



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

John P. Gause
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

June 25, 2012

Commissioner Vestal called the June 25th Commission meeting to order at 8:32 a.m. Present were Commissioners Paul Vestal, Sallie Chandler, and Arnold Clark.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Amy Sneirson requested that case H11-0670: Cody Rawstron & William Rawstron o/b/o Minors (Portland) v. Mary Jacobs (Westbrook) be moved from the Consent Agenda to the Case Agenda for June 25 and that it be tabled to the August 20th Meeting.
- Executive Director Amy Sneirson requested that case E10-0638: Glen Mercier (Sidney) v. Elder Housing Development & Operations Corporation (Fort Lauderdale, FL) be removed from the Case Agenda for further investigation.

Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the agenda as amended. 3 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 4)

Commissioner Chandler moved, seconded by Commissioner Clark, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 3 in favor | 0 opposed.

MINUTES:

Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the May 21, 2012 Commission Meeting Minutes. 3 in favor | 0 opposed.

ADMINISTRATION:

Personnel Report: Executive Director Amy Sneirson reviewed the report dated June 20, 2012 noting no significant personnel changes.

COMPLIANCE:

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

INVESTIGATION:

New Charges: Commission staff opened 56 new cases in May.

Administrative Dismissals: Commission staff dismissed 13 cases in May.

Pre-determination Settlements: During the month April, staff was responsible for obtaining settlements in 18 cases resulting in total monetary relief in excess of \$370,000 for complainants.

NEW BUSINESS:

Executive Director Amy Sneirson presented the 2013 Commission Meeting schedule to the Commissioners. The schedule was accepted with no objections.

LITIGATION: Moved to after Executive Session.

At 8:37 AM Commissioner Vestal called for a 7 minute recess.

CASES VOTED ON:

E10-0325: Erica Kilde (Richmond) v. Realty Resources Hospitality, LLC d/b/a Denny's (Augusta): Attorney Chad Cloutier restated the position of the Respondent. Attorney Carol Garvan restated the position of the Complainant. Investigator Domini Pham restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondent Realty Resources Hospitality, LLC d/b/a Denny's terminated Erica Kilde's employment in retaliation for complaining about harassment. 3 in favor | 0 opposed. Commissioner Chandler moved, seconded by Chair Vestal, to find **reasonable grounds** to believe that the Respondent Realty Resources Hospitality, LLC d/b/a Denny's subjected Complainant Erica Kilde to a hostile work environment. 2 in favor | 0 opposed | 1 abstained. (Clark abstained).

E10-0337: William Bernard (Westbrook) v. Rite Aid of Maine, Inc. (Portland). Attorney Bob Bauer restated the position of the Respondent. Attorney Andrew Mason restated the position of the Complainant. Investigator Domini Pham restated the facts of the case. Commissioner Chandler moved, seconded by Chair Vestal to find **reasonable grounds** to believe that Respondent, Rite Aid of Maine, Inc., failed to provide reasonable accommodations and terminated Complainant William Bernard's employment because of his disability. 2 in favor | 1 opposed. (Clark opposed)

E10-0355: Alvin Snow (Fayette) v. Texas Roadhouse Management Corporation (Augusta). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Clark to find no reasonable grounds to believe that the Texas Roadhouse Management Corporation discriminated against Alvin Snow on the basis of race and color by terminating his employment. 3 in favor | 0 opposed.

E10-0427: Peter Card (Gautier, MS) v. Bath Iron Works (Bath). Complainant was not present. Commissioner Chandler moved seconded by Commissioner Clark to find no reasonable grounds to believe that Complainant Peter B. Card was subjected to unlawful (age) discrimination in the hiring (not selected for an open position) by Respondent Bath Iron Works. 3 in favor | 0 opposed.

E10-0621: Bonnie Ramsdell (Belgrade) v. Huhtamaki, Inc. (Waterville). Attorney Brett Baber restated the position of the Complainant. Attorney Dan Bates restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Bonnie S. Ramsdell was subject to illegal sexual harassment, or that she was subjected to unlawful retaliation for reporting sexual harassment, or that she was constructively discharged by the Respondent, Huhtamaki, Inc. 3 in favor | 0 opposed.

E11-0511: Laray Davis (Milford) v. Old Town Canoe d/b/a Johnson Outdoors Watercraft (Old Town): Attorney Brett Baber restated the position of the Complainant. Attorney Lawrence Winger restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the Case. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Old Town Canoe terminated the employment of Complainant LaRay Davis because of his disability, sex, or race, or based on retaliation. 3 in favor | 0 opposed.

