



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

March 31, 2014

Chair Vestal called the March 31, 2014 Commission meeting to order at 8:32 a.m. Present were Chair Paul Vestal, and Commissioners Arnold Clark and Mavourneen Thompson.

AGENDA

Executive Director Amy Sneirson requested that the following cases be tabled to the April 28, 2014 meeting agenda at the request of the parties.

- E12-0393: Leigh Gagnon (West Gardiner) v. Patrick Ouellette (Biddeford Pool)

Commissioner Vestal called for adoption of the agenda. Commissioner Thompson moved, seconded by Commissioner Clark, to adopt the agenda. 3 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 6)

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

MINUTES

Commissioner Thompson moved, seconded by Commissioner Vestal, to adopt the February 24, 2014 Commission Meeting Minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that Victoria Ternig was promoted to Chief Investigator. The position of Field Investigator which Ms. Ternig vacated for that promotion will be posted as soon as we receive authorization from the Human Resources and the Budget Office.

At 8:49 AM Commissioner Chandler arrived at the meeting.

COMPLIANCE

Commissioners reviewed the compliance report showing three successful conciliations, no unsuccessful conciliations, and four conciliations in progress. It was placed on file.

Commissioner Chandler moved, seconded by Commissioner Thompson, to approve the conciliation agreements in cases:

- E12-0031: Kamke v. Town of Lisbon
- E12-0032: Kamke v. Leighton
- PA12-0483: Ramnaraine v. The Ogunquit Inn, LLC.

4 in favor | 0 opposed.

Executive Director Amy Sneirson also asked the Commission to dismiss a conciliated case in which the public interest relief has now been fully implemented. Commissioner Thompson moved, seconded by Commissioner Chandler, to dismiss cases:

- H13-0148, PTLA v. Moreau. 4 in favor | 0 opposed.
- E11-0494: Boylan v. Washington Hancock Community Agency

INVESTIGATION

New Charges: Commission staff opened 47 new cases in February.

Administrative Dismissals: The Executive Director administratively dismissed 23 cases in February.

Pre-determination Settlements: Since February 7, 2014, 10 cases resulted in settlements with total monetary relief in excess of \$71,500 for complainants.

NEW BUSINESS

At 8:52 a.m. Commissioner Vestal called for a 10 minute recess.

CASES VOTED ON 8:38 A.M.:

*Several cases on the agenda were taken out of order due to travel delays caused by inclement weather.

*E12-0107: Richard Clapp (Alfred) v. Securitas Services USA, Inc. (Portland). Respondent was not present, and the deceased Complainant's attorney was present but not asked to speak. Investigator Angela Tizon restated the facts of the Case. Commissioner Chandler moved, seconded by Commissioner Clark, to find **reasonable grounds** to believe that Respondent discriminated against Complainant on the basis of disability by subjecting him to less favorable terms and conditions of employment and subjecting him to unlawful employment medical examinations and no reasonable grounds to believe that Respondent discriminated against Complainant on the basis of age by subjecting him to less favorable terms and conditions of employment. 3 in favor | 1 opposed (Clark opposed).

*E12-0254: Delores Stanley (Otis) v. Jackson Laboratory (Bar Harbor). Delores Stanley restated her position as Complainant. Attorney Anne-Marie Storey restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Jackson Laboratory retaliated against Complainant Delores Stanley for engaging in protected whistleblower activity. 4 in favor | 0 opposed.

At 9:43 AM Commissioner Whitworth arrived at the meeting.

PA12-0004: June Ellis (Monmouth) v. Spectrum Generations (Augusta). Attorney Kristin Aiello restated the position of the Complainant. Attorney Erik Peters restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that Spectrum Generations discriminated against June Ellis

on the basis of disability by denying her a reasonable modification. 4 in favor | 0 opposed | 1 abstained (Clark abstained).

E12-0265: Kevin Miller (Lewiston) v. Project Staffing d/b/a Maine Staffing Group (Brunswick). Attorney Frederick F. Costlow restated the position of the Respondent. Attorney Chad Hansen restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Thompson, to find **reasonable grounds** to believe that Complainant Kevin Miller was subjected to unlawful disability discrimination (job offer withdrawn) in employment by Respondent Project Staffing Inc., d/b/a Maine Staffing Group. 5 in favor | 0 opposed.

E12-0635: Wendy Ossinger (Carmel) v. USCC Payroll Corp. d/b/a US Cellular and Maine RSA No.1, Inc. d/b/a US Cellular (Bangor). Attorney Frank McGuire restated the position of the Complainant. Attorney Tracy Farley restated the position of the Complainant. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent USCC Payroll Corp. d/b/a US Cellular or Maine RSA #1, Inc. d/b/a US Cellular terminated Complainant Wendy Ossinger's employment because of her age or her sex in violation of the Maine Human Rights Act. 5 in favor | 0 opposed.

At 11:10 PM Chair Vestal called for a 10 minute recess.

E13-0020: Julie Harrington (Milford) v. State of Maine, Department of Corrections (Augusta). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent State of Maine, Department of Corrections discriminated against Complainant Julie Harrington on the basis of age and sex, or because she engaged in activities protected under the Whistleblowers' Protection Act and the Maine Human Rights Act. 5 in favor | 0 opposed.

