



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051
Physical location: 19 Union Street, Augusta, ME 04330
Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711
www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES APRIL 11, 2022 MEETING

via ZOOM

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

AGENDA

Commissioner David moved, seconded by Commissioner O'Brien, 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.

MINUTES

Commissioner David moved, seconded by Commissioner Duson, to adopt the March 14, 2022 Commission Meeting Minutes. 4 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 15 training or educational sessions
- Finance: Presented/placed on file.

Monthly reports:

- Personnel: ED Sneirson welcomed new investigator Heather Leavitt-Soni, reported that the Commission had hired another investigator as well, and noted that office staffing issues were starting to ease.
- Compliance: Since the last meeting, there was one unsuccessful conciliation and one successful conciliation. Five reasonable-grounds cases remain in active conciliation.
 - Commissioner David moved, seconded by Commissioner Duson, to approve a Conciliation Agreement in the reasonable-grounds case of Hale & Hale v. Holiday Estates et. al. (H21-0259A-D). 4 in favor | 0 opposed.
 - Commissioner David moved, seconded by Commissioner Duson, to approve a post-Conciliation Agreement in the reasonable-grounds case of Sweden v. Development Corp. (E19-0390). 4 in favor | 0 opposed.
- New Charges: 35 new complaints filed in March 2022.
- Administrative Dismissals: 13 administrative dismissals in March 2022.
- Pre-determination resolutions/settlements in March 2022: 20 with benefits to complainants.

NEW BUSINESS:

ED Sneirson noted the following legislative updates:

- LD 1889, related to the application of the Maine Whistleblowers' Protection Act in workplaces with collective bargaining unions, has been enacted in the Maine Senate and House of Representatives, and remains to be signed by the Governor.
- LD 598 (the "CROWN Act"), related to protective hair styles based on race, has been engrossed at the Legislature and appears on its way to enactment. .

- LD 1871, related to extending the Commission’s pilot project accepting/reporting on complaints related to unhoused status, was signed by the Governor on April 4. This extends the pilot project, which was largely derailed during the COVID-19 pandemic, by two years.

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

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

PA20-0149-B: *Mysti Inanna Aymara (Windham) v Maine Department of Corrections (Augusta)*. Mysti Inanna Aymara restated her position as the Complainant. Attorney Jill O’Brien restated the position of the Respondent. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Duson, to find that there are no reasonable grounds to believe that the Maine Department of Corrections discriminated against Misti Inanna Aymara on the basis of disability and the complaint should be dismissed. 3 in favor | 1 opposed (Duson opposed).

PA20-0125: *Timothy Sounier (Augusta) v. Correct Care Solutions (Augusta)*. Timothy Sounier restated his position as the Complainant. Attorney Lisa Peck restated the position of the Respondent. Investigator Alex Brindley reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Duson, to find that there are no reasonable grounds to believe that Correct Care Solutions discriminated against Timothy Saumier on the basis of disability and/or sex and the complaint should be dismissed. 4 in favor | 0 opposed.

E20-0180: *Alyssa Angell (Turner) v. Remedy Compassion Center, Inc. d/b/a Curaleaf Auburn (Auburn)*. Attorney Adam Lee restated the position of the Complainant. Attorney Melinda Catherine restated the position of the Respondent. Investigator Alex Brindley reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner O’Brien, to find that there are no reasonable grounds to believe that Remedy Compassion Center discriminated against Alyssa Angell based on her disability and/or sex, or retaliated against her for engaging in WPA- and/or MHRA-protected activity, and the complaint should be dismissed. 4 in favor | 0 opposed.

E20-0159: *Patricia Robinson (North Yarmouth) v. MSAD 51 (Cumberland)*. Patricia Robinson restated her position as the Complainant. Attorney Jeana McCormick restated the position of the Respondent. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Duson moved, seconded by Commissioner O’Brien, to find that there are no reasonable grounds to believe that MSAD 51 retaliated against Patricia Robinson for engaging in MHRA- and/or WPA-protected activity and the complaint should be dismissed. 4 in favor | 0 opposed.

