



**Maine Human Rights Commission**  
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Amy M. Sneirson  
*Executive Director*

John P. Gause  
*Commission Counsel*

**COMMISSION MEETING MINUTES**

*19 Union Street ~ Augusta, Maine*

**December 12, 2011**

Commissioner Vestal called the December 12, 2011 Commission meeting to order at 8:30 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Deborah Whitworth, and Arnold Clark.

Commissioner Vestal called for adoption of the agenda.

- Acting Executive Director John P. Gause requested that case H11-0449: Laureen McQuade v. Norma M. Rice Irrevocable Trust be tabled to the January 23 Meeting.
- Acting Executive Director John P. Gause requested that case E11-0086: Irene Morton v. Town of Casco be tabled to the January 23 Meeting.
- Acting Executive Director John P. Gause requested that case PA10-0495: Namig Feyziyev v. City of South Portland be moved to the first case on the agenda because of an interpreter.
- Acting Executive Director John P. Gause requested that case E11-0001 R Ted Laguerre v. Hearst Communications, Inc. be removed from the Agenda due to the withdrawal of the complaint by Complainant.

Commissioner Chandler moved, seconded by Commissioner Whitworth to adopt the agenda as amended. 4 in favor | 0 opposed.

**CONSENT AGENDA** (see detailed listing on page 6)

Commissioner Chandler moved, seconded by Commissioner Whitworth, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed.

**MINUTES:**

Commissioner Chandler moved, seconded by Commissioner Clark to adopt the October 31<sup>st</sup> Commission Meeting Minutes as corrected. 4 in favor | 0 opposed.

**ADMINISTRATION:**

Personnel Report: Acting Executive Director John P. Gause reviewed the report dated December 6, 2011 noting no significant staff changes. Two externs have completed their internships with the Commission; a new extern will join the Commission in January.

**COMPLIANCE:**

Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

**INVESTIGATION:**

- New Charges: Commission staff opened 43 new cases in October and 56 in November.
- Administrative Dismissals: Commission staff dismissed 43 cases in October and 62 cases in November.
- Pre-determination Settlements: During the month February, staff were responsible for obtaining settlements in 20 cases resulting in total monetary relief of \$ 169,896 for complainants.

**APPOINTMENT OF EXECUTIVE DIRECTOR:**

Commissioner Chandler moved, seconded by Commissioner Whitworth, to appoint Amy Sneirson as the Commission's Executive Director, effective December 30, 2011.

**LITIGATION:** Moved to Executive Session.

At 8:44 AM Chair Vestal called for a 5 minute recess.

**CASES VOTED ON:**

PA10-0495: Namig Feyziyev v. City of South Portland: Namig Feyziyev, with the assistance of an interpreter, restated the position of the Complainant. Attorney Edward Benjamin restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the City of South Portland discriminated against Namig Feyziyev on the basis of national origin and ancestry. 4 in favor | 0 opposed.

E09-0610: Kimberly Drake v. Lafayette Inn By The Bay, Inc. d/b/a Holiday Inn By The Bay (Portland): Attorney Mark Franco restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Lafayette Inn By the Bay, Inc. d/b/a/ Holiday Inn By The Bay discriminated against Kimberly Drake on the basis of disability by failing to hire her, or failed to hire her in retaliation for her previous workers' compensation claim under the prior owners. 3 in favor | 0 opposed | 1 abstained (Clark abstained).

E10-0024: Nongkhane Muyderman v. BASF Performance Products, LLCC d/b/a IntertechPira: Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that BASF Performance Products, LLC d/b/a IntertechPira discriminated against Nongkhane Muyderman on the basis of sex and national origin by subjecting her to a hostile work environment or that BASF Performance products LLC d/b/a IntertechPira retaliated against Nongkhane Muyderman in violation of the Whistleblowers' Protection Act by terminating her employment. 4 in favor | 0 opposed.