E13-0179: Mateo Mendoza (Rockport) v. State of Maine, Department of Corrections, Maine State Prison (Augusta). Assistant Attorney General Kelly Morrell restated the position of the Respondent. Attorney Charles March restated the position of the Complainant. Chief Investigator Vickie Ternig restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent State of Maine/Department of Corrections/Maine State Prison discriminated against Complainant Mateo Mendoza in the terms and conditions of his employment based on this disability in violation of the Maine Human Rights Act. 4 in favor | 1 opposed. (Vestal opposed). Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent State of Maine/Department of Corrections/Maine State Prison refused to provide Complainant Mateo Mendoza a reasonable accommodation in violation of the Maine Human Rights Act. 5 in favor | 0 opposed. Commissioner Chandler moved, seconded by Commissioner Vestal, to find reasonable grounds to believe that Respondent State of Maine/Department of Corrections/Maine State Prison subjected Complainant Mateo Mendoza to a hostile work environment based on his race, color, and national origin in violation of the Maine Human Rights Act. 2 in favor | 3 opposed (Whitworth, Thompson, Clark opposed). The motion failed; reasonable grounds were not found (the finding was no reasonable grounds).

PA13-0397: Brenda Woodhouse (Westbrook) v. Apple American Group, LLC (San Francisco, CA/Portland) Brenda Woodhouse restated her position as Complainant. Drake Ropp, area manager for Respondent, restated the position of the Respondent. Executive Director Amy Sneirson restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Apple American Group LLC d/b/a Applebee's Restaurants subjected Complainant Brenda J. Woodhouse to unlawful sexual harassment. 5 in favor | 0 opposed.

PA13-0567: Timothy Berry (Portland) v. Cape Elizabeth Police Department (Cape Elizabeth). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable

grounds to believe that Respondent Cape Elizabeth Police Department engaged in public accommodation discrimination against Complainant Timothy Berry. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

At 12:16 p.m. Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 12:21 p.m. Commissioner Chandler moved, seconded by Commissioner Clark, to come out of executive session. 5 in favor | 0 opposed.

ADJOURNMENT:

There being no further business the meeting was adjourned at 12:21 PM. 5 in favor | 0 opposed.

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

E12-0135:	Charles Wallace (Sabattus) v. Dorothy Egg Farms, LLC (Winthrop)	NRG
E12-0136:	Charles Wallace (Sabattus) v Moark, LLC (Norco, CA)	NRG
E12-0187:	Kathleen Prunier (Trenton) v. SPCA of Hancock County (Trenton)	NRG
E12-0188:	Danielle Beaman (Madison) v. Abercrombie & Fitch (New Albany, OH)	RG
E12-0209:	Bruce Lowell (Westbrook) v. Sappi N.S./S.D. Warren (Westbrook)	NRG
E12-0235:	Jeremy Fulton (Biddeford) v. Quinlan Corporation (Biddeford)	RG
E12-0256:	Diamond Murphy (Presque Isle) v. Maine Veterans Home (Caribou)	NRG
E12-0262:	Douglas Haig (Machias) v. Jordan Gardens, LLC (Machias)	NRG
E12-0264:	Margaret Jacobs (Scarborough) v. Unum Group d/b/a Unum (Worcester, MA/Portland)	NRG
E12-0295:	Cynthia Brewington (Monmouth) v. Opportunity Enterprises, Inc. (Auburn)	NRG
E12-0316:	Nicholas Marquis (Portland) v. AAA Northern New England (South Portland)	NRG
E12-0319:	Sheena Jo Randall (Cornish) v. United Parcel Services, Inc. (South Portland)	NRG
E12-0345:	Wade Curtis (Athens) v. Walmart (Palmyra)	NRG
E12-0346:	Wade Curtis (Athens) v. Dulcie Noble (Palmyra)	
E12-0347:	Wade Curtis (Athens) v. Melissa Maloon (Palmyra)	
E12-0356:	Aimee Porter (New Gloucester) v. Bush Equities d/b/a Cuddledown (Portland)	NRG
PA12-0365:	Robert Salo (Warren) v. State of Maine, Department of Corrections Maine State Prison (Warren)	NRG
E12-0392:	Leigh Gagnon (West Gardiner) v. Phrizbie Design, Inc. & Gillian Riley Lepisto (Kennebunkport)	RG/NRG
H12-0458:	Laura Krech & Judith Anderson (Rumford) v. Renee Thompson & Guathama Thompson	RG (Ellsworth)
E12-0584:	Judith Melillo (Amherst) v. Community Health & Counseling Services (Bangor)	NRG
E12-0632:	Ana Molina (Portland) v. New England Denture Centers (Bangor)	NRG
E13-0043:	Michelle Rackliff (Harmony) v. Kennebec Valley Mental Health Center d/b/a Kennebec Behavioral Health (Waterville)	NRG
E13-0110:	Lawrence McAlister (Poland) v. Berlin City Toyota of Portland (Portland)	NRG
E13-0233:	Daniel Adams (Lewiston) v. TD Bank, N.A. (Wilmington, DE/Auburn)	NRG
PA13-0361:	Joseph Dumas (Warren) v. State of Maine, Department of Corrections (Augusta)	NRG