



# 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](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES FEBRUARY 13, 2023 MEETING

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

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

### AGENDA

Commissioner O'Brien 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 5). 3 in favor | 0 opposed.

### MINUTES

Commissioner O'Brien moved, seconded by Commissioner David, to adopt the January 2023 Commission Meeting Minutes. 3 in favor | 0 opposed.

Commissioners Mark Walker and Thomas Douglas joined the meeting at approximately 8:35 AM.

### 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 were no unsuccessful conciliations and no successful conciliations, with eight reasonable-grounds cases remaining in active conciliation.
  - There are two reasonable-grounds cases which are ready to be dismissed because conciliation agreements have been fully implemented. Commissioner David moved, seconded by Commissioner O'Brien, to dismiss *Bailey v Avesta Carleton, Ltd., et al* (H19-0397A-D) and *Johnson/Johnson v Auger* (H20-0524-A). 4 in favor | 0 opposed | 1 abstained (Douglas).
- New Charges: 35 new complaints filed in January.
- Administrative Dismissals: 5 administrative dismissals issued in January.
- Pre-determination settlements: nine, with benefits of \$338,500 to complainants, in January.

### New Business:

E.D. Sneirson reported that the Legislature had begun budget hearings, both on the FY2023 Supplemental Budget (which did not contain any initiatives related to the Commission) and the FY2024-2025 Biennial Budget (which does contain a number of Commission initiatives, including two new positions).

At approximately 8:46 AM, Commissioner Ashby began the Morning Session Hearing Agenda.

## CASES VOTED ON IN A.M. SESSION

ED/PA20-0470\*: Ann Casavant (Woolwich) v. University of Maine System (Gorham). Attorney Deirdre Salsich presented Respondent University of Maine System's position. Attorney Kristin Aiello presented Complainant Ann Casavant's position. Deputy Commission Counsel Kit Thomson Crossman presented/answered Commissioner questions about Investigator Courtney Burne's investigation and report. Commissioner David moved, seconded by Commissioner Douglas, to find that there are **reasonable grounds** to believe that the University of Maine System discriminated against Ann Casavant on the basis of sex and sexual orientation or gender identity, and conciliation should be attempted in accordance with 5 M.R.S. 4612(3). 3 in favor | 1 opposed (Walker) | 1 recused (Ashby).

PA21-0003: Jonathan Chevrier (Warren) v. Maine State Prison (Warren). Jonathan Chevrier presented his position as the Complainant. Attorney Jill O'Brien presented Respondent Maine State Prison's position. Dep. CC Thomson Crossman presented/answered Commissioner questions about the investigation and report. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Maine State Prison discriminated against Jonathan Chevrier on the basis of disability and there are no reasonable grounds to believe that Maine State Prison retaliated against Jonathan Chevrier for engaging in statutorily protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

H22-0253-A/B/C\*: Dominique Deschaine (Auburn) v. Auburn Housing Authority (Auburn), Leah Landry (Auburn), and Daniel Jordan (Auburn). Attorney Jonathan Brogan presented the Respondents' position. Dominique Deschaine presented her position as the Complainant. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about Investigator Courtney Burne's investigation and report.

- Commissioner Ashby moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Leah Landry discriminated against Dominique Deschaine on the basis of race and color, and this claim should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed | 1 recused (Douglas).
- Commissioner Ashby moved, seconded by Commissioner David, to find that there are **reasonable grounds** to believe that Daniel Jordan discriminated against Dominique Deschaine on the basis of race and color, and conciliation of this claim should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 0 opposed | 1 recused (Douglas).
- Commissioner Ashby moved, seconded by Commissioner Walker, to find that there are **reasonable grounds** to believe that Auburn Housing Authority discriminated against Dominique Deschaine on the basis of race and color, and conciliation of this claim should be attempted in accordance with 5 M.R.S. § 4612(3). 3 in favor | 1 opposed (O'Brien) | 1 recused (Douglas).

