



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

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COMMISSION MEETING MINUTES DECEMBER 12, 2022 MEETING

Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM

Commissioner Jefferson Ashby chaired the meeting and called it to order at 8:45 AM, a delay necessary to allow American Sign Language (“ASL”) to arrive to interpret the proceedings. Also present were Commissioners Edward David, Julie O’Brien, Thomas Douglas, and Mark Walker.

AGENDA

Commissioner O’Brien moved, seconded by Commissioner Douglas, 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 4). 5 in favor | 0 opposed.

MINUTES

Commissioner Douglas moved, seconded by Commissioner O’Brien, to adopt the November 2022 Commission Meeting Minutes. Commission Counsel Barbara Archer Hirsch noted that Commissioner Douglas had not been present for all of the November 2022 meeting, leading Commissioner Douglas to withdraw (and Commissioner O’Brien to withdraw her second of) his motion. Commissioner Walker moved, seconded by Commissioner O’Brien, to adopt the November 2022 Meeting Minutes. 4 in favor | 0 opposed | 1 abstained (Douglas abs.).

ADMINISTRATION

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

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there was 1 unsuccessful conciliation and 1 successful conciliation, with three reasonable-grounds cases remaining in active conciliation.
 - Commissioner David moved, seconded by Commissioner O’Brien, to accept the conciliation agreement in the reasonable-grounds case Marquis v Northern Maine Medical Center (PA21-0113). 5 in favor | 0 opposed.
- New Charges: 42 new complaints filed in November.
- Administrative Dismissals: 28 administrative dismissals issued in November.
- Pre-determination settlements: 8 with benefits of \$107,000 to complainants in November.

New Business: Commissioner Ashby moved to withdraw the November 7, 2022 finding made in Casavant v. University of Maine System (ED/PA20-0470) and set the matter for a new hearing, explaining that he had not realized at the time of the November hearing that he had a conflict of interest in the matter. Commissioner David seconded the motion. Apologizing to the parties and his fellow Commissioners, Commissioner Ashby stated that after voting on the motion, he would take part no further in matters related to the case. 5 in favor | 0 opposed.

At approximately 9:00 AM Commissioner Ashby began the Morning Session Hearing Agenda.

CASES VOTED ON IN A.M. SESSION

PA20-0477*: Sue Draper (Ellsworth) v. City of Ellsworth Police Department (Ellsworth). Attorney Mark Franco restated the position of the Respondent. Attorney Peter Rice restated the position of the Complainant. Investigator Robert Beauchesne presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner Douglas, to find that there are **reasonable grounds** to believe that City of Ellsworth Police Department discriminated against Sue Draper on the basis of disability, and conciliation should be attempted. 3 in favor | 2 opposed (O'Brien, Walker opp.). Hearing of this case was interpreted in/out of ASL.

E20-0454*: Mark Brooks (Portland) v. Evernorth/Housing Vermont/Northern New England Housing Investment Fund (Portland). Attorney John Gleason restated the position of the Respondents. Attorney Maria Fox restated the position of Complainant. Investigator Courtney Burne presented/answered Commissioner questions about the investigation and report. Commissioner Ashby moved, seconded by Commissioner David, to find there are no reasonable grounds to believe Evernorth/Housing Vermont/Northern New England Housing Investment Fund retaliated against Mark Brooks for engaging in WPA-protected activity and the case should be dismissed. 3 in favor | 2 opposed (O'Brien, Douglas opp.).

E20-0460*: Christopher Fugere (Minot) v. Patriot Mechanical, LLC (Gorham). Attorney Kelly Hoffman restated the position of Respondent. Attorney Jason Dionne restated the position of the Complainant. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about another investigator's report and investigation. Commissioner David moved, seconded by Commissioner Douglas, to find there are **reasonable grounds** to believe that Respondent Patriot Mechanical LLC discriminated against Christopher Fugere on the basis of WPA-protected activity and conciliation should be attempted. 5 in favor | 0 opposed.

E20-0466*: Abdirizaq Hassan (Boston, MA) v. Uber Technologies, Inc. (San Francisco, CA). Attorney Ellen Lemire restated the position of the Respondent. Attorney Valerie Wicks restated the position of the Complainant. Investigator Courtney Burne presented/answered Commissioner questions about the investigation and report. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find there are no reasonable grounds to believe that Uber Technologies, Inc. retaliated against Abdirizaq Hassan for engaging in MHRA-protected activity and the claim should be dismissed. 5 in favor | 0 opposed. Commissioner O'Brien, seconded by Commissioner Douglas, moved to find **reasonable grounds** to believe that Uber Technologies, Inc. retaliated against Abdirizaq Hassan for engaging in WPA-protected activity and conciliation on the claim should be attempted. 5 in favor | 0 opposed. Commissioner O'Brien moved, seconded by Commissioner Walker, to find no reasonable grounds to believe that Uber Technologies, Inc. discriminated against Abdirizaq Hassan on the basis of race and national origin and the claims should be dismissed. 2 in favor | 3 opposed (Ashby, David, Douglas opp.). Commissioner Douglas moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Uber Technologies, Inc. discriminated against Abdirizaq Hassan on the basis of race and national origin and conciliation on the claim should be attempted. 3 in favor | 2 opposed (O'Brien, Walker opp.).

E20-0489AB: Dr. Richard Sceपुरa v Marge Wiggins (Portland) and MaineHealth (Portland). Attorney Bullock restated the position of the Complainant. Attorney Michelle Bush restated the position of the Respondents. Investigator Robert Beauchesne presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Marge Wiggins

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

or MaineHealth discriminated against Kathleen Kneeland on the basis of age or sex, and the complaint should be dismissed. 4 in favor | 0 opposed | 1 abstained (Walker abst.).

