



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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COMMISSION COUNSEL

## COMMISSION MEETING MINUTES June 13, 2022 Meeting

*\*via ZOOM\**

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

Executive Director Amy Sneirson announced that Jill Duson had resigned her membership in the Commission as of Friday 6/10/2022. Commissioner David moved to accept Ms. Duson's resignation and thank her for her service to the Commission and public; the motion failed due to lack of a second.

### AGENDA

Commission 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). 4 in favor | 0 opposed.

### MINUTES

Commissioner O'Brien moved, seconded by Commissioner David, to adopt the May 16, 2022 Commission Meeting Minutes. 3 in favor | 0 opposed | 1 abstained (Ashby abstained).

### ADMINISTRATION

ED Sneirson reported on the following Commission activities:

#### Monthly reports:

- Personnel: ED Sneirson noted that the Commission is nearly fully staffed. One more investigator position has been posted to fill.
- Compliance: Since the last meeting, there was one unsuccessful conciliation and two successful conciliations. Four reasonable-grounds cases remain in active conciliation.
  - Commissioner Ashby moved, seconded by Commissioner David, to approve agreements in the reasonable-grounds cases *Diggles v. Wells-Moody Campground* (H21-0392) and *King v. Sunrise Assisted Living* (H/PA21-00422). 4 in favor | 0 opposed.
- New Charges: 49 new complaints filed in May 2022.
- Administrative Dismissals: 42 administrative dismissals in May 2022.
- Pre-determination Resolutions: 7 in May 2022.

### NEW BUSINESS:

ED Sneirson asked Commissioners to approve dismissal of two reasonable-grounds cases in which agreements had been fully implemented. Commissioner Whitworth moved, seconded by Commissioner David, to dismiss *Fogg v Betsy Ann Ross House of Hope, et al.* (H20-0034A/B/C)) and *Lizotte v Hannaford Broadway* (PA19-0405). 4 in favor | 0 opposed.

ED Sneirson noted the Commission will be working on the next biennial budget over the summer. The Commission completed the business portion of the agenda at 8:43 AM.

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

E20-0247\*: Matthew Cusack (Portland) v. R. M. Davis, Inc. (Portland). Attorney Linda McGill restated the position of the Respondent. Matthew Cusack, with Attorney Danielle Quinlan, restated his position as the Complainant. Investigator Thomson Crossman reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that R.M. Davis, Inc. discriminated against Matthew Cusack on the basis of disability and to dismiss the claim. 4 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Ashby, to find reasonable grounds to believe that R.M. Davis, Inc. retaliated against Matthew Cusack for engaging in WPA-protected activity and to attempt conciliation. 2 in favor | 2 opposed (Whitworth, O'Brien opposed). Without a majority vote in favor of a reasonable-grounds finding, the motion failed; the default finding was that there are no reasonable grounds to believe unlawful WPA retaliation occurred and the claim is dismissed.

E20-0285: Sara Goodwill (Harrison) v. Better Homes & Gardens/The Masiello Group (Keene, NH). Attorney Eric Uhl restated the position of the Complainant. Attorney Adam Taylor restated the position of Respondent. Investigator Kit Thomson-Crossman reviewed their report and recommendations. Commissioner Whitworth moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Better Homes & Gardens/The Masiello Group discriminated against Sara Goodwill on the basis of age and dismiss the claim and no reasonable grounds to believe that Better Homes & Gardens/The Masiello Group retaliated against Sara Goodwill for engaging in WPA- or MHRA-protected activity and to dismiss the claim. 3 in favor | 1 opposed (Ashby opposed).

H/PA22-0019A/B\*: Sampson Miller (Biddeford) v. American Best Value Inn (Biddeford) and Prestige Motel Management, Inc. (Biddeford). Attorney Stephen Bell restated the position of the Respondent(s). Sampson Miller restated their position as the Complainant. Investigator Alex Brindley reviewed their report and recommendations. Commissioner O'Brien moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Respondent(s) discriminated against Complainant on the basis of race, color, national origin, religion, and/or receipt of public assistance and to dismiss the claims. 4 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent(s) discriminated against Complainant on the basis of disability and to dismiss the claim. 3 in favor | 1 opposed (Ashby opposed).

H22-0021-A-G: Jonathan Bergeron (Brunswick) v. University of Maine at Presque Isle (Orono), AmeriCorps/NHCC (Concord, NH), University of Maine System (Orono), Raymond Rice (Orono), Stephanie Lesperance (Concord, NH), Mary Kate Barbosa (Orono), Matt Morrin (Orono). Jonathan Bergeron restated his position as the Complainant. Attorney Shiloh Theberge restated the position of Respondents the University of Maine at Presque Isle, the University of Maine System, Betsy Sawhill Espe, Raymond Rice, Mary Kate Barbosa, and Matt Morrin. Attorney Elizabeth Oliver restated the position of Respondents AmeriCorps/NHCC and Stephanie Lesperance. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Respondents discriminated against Complainant on the basis of disability, sexual orientation, gender identity, and/or receipt of public assistance and to dismiss those claims and no reasonable grounds to believe that Respondents retaliated against Complainant for engaging in MHRA-protected activity and to dismiss that claim. 3 in favor | 0 opposed | 1 abstained (Ashby abstained).

## **EXECUTIVE SESSION**

At 11:41 AM, Commissioner Whitworth 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 12:00 PM, Commissioner Whitworth moved, seconded by Commissioner Ashby, to come out of Executive Session. 5 in favor | 0 opposed.

## **LITIGATION**

Commissioner Ashby moved, seconded by Commissioner Whitworth, to litigate the reasonable-grounds case *Hanson v. Niyukuri/Nijmbere* (# H21-0364-A/B). 4 in favor | 0 opposed.

At 12:01 PM, the meeting adjourned.

## 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.

E20-0181	Deryk Martin (Bowdoin) v Paragon Systems, Inc. (Manchester, NH)	NRG
E20-0177	Tammie Goggin (Ellsworth) v. Bucksport Regional Health Center (Bucksport)	NRG
E20-0215	Stephanie Poulin (Auburn) v. Lewiston School Department (Lewiston)	NRG
E20-0260	Rocco Cavallaro (Portland) v. South Portland (ME) School Department (South Portland)	NRG
E20-0269	Thomas Cowern (Kittery Point) v. A Caring Community, A Fabulous Find Resale Shop (Kittery)	NRG
E20-0275	David Zielinski (Limerick) v. Huntington Common, Inc. (Kennebunk)	NRG
E20-0300-ABC	Nichole Marotta (Old Town) v. Dennis Guerrette (Bangor), Stephanie Oxley (Bangor), & Julia Bangor)	NRG
E20-0339	Brian Nyakwara (Auburn) v. Home2 Suites (South Portland)	NRG
H21-0464-A/B	Kelly Goards (Waterville) v. Waterville Housing Authority (Waterville) and Dalton Court, LLC (Waterville)	NRG
E20-0469	Sherry Terra (Glenburn) v. The Housing Foundation (Orono)	NRG
H22-0001	Gary Manuel (Bangor) v. The Caleb Group (Bangor)	NRG

## TABLED

PA21-0236\* Bertier Ouellette (Waterville) v. Trinity Evangelical Free Church & Homeless Shelter (Skowhegan)

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