H22-0200-A/B/C: Tyler Strout (Portland) v. Solterra Apartments (Portland), Avesta Housing (Portland) & Unknown Resident (Portland). Tyler Strout presented his position as the Complainant. Attorney Amy Olfene presented the position of Respondent Solterra Apartments. Attorney Jon Michalak presented the position of Respondent Avesta Housing. Deputy CC Thomson Crossman presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner Walker, to find that there are no reasonable grounds to believe that Solterra Apartments discriminated against Tyler Strout on the basis of religion, and there are no reasonable grounds to believe that Avesta Housing discriminated against Tyler Strout on the basis of religion, and there are no reasonable grounds to believe that Unknown Resident

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

discriminated against Tyler Strout on the basis of religion, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed | 1 recused (Ashby).

E21-0290: Zachary Lavallee (Dresden) v. Bath Iron Works Corporation (Bath). Zachary Lavallee presented his position as the Complainant. Attorney Steven Silver presented the position of Respondent Bath Iron Works. Investigator Angela Morse presented/answered Commissioner questions about her investigation and report. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Bath Iron Works Corporation retaliated against Zachary Lavallee for engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. 4612(2). 5 in favor | 0 opposed.

E21-0404: John Davis (Newburgh) v. Penobscot County Commissioners. Complainant did not appear. Commissioner Ashby moved, seconded by Commissioner David, to find there are no reasonable grounds to believe that Penobscot County Commissioners discriminated against John Davis on the basis of age and/or disability and there are no reasonable grounds to believe that Penobscot County Commissioners retaliated against John Davis on the basis of engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

E21-0439: Jason Dubay (Baileyville) v. Woodland Pulp, LLC (Baileyville). Attorney Marshall Tinkle presented Complainant Jason Dubay's position. Attonrey Daniel Nuzzi presented Respondent Woodland Pulp's position. Investigator Angela Morse presented/answered Commissioner questions about her investigation and report. Commissioner O'Brien moved, seconded by Commissioner David, to find that there are no reasonable grounds to believe that Woodland Pulp, LLC discriminated against Jason Dubay based on perceived disability, or retaliated against him for engaging in MHRA- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

At approximately 12:30 PM, Commissioner Ashby began the Afternoon Session Hearing Agenda.

### **CASES VOTED ON IN P.M. SESSION**

E21-0021\*: Zachary Hobbs (Sanford) v. Lee Auto Malls (Westbrook). Attorney Harper Weissberg presented Respondent Lee Auto Malls' position. Attorney David Webbert presented Complainant Zachary Hobbs' position. Investigator Colin Hurd presented/answered Commissioner questions about his investigation and report.

- Commissioner David moved, seconded by Commissioner O'Brien, to find that there are reasonable grounds **reasonable grounds** to believe that Lee Auto Malls retaliated against Zachary Hobbs for engaging in MHRA-protected activity, and conciliation should be attempted in accordance with 5 M.R.S. 4612(3). 5 in favor | 0 opposed.
- Commissioner O'Brien moved, seconded by Commissioner Walker, to find that there are no reasonable grounds to believe that Lee Auto Malls discriminated against Zachary Hobbs on the basis of race, color, ancestry, or disability (hostile work environment, discharge), and the claim should be dismissed in accordance with 5 M.R.S. 4612(2). 3 in favor | 2 opposed (David, Douglas opposed).
- Commissioner Ashby moved, seconded by Commissioner Walker, to find that there are no reasonable grounds to believe that Lee Auto Malls retaliated against Zachary Hobbs for engaging in WPA-protected activity, and this claim should be dismissed in accordance with 5 M.R.S. 4612(2). 5 in favor | 0 opposed.

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

At this time, John Davis appeared and sought reconsideration of the earlier finding in his case (E21-0404, Davis v. Penobscot County Commissioners) due to technical difficulties. Commissioner Ashby moved, seconded by Commissioner David, to reconsider the earlier vote to find no reasonable grounds to believe that Penobscot County Commissioners discriminated against John Davis on the basis of age and/or disability and there are no reasonable grounds to believe that Penobscot County Commissioners retaliated against John Davis on the basis of engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed. With this vote, Case E21-0404 will be set for rehearing on the Commission's March Hearing Agenda.