E10-0042: April Johnson v. Maine Medical Center: Attorney Kristin Aiello restated the position of the Complainant. Attorney Katy Rand restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Complainant, April Johnson, was subjected to unlawful discrimination in employment (denied a reasonable accommodation) because of her disabilities. 4 in favor | 0 opposed.

PA10-0107: Ronald Gilbert v. Town of Oakland: Ronald Gilbert restated the position of the Complainant. Attorney Edward Benjamin restated the position of the Respondent. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that the Town of Oakland discriminated against Ronald Gilbert on the basis of sexual orientation by subjecting him to a hostile public accommodation environment. 4 in favor | 0 opposed.

At 10:12 Chair Vestal called for a 5 minute break.

E10-0212: Kristy Lee Ray v. Davric Maine Corporation d/b/a Scarborough Downs: Attorney Jeffrey Neil Young restated the position of the Complainant. Respondent was not present. Investigator Michele Dion restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondent, Davric Maine Corporation d/b/a Scarborough Downs, terminated Complainant, Kristy Ray (Hart)'s employment because of her disability. 4 in favor | 0 opposed.

E10-0243/0244: Suzann Brown v. Central Maine Medical Center and Kathleen Vieira: Attorney Robert Bower restated the position of the Complainant. Attorney Michael Poulin restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Complainant, Suzann J. Brown, was subjected to retaliation, (terminated) by Respondents, Central Maine Medical Center or Kathleen Vieira as a result of the Complainant's whistleblowing. 4 in favor | 0 opposed.

E10-0348 Michael Bagley v. Pittsburg Glass Works: Michael Bagley restated the position of the Complainant. Robert McCullough restated the position of the Respondent. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondent Pittsburg Glass Works, terminated Complainant, Michael Bagley employment in retaliation for engaging in protected activity. 4 in favor | 0 opposed.

E10-0418: Travis White v. International Paper Company: Attorney Thomas Carey restated the position of the Complainant. Attorney Dan Schwartz restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that International Paper discriminated against Travis White on the basis of disability by terminating him. 4 in favor | 0 opposed.

### **EXECUTIVE SESSION:**

Commissioner Chandler moved, seconded by Commissioner Whitworth, to move into executive session at 11:30 a.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, to move out of executive session at 11:33 a.m. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission **should not file** a complaint in E10-0459: John P. Malick, Jr. v. Dragon Products, LLC. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission **should not file** a complaint in E10-0298: Valeire Albert v. Salon Freeport, LLC. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission **should not file** a complaint in PA10-0514: Santos Baez v. Genesco, Inc. d/b/a Lids. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Clark, that the Commission **should file** a complaint in H11-0448:Lynne Moholland v. Richard Harris, Sr. 4 in favor | 0 opposed.

At 12:00 Chair Vestal called for a 1 hour lunch recess.

E10-0622: Angel Soucie (Woodland) v. Freds Carpet Barn (Caribou): Respondent Lozoway restated the position of Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Fred Lozoway, d/b/a Fred's Carpet Barn/Fred's Carpet Barn, Inc. discriminated against Angel Soucie on the basis of national origin. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Fred Lozoway, d/b/a Fred's Carpet Barn/Fred's Carpet Barn, Inc. discriminated against Angel Soucie by subjecting her to a hostile work environment on the basis of sex. 4 in favor | 0 opposed.

E11-0011: Bruce Bridges (Lebanon) v. Wasco Products, Inc. (Sanford): Commissioner Chandler recused herself from this case. Bruce Bridges restated the position of Complainant. Attorney Gregory Frame restated the position of Respondent. Investigator Domini Pham restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe Wasco Products, Inc. discriminated against Bruce Bridges for engaging in protected activity or reporting illegal activity. 3 in favor | 0 opposed (Chandler abstain).

