



Maine Human Rights Commission

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COMMISSION MEETING MINUTES FEBRUARY 14, 2022 MEETING

via ZOOM

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

AGENDA

Commissioner David moved, seconded by Commissioner Duson, 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). 4 in favor | 0 opposed | 1 abstained (Ashby abstained).

MINUTES

Commissioner Ashby moved, seconded by Commissioner David, to adopt the January 10, 2022 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Executive Director Amy Sneirson reported on the following Commission activities:

Monthly reports:

- Personnel: E.D. Sneirson noted that the Commission is extremely short staffed.
- Compliance: Since the last meeting, there were two unsuccessful conciliation and one successful conciliation. Six reasonable grounds cases remain in active conciliation.
 - Commissioner Ashby moved, seconded by Commissioner Duson, to accept a conciliation agreement in the reasonable-grounds case of *Norwood v Strictly Mobile et al.* (H21-0272-A/B) and a post-conciliation agreement in the reasonable-grounds case of *Malcolm v Apartments at Brunswick Landing et al.* (H21-0127-A/B). 5 in favor | 0 opposed.
- New Charges: No report available due to system upgrade. The estimated number of new charges is 50.
- Administrative Dismissals: Two administrative dismissals and 12 right-to-sue letters issued in January 2022.

NEW BUSINESS:

ED Sneirson noted that the Maine Legislature is in session. There was a public hearing on LD 1889, the one bill introduced by the Commission related to Whistleblowers' Protection Act application in unionized workplaces; a work session should occur soon. The Commission presented its November 2021 Government Oversight Act report to the Judiciary Committee at a hearing; an additional hearing is being scheduled to review the report.

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

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

PA19-0487-A/B*: Madeline Thomson Crossman (Belfast, ME) v. David Malay (Dexter, ME) & Airbnb (San Francisco, CA). Attorney Ed Gould restated the position of Respondent David Malay. Attorney Stephanie Schuster restated the position of Respondent Airbnb. Madeline Thomson Crossman restated her position as the Complainant. Investigator Jane O'Reilly reviewed the Investigator Report and recommendations of a prior Commission investigator. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that David Malay discriminated against Madeline Thomson Crossman on the basis of disability (her association with an individual with a disability). 4 in favor | 0 opposed | 1 abstained (Duson abstained). Commissioner Ashby moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Airbnb discriminated against Madeline Thomson Crossman on the basis of disability (her association with an individual with a disability). 4 in favor | 0 opposed | 1 abstained (Duson abstained).

PA20-0069*: Robert Kanzler (Freedom) v. Town of Freedom (Freedom). Attorney William Kelly restated the position of the Respondent. Complainant was not present. Investigator Kit Thomson Crossman reviewed the Investigator Report and recommendations of a prior Commission investigator. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that the Town of Freedom discriminated against Robert Kanzler on the basis of disability. 4 in favor | 1 opposed (Duson opposed).

E20-0304: Nicola Cox (Cumberland) v. Cumberland County Sheriff's Office (Cumberland). Nicola Cox restated her position as the Complainant. Attorney Robert Bower restated the position of the Respondent. Investigator Alex Brindlay reviewed her Investigator Report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Cumberland County Sheriff's Office discriminated against Nicola Cox on the basis of age and/or sex, and no reasonable grounds to believe that Cumberland County Sheriff's Office retaliated against Nicola Cox for engaging in MHRA- and/or WPA-protected activity. 5 in favor | 0 opposed.

H21-0300-B/C: Patricia McNally (Gardiner) v. State of Maine; Dept. of Health and Human Services (Augusta) & James Demmons (Richmond). Patricia McNally restated her position as the Complainant. Assistant Attorney General Kelly Morrell restated the position of Respondent State of Maine/DHHS. Respondent Demmons did not appear. Investigator Kit Thomson Crossman reviewed their Investigator Report and recommendations. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that State of Maine, Dept. of Health and Human Services discriminated against Patricia McNally on the basis of disability or retaliated against her for engaging in MHRA-protected activity. 4 in favor | 1 opposed (David opposed). Commissioner Ashby moved, seconded by Commissioner O'Brien to find no reasonable grounds to believe that James Demmons retaliated against Patricia McNally for engaging in MHRA-protected activity. 5 in favor | 0 opposed. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that James Demmons discriminated against Patricia McNally on the basis of disability. 4 in favor | 1 opposed (David opposed).

H21-0364-A/B*: Jayson Hanson (Lewiston) v. Clovis Niyukuri (Lewiston) and Michelene Nijimbere (Lewiston). Philemon Dushimire interpreted the proceedings for the Respondents. Attorney Elliott Epstein restated the position of the Respondents. Attorney Chet Randall restated the position of the Complainant. Investigator Jane O'Reilly reviewed her Investigator Report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Clovis Niyukuri and Michelene Nijimbere discriminated against Jayson Hanson on the basis of his sexual orientation or gender identity (hostile housing environment). 4 In favor | 1 opposed (O'Brien opposed).

H21-0370-A/B John Griffin (Augusta) v Greentree Associates II (Boston, MA) and Weston Associates Management Company, Inc./Weston Associates Management Company, Inc. (Boston, MA): Attorney David Van Baars restated the position of the Respondents. John Griffin restated his position as the Complainant. Investigator Alex Brindley reviewed the Investigator Report and recommendations of a prior investigator. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Greentree Associates II, Limited Partnership and/or Weston Associates Management Company, Inc. discriminated against John Griffin on the basis of disability, color, and/or race in the terms and conditions of his housing. 5 in favor | 0 opposed.

H21-0392*: W.G. (Bill) Diggles and Annette Kenerley (Rochester, NH) v. Wells-Moody Campground Condominium Association (Wells). Attorney Thomas Miscio restated the position of the Respondent. Bill Diggles restated his position as the Complainant. Investigator Jane O'Reilly reviewed her Investigator Report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find there are **reasonable grounds** to believe that Wells-Moody Campground Condominium Association discriminated against W.G. (Bill) Diggles and Annette Kenerley on the basis of their disabilities (denial of a reasonable accommodation). 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 1:25 PM, Commissioner Whitworth moved, seconded by Commissioner Duson, 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 2:13 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 5 in favor | 0 opposed.

At approximately 2:16 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.

PA20-0020:	Maura McDermott (Falmouth) v. Patriot Subaru (Saco)	NRG
PA20-0035:	Loren Shuck (Palermo, ME) v. Coastal Med Tech (Athens GA)	NRG
E20-0037:	Anmarie Gadbois (Gray) v. Lisa Haines (Freeport)	NRG
E20-0169:	Susan Deschene (Presque Isle) v. Aroostook County Action Program (Presque Isle)	NRG
E20-0249 :	Claire Uwamahoro (Westbrook) v. Granite Bay Care, Inc. (Portland)	NRG
PA20-0298:	Nicholas Gladu (Warren) v. Correct Care Solutions (aka Wellpath, LLC) (Augusta)	NRG
PA20-0356-A/B:	Nicholas Gladu (Warren) v. Maine Dept. of Corrections and Maine State Prison (Augusta)	NRG
E20-0421-A/B:	Melissa Morin (Westbrook) v. Transcat, Inc. (Rochester, NY) & IDEXX Laboratories (Westbrook)	NRG

TABLED

E20-0003	Gary Upham (Thomaston) v. Winthrop School Dept. (Winthrop)
E21-0181*	Deryk Martin (Bowdoin) v. Paragon Systems, Inc. (Manchester, NH)