



Maine Human Rights Commission

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COMMISSION MEETING MINUTES JANUARY 10, 2022 MEETING

via ZOOM

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Jefferson Ashby, Edward David, Jill Duson, and Julie O'Brien.

AGENDA

Commissioner Ashby moved, seconded by Commissioner David, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 5 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner Ashby, to adopt the December 13, 2021 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Executive Director Amy Sneirson reported on the following Commission activities:

Quarterly reports

- Training and Education: Commission staff attended/presented at 13 training or educational sessions
- Case Inventory: 817 Cases Pending as of December 31, 2021
- Finance: Presented/placed on file.

Monthly reports:

- Personnel: ED Sneirson welcomed new investigator Courtney Burne. The ED also noted that the Commission is extremely short staffed.
- Compliance: Since the last meeting, there were four unsuccessful conciliation and no successful conciliations. Seven reasonable grounds cases remain in active conciliation.
- New Charges: 69 new complaints filed in December 2021.
- Administrative Dismissals: 10 administrative dismissals issued in December 2021.
- Pre-determination resolutions/settlements: 16, with benefits of \$432,000 to complainants.

NEW BUSINESS:

ED Sneirson noted that the Maine Legislature has convened for a short session. Commissioner O'Brien has been renominated for her seat, with hearing on 1/20/2022. The Commission presented one agency bill to the Legislature (LD 1889) related to application of the Maine Whistleblowers' Protection Act. There are several other bills related to the MHRA or Commission, both newly introduced (like LD 1871, to extend the current pilot program for the Commission to receive complaints based on homelessness) and carried over from the first session (including LD 344, the Equal Rights Amendment, and LD 982, regarding MHRA public entity coverage). The Commission also will be presenting its November 2021 Government Oversight Act report to the Judiciary Committee at a hearing.

The Commission completed the business portion of the agenda at 8:40 AM.

At 8:45 AM Commissioner Whitworth began the case hearing agenda.

ED/PA20-0095AB*: Andy Bourassa, individually and o/b/o Minor Child (Skowhegan) v. MSAD 54 and MSAD 54 School Board (Skowhegan). Attorney Campbell Bader restated the position of the Respondents. Andy Bourassa restated his position as the Complainant. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that MSAD 54 and MSAD 54 School Board, discriminated against Andy Bourassa, individually and o/b/o Minor Child, on the basis of sexual orientation. 3 in favor | 2 opposed (Duson and David opposed).

E20-0178: Allison Tunick (Bangor) v. Maine Maritime Academy (Castine). Attorney Lisa Butler restated the position of the Complainant. Assistant Attorney General Sarah Forster restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Maine Maritime Academy retaliated against Allison Tunick for engaging in WPA-protected activity. 5 in favor | 0 opposed.

PA20-0289ABCD: Michael Stiggle (Mars Hill) and Chandler Dixon (Mars Hill) v. County Remax (Presque Isle), Jane Towle (Presque Isle), Lee Smith (Presque Isle), and LSS Holdings, LLC (Presque Isle). Michael Stiggle and Chandler Dixon restated their positions as the Complainants. Attorney Adam Swanson restated the position of the Respondents. Investigator Alex Brindley reviewed the report and recommendations of former MHR Investigator Milo Gitchos. Commissioner Duson moved, seconded by Commissioner David, to find that there are reasonable grounds to believe that Lee Smith, Jane Towle, County Remax, and/or LSS Holdings, LLC discriminated against Michael Stiggle and/or Chandler Dixon based on their race and/or color. 2 in favor | 2 opposed | 1 recused (Whitworth & O'Brien opposed, Ashby recused); the motion failed. Absent a majority vote in favor of a reasonable-grounds finding, the default finding is that there are no reasonable grounds to believe unlawful discrimination occurred. Commissioner David moved, seconded by Commissioner Duson, to find there are reasonable grounds to believe that Lee Smith, Jane Towle, County Remax, and/or LSS Holdings, LLC retaliated against Michael Stiggle and/or Chandler Dixon for engaging in MHRA-protected activity. 2 in favor | 2 opposed | 1 recused (Whitworth & O'Brien opposed, Ashby recused); the motion failed. Absent a majority vote in favor of a reasonable-grounds finding, the default finding is that there are no reasonable grounds to believe unlawful retaliation occurred.

H/ED/PA21-0319*: Addelynn Fagan (Cape Neddick) v. Trustees of St. Joseph's College (Standish). Attorney Erin Bucksbaum restated the position of the Respondent. Addelynn Fagan restated her position as the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that the Trustees of St. Joseph's College discriminated against Addelynn Fagan on the basis of disability in the terms and conditions of her housing (denying a reasonable accommodation request/use of an assistance animal, terms and conditions, constructive eviction). 3 in favor | 2 opposed (David & O'Brien opposed). Commissioner Ashby moved, seconded by Commissioner Duson, to find **reasonable grounds** to believe that that the Trustees of St. Joseph's College retaliated against Addelynn Fagan for asserting her rights under the Maine Human Rights Act. 3 in favor | 2 opposed (David & O'Brien opposed). Commissioner Ashby moved, seconded by Commissioner O'Brien, moved to find no reasonable grounds to believe that the Trustees of St. Joseph's College discriminated against Addelynn Fagan on the basis of disability in her education and/or her access to public accommodations. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 11:39 PM, Commissioner Ashby moved, seconded by Commissioner David, 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 12:00 PM, Commissioner Whitworth moved, seconded by Commissioner David, to come out of Executive Session. 5 in favor | 0 opposed.

LITIGATION

Commissioner David moved, seconded Commissioner Whitworth to do the following regarding reasonable-grounds cases that did not resolve via conciliation: **to not litigate** *Boyer v. Welch* (E20-0381) **or** *Holcomb v. Grant* (E20-0493), **and to litigate** *Jannelle v. Dennis Simmons, Mae Simmons, Norma Duperre, and Eileen Williams* (H20-0085-A/B/C) **and** *McGuire v. Lint.*(H21-0188). 5 in favor | 0 opposed.

At approximately 12:02 PM the meeting was adjourned.

**Indicates a case in which a “reasonable grounds” finding is or was recommended.*

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.

E20-0156	Debora Sutton (Waterboro) v. York Hospital (York)	NRG
E20-0203	Nicholas Rollins (Old Town) v. Nyle Systems, LLC (Brewer)	NRG
E20-0231	Cindy James (West Enfield) v. Dollar General (Goodlette, TN)	NRG
E20-0288	John Miller (Portland) v. Westbrook Public Schools (Westbrook)	NRG
H21-0259ABCD*	Hazel Hale and Casey Hale (Bangor) v. Holiday Park Estates, LLC (Bangor), Sun Communities (Bangor), Karen Patterson (Bangor), and Tom Flanders (Bangor)	RG
H21-0332-ABCD	Bromwyn Smith (Searsport) and Jennifer Pratt (Searsport) v. Robert Kenney (Bangor), Maine Development Associates (Portland), Kim Draper (Bangor), and Shirley Kenney (Bangor)	NRG

TABLED CASES

E20-0181*	Deryk Martin (Bowdoin) v. Paragon Systems, Inc. (Manchester, NH)
E20-0249	Claire Uwamahoro (Westbrook) v. Granite Bay Care, Inc. (Portland)
E20-0304	Nicola Cox (Cumberland)v. Cumberland County Sheriff’s Office (Cumberland)