PA20-0491*: Lindsey Leonard (Augusta) v. Walmart (Augusta). Attorney Andro Hannoush restated the position of the Respondent. Attorney Valerie Wicks restated the position of the Complainant. Assistant Commission Counsel Kit Thomson Crossman presented/answered Commissioner questions about the investigation and report. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find that there are **reasonable grounds** to believe that Walmart discriminated against Lindsey Leonard on the basis of sex and conciliation should be attempted. 5 in favor | 0 opposed.

At approximately 12:35 PM, the Commission took a brief recess.

At approximately 12:50 PM, Commissioner Ashby began the Afternoon Session Hearing Agenda.

CASES VOTED ON IN P.M. SESSION

PA20-0518*: Adina Bercowicz/obo Minor Child (Falmouth) v. Maine Academy of Gymnastics (Westbrook). Alyssa Amundsen restated the position of the Respondent. Adina Bercowicz restated her position as the Complainant. Investigator Courtney Burne presented/answered Commissioner questions about the investigation and report. Commissioner O'Brien moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Maine Academy of Gymnastics discriminated against Adina Bercowicz and her minor child on the basis of disability and that claim should be conciliated, and no reasonable grounds to believe that Maine Academy of Gymnastics retaliated against Adina Bercowicz and her minor child for engaging the MHRA-protected activity and that claim should be dismissed. 5 in favor | 0 opposed.

E21-0215: Christopher DeCapua (Limington) v. Town of Limington (Limington). E.D. Sneirson noted that the Commission hearing agenda mistakenly listed Melissa Perkins as a respondent in this matter, which was erroneous. Attorney John Chapman restated the position of the Complainant. Attorney Jonathan Brogan restated the position of the Respondent. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about the investigation and report. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about another investigator's report and investigation. Commissioner O'Brien moved, seconded by Commissioner Walker, to find no reasonable grounds to believe that the Town of Limington discriminated against Christopher DeCapua for engaging in MHRA- or WPA-protected activity and the case should be dismissed. 5 in favor | 0 opposed.

H22-0219A-D: Steven Savoie Sr. (Boulston, MA) v. Mousam River Campground, Inc. (Kennebunk), MRC Partnership (Kennebunk), Ted Hissong (Kennebunk), and Bob Emmons (Kennebunk). Steven Savoie Sr. restated his position as the Complainant. Respondents were not present. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about another investigator's report and investigation. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Mousam River Campground, Inc., MRC Partnership, Ted Hissong, or Bob Emmons discriminated against Steven Savoie Sr. on the basis of disability (denial of reasonable accommodations and eviction) and the complaint should be dismissed. 5 in favor | 0 opposed.

H22-0222AB*: Zelia Correia (Belfast) v. Bayview Apartments (Bath) and Bob Hutchinson (Bath). Attorney Kelley Mellenthin restated the position of the Respondents. Zelia Correia restated her position as the Complainant. Lead

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Investigator Jane O'Reilly presented/answered Commissioner questions about another investigator's report and investigation. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find no reasonable grounds to believe that Bayview Apartments and Bob Hutchinson discriminated against Zelia Correia on the basis of sex, sexual orientation or gender identity, disability and/or familial status (hostile housing environment and hostile housing environment) and those claims should be dismissed. 5 in favor | 0 opposed. Commissioner Douglas moved, seconded by Commissioner Walker, to find reasonable grounds to believe that Bayview Apartments and Bob Hutchinson discriminated against Zelia Correia on the basis of receipt of public assistance and conciliation of that claim should be attempted. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At approximately 2:30 P.M., Commissioner Walker left the meeting.

At approximately 2:30 P.M., 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 3:00 P.M., Commissioner Douglas moved, seconded by Commissioner O'Brien, to come out of Executive Session. 4 in favor | 0 opposed.

At approximately 3:00 P.M., the meeting was 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.

	<u>Finding</u>
ED/PA20-0451, Rodney/Deborah Bryant o/b/o minor child (Gorham) v. Gorham School District (Gorham)	NRG
E20-0453AB, Alex Zipparo (Newcastle) v. SOM; Dept of ACF (Augusta), Leigh Hallett (Augusta)	NRG
E20-0481, Mark Belserene (Belgrade) v. SOM; BHR and Department of Education (Augusta)	NRG
E20-0500, Darla McFarland (Rockland) v. Colonial Management Group (Maitland, FL)	NRG
E20-0528, Tracy Brackett (New Sharon) v. Pola Buckley (Aug.), Kristin Guerette (Aug.), Melissa Perkins (Aug.)	NRG
PA21-0513, Helen Kulper (Anaheim, CA) v. United Parking Partners (Portland)	NRG
H22-0188, Turlach Wilks (South Berwick) v. Norton Street Neigh. Revit. Ltd. Partn. (Portland), Alliance Asset Mgmt., Inc (E. Boothbay), Diana Beleau (E. Boothbay), Dana Magane (E. Boothbay)	NRG
H22-0197AB, Koren Korenko (Woolwich), Allie Pertel (Bath) v. Forrest Butler (Brunswick), Emily Butters (Brunswick)	NRG
H22-0239AB, Jonathan Holmes (Portland) v. Chaya LLC (Cape Elizabeth) & Jensen's Property Management and Maintenance (Windham)	NRG

TABLED

E20-0525* Shannon Mason-Gaworski (Lisbon Falls) v Food City (Lisbon Falls)
E21-0041* David Warren (Freeport) v. Wayfair Maine, LLC (Brunswick)
PA21-0236* Bertier Ouellette (Waterville) v. Trinity Evang. Free Church & Homeless Shelter Skowhegan)

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