H21-0436A/B*: *Therese Kapinga (Portland) v. Sean Duffy (Portland) and Terrace Pond, LLC (Portland)*. Attorney Erik Peters restated the position of the Respondents. Attorney Brooke Bailey restated the position of the Complainant. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Duson moved, seconded by Commissioner David, to find reasonable grounds to believe that Sean Duffy and Terrace Pond, LLC discriminated against Complainant based on her national origin and/or color (hostile housing environment, making housing unavailable) and that conciliation should be attempted; after Commissioner Ashby suggested taking the two claims separately, Commissioner Duson withdrew her motion and Commissioner David withdrew his second of the motion. Commissioner Ashby moved, seconded by Commissioner David, to find that there are **reasonable grounds** to believe that Sean Duffy and Terrace Pond, LLC discriminated against Complainant by making housing unavailable based on her national origin and/or color and the claim should be conciliated. 3 in favor | 1 opposed (O’Brien opposed). Commissioner Duson moved, seconded by Commissioner David, to find reasonable grounds to believe that Sean Duffy and Terrace Pond, LLC discriminated against Complainant by subjecting her to a hostile housing environment based on her national origin and/or color. 2 in favor | 2 opposed (O’Brien, Ashby opposed); as the motion did not prevail, the default finding is that there are no reasonable grounds to believe unlawful discrimination occurred and the claim should be dismissed.

H21-0467-A/B: *Carl White (Orono) v. Laurene G. Vanpeuresm, Jr. (Bangor) and Maine Development Associates (Portland)*. Attorney Megan Salvin restated the position of the Complainant. Attorney Bill Kelly restated the position of the Respondent. Investigator Jane O’Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find that there are no reasonable grounds to believe that Laurene G. Vanpeuresm, Jr. and/or Maine Development Associates either discriminated against Carl White on the basis of disability (refusal to rent,

denial of a reasonable accommodation) or retaliated against Carl White for engaging in MHRA-protected activity, and the claims should be dismissed. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:20 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). 4 in favor | 0 opposed.

At approximately 1:20 PM, Commissioner David moved, seconded by Commissioner Ashby, to come out of Executive Session. 4 in favor | 0 opposed.

LITIGATION

With regard to reasonable-grounds cases that did not resolve via conciliation, Commissioner David moved, seconded Commissioner Ashby, to litigate *Carey v. Rackliff/CB Mattson* (H21-0257-A, C) and *Selassie v. Mark and Michelle Fortin* (H21-0196-A, B) and to not litigate *McKellar v. The Hertz Co.* (E19-0274) or *Elliott v. O'Reilly Auto Parts* (E20-0183). 4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Duson, to authorize Commission Counsel to proceed with the Commission's rulemaking process for Commission Rules 2, 3, 7, and 8. 4 in favor | 0 opposed.

At 1:25 PM, Commissioner Duson moved, seconded by Commissioner O'Brien 1:24 PM 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.

ED20-0074	<i>Clara N. Obi (Bangor) v. Husson University (Bangor)</i>	NRG
E20-0130*	<i>Garrett Jones (Loves Park, IL) v. Coretelligent (Westwood, MA)</i>	RG
PA20-0133	<i>Jacob Silverman (Hancock) v. Corporal Christopher Smith (Augusta) and MaineCoast Memorial Hospital (Ellsworth)</i>	NRG
PA20-0149-AM	<i>Myesti Inanna Aymara (Windham) v. Wellpath (Augusta)</i>	NRG
E20-0234	<i>Mark Wigley (Eastport) v. Brookside Condominium Association (Newry)</i>	NRG
E21-0214	<i>Bobby Mills (Biddeford) v. The Landing at Saco Bay (Saco)</i>	NRG
H21-0460AB	<i>Gary Manuel (Bangor) v. The Caleb Group (Bangor) and Waterworks Development, LP (Bangor)</i>	NRG

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