



# 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*

**June 24, 2013**

Commissioner Vestal called the June 24, 2013 Commission meeting to order at 8:30 a.m. Present were Commissioners Paul Vestal, Sallie Chandler, Deborah Whitworth, A. Mavourneen Thompson and Arnold Clark.

### AGENDA

Commissioner Vestal called for adoption of the agenda. Commissioner Whitworth moved, seconded by Commissioner Thompson, to adopt the agenda. 5 in favor | 0 opposed.

### CONSENT AGENDA (see detailed listing on page 5)

Commissioner Chandler moved, seconded by Commissioner Thompson, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 5 in favor | 0 opposed.

### MINUTES:

Commissioner Thompson moved, seconded by Commissioner Chandler, to adopt the May 20, 2013 Commission Meeting Minutes. 5 in favor | 0 opposed.

### ADMINISTRATION:

Personnel Report: Executive Director Amy Sneirson reported that Commission Counsel John Gause has announced he will be moving on from the Commission; he will stay through the next several months while a replacement candidate can be identified. The Commission will begin the recruitment process for the Commission Counsel. If the current state hiring freeze is lifted, we will begin immediately. If not, we will request an exemption to the hiring freeze, subject to the review and approval of the Governors' Office. We hope to have a candidate identified and hired by September/October. Other changes, two staffers had legal name changes.

### COMPLIANCE:

- Commissioners reviewed the compliance report, which reports one successful conciliation, 2 unsuccessful conciliations and 4 conciliations in progress.
- Commissioner Chandler moved, seconded by Commissioner Clark to accept Conciliation Agreement and to approve withdrawal of the complaint in E11-0700, Brown v. Morin Brick???. 5 in favor | 0 opposed.

## INVESTIGATION:

New Charges: Commission staff opened 47 new cases in May 2013.

Administrative Dismissals: Commission staff dismissed 29 cases in May 2013.

Pre-determination Settlements: Since May 20, 2013, staff was responsible for obtaining settlements in 26 cases resulting in total monetary relief in excess of \$364,000 for complainants.

## NEW BUSINESS:

Executive Director Amy Sneirson reviewed the 2014 Commission Meeting Schedule.

At 8:33 AM Commissioner Vestal called for an eight-minute recess.

## CASES VOTED ON 8:45 A.M.:

E11-0444: David Allen (Chelsea) v. Loomis Armored U.S., Inc. (Westbrook): David Allen restated the position of the complainant. Respondent was not present. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Complainant David W. Allen was subjected to unlawful disability discrimination in employment or retaliation based upon alleged prior acts of protected whistleblower activity, by Respondent Loomis Armored U. S., Inc. 5 in favor | 0 opposed.

E11-0479: Fern Purington (Fayette) v. Verso Paper Corporation (Jay): Attorney Carol Garvin restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Fern Purington was subjected to unlawful disability discrimination in employment or retaliation based upon alleged prior acts of protected whistleblower activity, by Respondent Verso Paper Corporation. 5 in favor | 0 opposed.

E11-0487: Elizabeth Brown (Orono) v. Bank of America NA (Charlotte, N.C.). Respondent was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent Bank of America discriminated against Complainant Elizabeth Brown by failing to accommodate her disability, and instead, terminating her employment; and **reasonable grounds** to believe that Respondent Bank of America retaliated against Complainant Elizabeth Brown by terminating her employment for engaging in Whistleblowers' Protected Activity. 5 in favor | 0 opposed.

E11-0630: John Guarnotta (Portland) v. Berry, Dunn, McNeil & Parker, Inc. (Portland): John Guarnotta restated the position of the Complainant. Attorney Doug Currier restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Berry, Dunn, McNeil & Parker, Inc., terminated Complainant John A. Guarnotta's employment because of age. 5 in favor | 0 opposed.

E11-0660: Ronald Howland (Charlotte) v. Woodland Pulp, LLC (Baileyville). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Woodland Pulp, LLC, subjected Complainant Ronald Howland to harassment because of his age and no reasonable grounds to believe that Respondent retaliated against Complainant for Complaining about age harassment. 5 in favor | 0 opposed.

At 10:00 a.m. Chair Vestal called for a 10 minute break.

E12-0054: Ada Angotti (Millinocket) v. State of Maine, Baxter State Park Authority (Millinocket). Ada Angotti restated the position of the Complainant. Assistant Attorney General Susan Herman restated the position of the Respondent. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent State of Maine, Baxter State Park Authority failed to provide reasonable accommodations to Complainant Ada Angotti's employment because of her physical or mental disability and no reasonable grounds to believe that Respondent State of Maine, Baxter State Park Authority laid off Complainant Ada Angotti because of her physical or mental disability. 5 in favor | 0 opposed.