H22-0317-A/B: Clifford Roy & Jessica Lagrange (Mechanic Falls) v. Albert Bazinet & Nu-Realty (Auburn). Clifford Roy and Jessica Lagrange presented their position as the Complainants. Attorney Jason Dionne presented the position of Respondents Bazinet and Nu-Realty. Investigator Angela Morse presented/answered Commissioner questions about her investigation and report. Commissioner Ashby moved, seconded by Commissioner Douglas, to find that there are no reasonable grounds to believe that Albert Bazinet and/or Nu Realty discriminated against Clifford Roy and/or Jessica Lagrange on the basis of sex, disability, and/or national origin, or retaliated against them for engaging in MHRA-protected conduct, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

E20-0544\*: Edgar Randolph (Rockland) v. Rockland Marine Corp. (Rockland). Attorney Stephen Langsdorf presented Respondent Rockland Marine Corp.'s position. Attorney Ryan Schmitz presented Complainant Edgar Randolph's position. Dept. CC Thomson Crossman 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 Rockland Marine Corp. discriminated against Edgar Randolph by creating a hostile work environment on the basis of race, national origin, ancestry, and/or color, and conciliation should be attempted in accordance with 5 M.R.S. 4612(3). 5 in favor | 0 opposed.
- Commissioner David moved, seconded by Commissioner Douglas, to find that there are there are reasonable grounds to believe that Rockland Marine Corp. discriminated against Edgar Randolph by discharging him on the basis of race, national origin, ancestry, color, and/or age, and conciliation should be attempted in accordance with 5 M.R.S. 4612(3). 2 in favor | 3 opposed (Ashby, O'Brien, Walker opposed); the motion failed.
- Commissioner Ashby moved, seconded by Commissioner Walker, to find there are no reasonable grounds to believe that Rockland Marine Corp. discriminated against Edgar Randolph by discharging him on the basis of race, national origin, ancestry, color, and/or age, and this claim should be dismissed in accordance with 5 M.R.S. § 4612(2). 3 in favor | 2 opposed (David, Douglas opposed).

## EXECUTIVE SESSION

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). 5 in favor | 0 opposed.

At approximately 3:00 P.M., Commissioner Ashby moved, seconded by Commissioner Walker, to come out of Executive Session. 5 in favor | 0 opposed.

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

## LITIGATION

Regarding reasonable-grounds cases in which conciliation was unsuccessful, Commissioner Ashby moved, seconded by Commissioner O'Brien, to commence court enforcement regarding *Fakory v. Burnham Brookside/Lebel* (H22-0114A/B) and to *not* commence court enforcement regarding *Cole v Russell* (E20-0410). 5 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Douglas, to approve a settlement agreement in the court matter *Maine Human Rights Commission (for the use of Whitney and Bryan Tummings) v. Joe and Karen Russo* (what had been MHRC #H20-0340). 5 in favor | 0 opposed.

At approximately 3:10 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.

E20-0525	Shannon Mason-Gaworksi (Lisbon Falls) v. Food City (Lisbon Falls)	NRG
E21-0002	Amanda Ricci (Livermore Falls) v. Fedcap (Portland)	NRG
E21-0014AB	Patricia St John (S. Portland) v. Cumberland Farms, Inc (Portland) & Cumberland Farms, Inc (Westborough, MA)	NRG
E21-0041	David Warren (Freeport) v. Wayfair Maine, LLC (Brunswick)	NRG
E21-0345	Mark Foley (Biddeford) v. Through These Doors (Portland)	NRG
PA21-0454	Michael Blasingame (Windham) v. Maine Department of Corrections (Augusta)	NRG
E22-0046	Erica Wallen-Cifelli (Topsham) v. Bath Iron Works (Bath)	NRG
E22-0168*	Robert Biancamano (Bridgton) v. Family Dollar Store (Bridgton)	<b>RG</b>

## TABLED

H22-0297 Raymond Porelle Jr. (Wells) v. Lisa Warren (Wells)

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