PA11-0051: Kevin Benjamin (South Portland) v. City of Portland/Police Department (Portland): Kevin Benjamin restated the position of Complainant. Attorney Beth Poliquin restated the position of Respondent. Investigator Robert Beauschesne restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe the Portland Police Department unlawfully discriminated against Kevin Benjamin on the basis of physical disability. 4 in favor | 0 opposed.

E11-0058: Robert Rossignol (West Gardiner) v. Windham/Raymond School District/Regional School Unit No. 14 (Windham): Attorney Mark Dunlap restated the position of Complainant. Attorney Bruce Smith restated the position of Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Windham/Raymond School District, Regional School Unit No. 14 discriminated against Robert Rossignol on the basis of disability or sexual orientation by terminating his employment. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Windham/Raymond School District, Regional School Unit No. 14 retaliated against Robert Rossignol in violation of the Whistleblowers' Protection Act by terminating his employment. 4 in favor | 0 opposed.

E11-0101: Lisa Renaud-Walton (Hartford) v. Catanga River Corp. d/b/a Food City (Turner): Lisa Renaud-Walton restated the position of Complainant. Attorney Robin March restated the position of Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Catanga River Corp. d/b/a Food City discriminated against Lisa Renaud-Walton on the basis of disability by denying her a reasonable accommodation or by terminating her employment. 4 in favor | 0 opposed.

E11-0158: Angelique Tucker (Sebago) v. Four Seasons Variety (Sebago): Attorney Robert Bower restated the position of Respondent. Investigator Domini Pham restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondent, Four Seasons Variety, discriminated against Complainant, Angelique Tucker, by discharging her because of her mental disability. 4 in favor | 0 opposed.

**ADJOURN:**

There being no further business to come before the Commission, the meeting was adjourned at 2:43 p.m.

## CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E09-0591:	Suzanne Nason (Kennebunk) v. Drake Petroleum Company, Inc. d/b/a Kennebunk X-Tra Mart (Kennebunk)	NRG
E10-0068:	Carlos Diaz (Lewiston) v. Dorothy Egg Farms LLC (Winthrop)	NRG
E10-0083:	Troy Curtis (Wilton) v. Hannaford Bros. Co. (Portland)	NRG
E10-0467:	Troy Curtis (Wilton) v. Hannaford Bros. Co. (Portland)	NRG
E10-0098:	Phyllis Soule (Wiscasset) v. Wiscasset Quik Stop/Next Generation Retail (Wiscasset)	RG
E10-0273:	Cecilia Smith (Portland) v. KenKev II, Inc. d/b/a PT's Showclub (Portland)	RG
E10-0280:	Kenneth Marquis (Gardiner) v. J/R Metal Frames Mfg., Inc. (Belgrade)	NRG
E10-0326:	Frances D'Errico (Hampden) v. Associates in Orthodontics, P.A. (Bangor)	NRG
E10-0349:	Michael Bagley (New Gloucester) v. Adecco Employment Services (Portland)	NRG
E10-0523:	Herbert Jurgeleit (Presque Isle) v. The Aroostook Medical Center (Presque Isle)	NRG
E10-0576:	Tabitha Coulombe (Sidney) v. Kennebec Eye Care (Waterville)	NRG
E11-0111:	Brian Pelletier (Auburn) v. City of Auburn (Auburn)	NRG
E11-0154:	Thomas Morin (Biddeford) v. Alpine Linen Services, Inc. (Portland)	NRG
E11-0178:	Nancy Morin (Sanford) v. County of York/Jail (Alfred)	NRG
PA11-0201:	Daniel J. Dowd (Phippsburg) v. American Red Cross Blood Services, Northern New England Region (Topsham)	NRG
PA11-0268:	Melonie Rines (East Boothbay) v. Richard J. Parker, Ph.D. (Bath)	NRG
H11-0452:	Dawn Carbone & William Myers, Jr. (Fort Kent) v. St. John Valley Realty Co., LLC/ Michael C. Albert & Louis P. Albert (Fort Kent)	NRG