E12-0193: Patricia Lane (Kennebunk) v. TD Bank (Portland). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent TD Bank discriminated against complainant Patricia Lane on the basis of age or sex by failing to hire her for a Store Manager position or that Respondent is liable for her decision to quit. 5 in favor | 0 opposed.

PA12-0495: Krystal Ahern (Dexter) v. Moosehead Trail Motor Lodge, Inc./ Dexter Discount. Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondents Moosehead Trail Motor Lodge, Inc., Dexter Discount Tire, Inc., and /or Donald Smith denied Complainant Krystal M. Ahern a reasonable modification, or that Respondents subject Complainant to retaliation. 5 in favor | 0 opposed.

H13-0089: Pine Tree Legal Assistance, Inc. (Portland) v. Craig Irrevocable Trust. Attorney Elyse Apantaku restated the position of the Complainant. Respondents were not present. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondents Craig Irrevocable Trust or Dan Craig made an unlawful inquiry or refused to show an apartment on the basis of familial status. 5 in favor | 0 opposed.

#### **EXECUTIVE SESSION:**

Commissioner Chandler moved, seconded by Commissioner Whitworth, to move into executive session at 10:48 a.m to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 10:48 a.m. Commissioner Chandler moved, seconded by Commissioner Clark, to come out of executive session. 5 in favor | 0 opposed.

#### **NEW BUSINESS:**

Executive Director Amy Sneirson discussed with the Commissioners the status of the Third Party Neutral Mediation Program, which is currently on hold because its funding source (EEOC funds) have been cut due to federal sequestration. Because the MHRA allows the Commission to receive funds from any source for a mediation program, Ms. Sneirson asked the Commissioners for feedback on charging parties for the services of the Third Party Neutral Mediation Program. All agreed that this made sense except for the inevitable issue of persons who allege they are unable to afford the service. Ms. Sneirson and the Commissioners discussed different approaches to this issue, and also discussed grant applications. Commission Counsel John Gause stated that he would bring a draft regulation to the June Commission meeting to allow the Commission to charge parties for mediation through the Third Party Neutral Mediation Program.

**LITIGATION:**

Commissioner Chandler moved, seconded by Commissioner Clark, not to file complaints in the following “reasonable grounds” cases:

- E11-0404, Laurie Irons v. NOSH LLC, d/b/a Nosh Kitchen Bar (termination because of sex/pregnancy).
- PA11-0416, Renee Mayer v. James Hitchcock Ochiltree f/k/a John Matt Dorn (sex discrimination).  
5 in favor | 0 opposed.

**ADJOURN:**

There being no further business to come before the Commission Commissioner Vestal adjourn the meeting.  
5 in favor | 0 opposed.

The meeting was adjourned at 10:50 AM.

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

E11-0410:	Barbara Wheaton (Alexander) v. Calais Regional Hospital (Calais)	NRG
E11-0420:	Gerald McAvaddy (Presque Isle) v. City of Presque Isle (Presque Isle)	NRG
H11-0428:	Judith Wood (Poland) v. KBR, Inc. d/b/a SW&B Construction (Houston, TX)	NRG
E11-0432:	Carol Belanger-Bittle (Stockholm) v. Career Systems Development Corp (Limestone)	NRG
E11-0439:	Daniel Brown (Bangor) v. Securitas Security Services USA, Inc. (Bangor)	NRG
E11-0461:	Tom Tappan (Norridgewock) v. Town of Norridgewock (Norridgewock)	NRG
E11-0474:	Lorraine Morin (Millinocket) v. St. Joseph Hospital, Inc. (Bangor)	NRG
E11-0572:	Joseph Chausse, Jr. (Buxton) v. G & G Products, LLC (Springvale)	NRG
E11-0688:	Sarah B. Leach (Norridgewock) v. The Maine Thing, Inc. d/b/a Papa John's Pizza (Waterville)	NRG
E11-0694:	Lisa Matheson (Winslow) v. Home, Hope & Healing, Inc. (Smithfield)	NRG
E11-0705:	Michael Atienza (Portland) v. Marc Motors, Inc. (Sanford)	NRG
E11-0738:	Janet M. Parker, M.D. (Houlton) v. Katahdin Valley Medical Center (Patten)	NRG
E12-0344:	Susan Malo (Exeter) v. Sears Roebuck & Co. (Bangor)	NRG
E12-0497:	Dorothy Estabrook (Houlton) v. State of Maine, Department of Agriculture Conservation & Forestry (Augusta)	NRG
E12-0557:	Richard Drageland (Burnham) v. Sears Holding Corporation d/b/a Kmart (Waterville)	NRG
H13-0046:	David Madden (Ellsworth) v. Maine Development Associates & Bridge Hill Associates, Apartment L.P. (Bangor)	NRG