H12-0148: Wyatt Smith & Kirstin Keirstead (East Wilton) v. Leon & Cheri White (Norridgewock) / H12-0149: Wyatt Smith & Kirstin Keirstead (East Wilton) v. George Josslyn (Farmington): Attorney Patricia Ender restated the position of the Complainant. Respondents did not appear. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Clark, to find **reasonable grounds** to believe that Respondents Leon White, Cheri White, and George Josslyn made unlawful statements to Complainants about their familial status. 3 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondents Leon White, Cheri White, or George Josslyn evicted Complainants because of their familial status. 3 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session at 11:35 a.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A. §405(6)(E). 3 in favor | 0 opposed.

At approximately 12:05 p.m. Commissioner Chandler moved, seconded by Commissioner Clark, to come out of executive session. 3 in favor | 0 opposed.

LITIGATION:

At approximately 12:07 p.m., Commissioner Chandler moved, seconded by Commissioner Clark, for the Commission not to file a complaint in the following reasonable grounds cases:

- E10-0575: Kathy Neill v. KidsPeace National Centers of New England, Inc. (WPA termination)
- E10-0167: Danielle Cyr v. Town of Windham (sexual harassment and retaliation)
- E10-0410: Wayne Johnson v. The Hinckley Co. (refusal to hire because of back disability)
- E11-0049: Maureen LeClair v. OneSteel Recycling (termination based on age, sex)

3 in favor | 0 opposed.

At approximately 12:00 p.m., Commissioner Chandler moved, seconded by Commissioner Clark, for the Commission to file a complaint in the following reasonable grounds cases:

- H11-0253: Bruce Brown v. Joshua Boucher (hostile housing environment based on religion)
- H11-0755: Amanda Turcotte v. Right Investments, LLC and Roland Bisson (hostile housing environment based on sex)

3 in favor | 0 opposed.

At approximately 12:05 p.m., Commissioner Chandler moved, seconded by Commissioner Clark, to approve the Conciliation Agreement in the civil action pending in Sagadahoc County Superior Court, numbered CV-2012-0004 and known as Maine Human Rights Commission and Esther McLaughlin v. Middle Street Properties, LLC, and Joel Bowie (previously the Commission's reasonable grounds case of H11-0423). 3 in favor | 0 opposed.

At approximately 12:18 p.m., Chair Vestal declared the morning session of the meeting in recess.

RECESS

At 1:00 PM Chair Vestal called the afternoon session of the meeting to order.

Chair Vestal moved, seconded by Commissioner Chandler, to open the meeting for comments upon Proposed Regulatory Amendments: Chapter 2: Procedural Rule; Chapter 4-A: Procedural Rule, Equal Educational Opportunity; Chapter 6: Accessibility Requirements for Public Accommodations and Places of Employment; and Chapter 7: Accessibility Regulations of the MHRC. 2 in favor | 0 opposed.

There were no persons from the public in attendance at the hearing.

Chair Vestal moved, seconded by Commissioner Chandler, to adjourn the meeting. 2 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meeting was adjourned at 1:10 PM.

[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.](#)

CONSENT AGENDA

E10-0367:	Mohamed Ahmed Omar (Portland) v. Air Wisconsin Airlines Corporation (Appleton, WI)	NRG
E10-0369:	Robin Bishop (Palm City, FL) v. Town of Richmond (Richmond)	NRG
E10-0372:	Gail Spaulding (Clinton Township, MI) v. Genuine Parts Company d/b/a NAPA Auto Parts (Westbrook)	NRG
PA10-0468:	George Cohn (Honolulu, Hawaii) v. Intellibiz (Limington)	NRG
PA10-0469:	George Cohn (Honolulu, Hawaii) v. Bill Vaughn (Limington)	
PA10-0470:	George Cohn (Honolulu, Hawaii) v. Chuck Hall (Limington)	
E10-0475:	Owen M. McCarthy, Estate of (Bradenton, Fl) v. Pine Tree Insurance (York Harbor)	NRG
E10-0503:	Kerry Archambault (Lyman) v. Maine Veterans Homes (Scarborough)	NRG
E11-0272:	Sylvia Cunningham (Auburn) v. Kennebec Anesthesia Associates, PA (Waterville)	NRG

E11-0320:	Katherine Davis (Bangor) v. Shaw's Supermarkets, Inc. (Bangor)	NRG
E11-0393:	Crystal Palmer (Portland) v. Wireless Link, Inc. (Hooksett/Nashua, NH)	RG
E11-0435:	Ryan Kinch (Levant) v. T-Mobile USA, Inc. (Oakland)	NRG
E11-0507:	Roger Corrow (Bangor) v. Elite Transportation, Inc. (Benton)	NRG
E12-0008:	Nicholas Gray (Auburn) v. Savage Services Corporation (Salt Lake City, UT & Auburn, Me.)	NRG