somersworth, NH) v. Taylor Lobster Co./Don Webber (Kittery). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are No Reasonable Grounds to believe that Taylor Lobster Co. or Don Webber discriminated against Dylan Scheys in employment on the basis of sex. 4 in favor | 0 opposed.

E18-0225-AB: Debra Conforte (Bridgton) v. Stephens Memorial Hospital (Norway) and Maine Health (Portland). Debra Conforte restated her position as the Complainant. Attorney Michelle Bush restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommended findings. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find there are No Reasonable Grounds to believe that Stephens Memorial Hospital and/or Maine Health discriminated against Debra Conforte on the basis of disability (denial of a reasonable accommodation). 4 in favor | 0 opposed.

At 11:25 Chair Clark called for a 5 minute recess.

## **EXECUTIVE SESSION**

At 11:32 AM, Commissioner Helberg moved, seconded by Commissioner Ashby, 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 11:41 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, to come out of executive session. 4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to do the following:

- A. To not litigate the following reasonable-grounds cases in which conciliation was unsuccessful:
  - Allen v. Universal Protection (E17-0142) and
  - Robinson v. Emilio Estates, Inc. (E17-0346); and also
- B. To approve the Commission’s post-conciliation settlement agreement in Gray and Harmon v. Hinds and Hinds (H18-0391-AB).

At approximately 11:42 AM, Chair Clark adjourned 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.

E17-0387:	Mary MacMaster (Gardiner) v. State Fire Marshal’s Office , State of Maine (Augusta)	NRG
E17-0474:	Laura Masters (Hollis Center) v. Maine Administrative School District (MSAD) 6 (Buxton)	NRG
E17-0531:	Helen Hsu (Guangzhou, Guangdon Province, China) v. Eastern Maine Medical Center (Bangor)	NRG
E18-0042:	Peter J. Serunian (Falmouth) v. Anthem (Indianapolis, IN)	NRG
E18-0060:	Jody A. Murphy (Blue Hill) v. Town of Blue Hill (Blue Hill)	NRG
E18-0089:	Jordan P. Wheeler (Biddeford) v. Alere, Inc. (Scarborough)	NRG
E18-0126:	Kenneth Emerson (Poland) v. Quality Insulation (Yarmouth)	NRG
E18-0204:	Jermaine Wilson (Gray) v. Hannaford (Gray)	NRG
E18-0252:	Kimani B. Harvey (Lewiston) v. Home Depot (Auburn)	NRG
E18-0257:	Timothy Faust (Westbrook) v. Falmouth Country Club (Falmouth)	NRG
E18-0265:	Tabatha Hemingway (Farmingdale) v. Walgreens (Gardiner) & Danielle Miller (Gardiner)	NRG

A, B

### TABLED

E18-0092\*: Gary Crouse on behalf of Dameon Crouse (Augusta) v. Walmart Stores, Inc.; Walmart Stores East L.P.; Walmart Supercenter (Bangor)

### ADMINISTRATIVE DETERMINATIONS

E19-0054: Gail S. Bailey (Waterville) v. Lovejoy Dental Center (Augusta)