



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**July 14, 2014**

Commissioner Chandler called the July 14, 2014 Commission meeting to order at 8:30 a.m. Present were Commissioners Sallie Chandler, Arnold Clark, Deb Whitworth and John Norman.

### AGENDA

Executive Director Amy Sneirson requested that the following cases be tabled to the August 10, 2014 meeting agenda at the request of the parties.

- E13-0174: Catherine Colombo (Rockport) v. Downeast Hospitality Partners I, LLC d/b/a Glenmoor by the Sea (Lincolnville)

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

### CONSENT AGENDA (see detailed listing on page 4)

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

### MINUTES

Commissioner Norman moved, seconded by Commissioner Whitworth, to adopt the June 9, 2014 Commission Meeting Minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that seven candidates were interviewed for the vacant Field Investigator position. Alice Neal was offered the position and accepted, and will join the Commission in August. Chief Investigator Victoria Ternig will be returning to full-time from leave on July 21, 2014.

### COMPLIANCE

Commissioners reviewed the compliance report showing 2 successful conciliation, and 3 unsuccessful conciliations, and several conciliations in progress. It was placed on file.

Commissioner Norman moved, seconded by Commissioner Clark, to dismiss in case E12-0392: Gagnon v. Phrizbie Design as the Conciliation Agreement has been fully implemented. 4 in favor | 0 opposed.

### INVESTIGATION

New Charges: There were 61 new charges filed in in May and 60 new charges filed in June.

Administrative Dismissals: The Executive Director administratively dismissed 15 cases in May and 20 cases in June.

Pre-determination Settlements: Since May 21<sup>st</sup>, 16 cases resulted in settlements with total monetary relief in excess of \$416,000 for complainants.

**NEW BUSINESS:** Executive Director Amy Sneirson presented the 2015 Commission Meeting Calendar. Commissioner Whitworth moved, seconded by Commissioner Norman, to approve the meeting calendar. 4 in favor | 0 opposed.

At 8:36 a.m. Commissioner Chandler called for a 10 minute recess and Commissioner Thompson arrived at the meeting.

#### CASES VOTED ON 8:46 A.M.:

E12-0360: Jacqueline Smith (Lewiston) v. Lewiston School Department (Lewiston). Jacqueline Smith restated the position of the Complainant. Attorney Peter Lowe restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. After extended discussion, Commissioner Thompson moved to find reasonable grounds to believe that Complainant Jacqueline P. Smith was subjected to age discrimination when she was not selected by Respondent for an open Senior Principal Clerk position; the motion was not seconded and failed. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Complainant Jacqueline P. Smith was subjected to age discrimination when she was not selected by Respondent for an open Senior Principal Clerk position. 4 in favor | 1 opposed (Thompson opposed).

ED/PA12-0363: Amy Wing o/b/o Minor (Brunswick) v. Brunswick School Department (Brunswick). Attorney Elek Miller restated the position of the Complainant. Attorney Courtney Beer restated the position of the Respondent. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent Brunswick School District discriminated in educational opportunity and/or public accommodations against Complainant o/b/o Minor on the basis of perceived sexual orientation and sex. 3 in favor | 2 opposed (Thompson and Clark opposed).

E12-0397: Carol Roberts (Lovell) v. Center Lovell Market II (Lovell). Complainant was not present. Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Complainant Carol L. Roberts was subjected to age discrimination when she terminated from employment by Respondent Center Lovell Market II, LLC. 5 in favor | 0 opposed.

E12-0556: Kathleen Dunn (Winthrop) v. AOS 97, Western Kennebec County Schools, Winthrop School Department (Winthrop). Attorney Peter Bickerman restated the position of the Complainant. Attorney Elek Miller restated the position of Respondent. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent AOS 97/Western Kennebec County Schools/Winthrop School Department discriminated against Complainant Kathleen Dunn in the terms and conditions of her employment because of her age and disability in violation of the Maine Human Rights Act. 5 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent AOS 97/Western Kennebec County Schools/Winthrop School Department subjected Complainant Kathleen Dunn to harassment on the basis of her age or disability in violation of the Maine Human Rights Act. 5 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent AOS 97/Western Kennebec County Schools/Winthrop School Department denied Complainant Kathleen Dunn reasonable accommodations for a disability in violation of the Maine Human Rights Act. 5 in favor | 0 opposed. Commissioner Clark moved,

seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent AOS 97/Western Kennebec County Schools/Winthrop School Department retaliated against Complainant Kathleen Dunn in violation of the Maine Human Rights Act and Maine Whistleblowers' Protection Act because she engaged in protected activity. 5 in favor | 0 opposed.

At 10:30 Commissioner Chandler called for a 10 minute break.

E13-0001: Rachel Roderick (Albion) v. Becket Academy, Inc. d/b/a Central Maine Learning Center (Belgrade). Attorney Matthew Kegan restated the position of the Complainant. Attorney Matthew Lamourie restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe Becket Academy, Inc. d/b/a Central Maine Learning Center discriminated against Rachel Roderick on the basis of sex by subjecting her to less favorable terms and conditions of employment including a hostile work environment and no reasonable grounds to believe Becket Academy, Inc. d/b/a Central Maine Learning Center retaliated against Rachel Roderick in violation of the Maine Human Rights Act and the Maine Whistleblowers' Protection Act by terminating her employment. 5 in favor | 0 opposed.

E13-0249: Doris C. St. Ours (Biddeford) v. Alere (Scarborough). Doris St. Ours restated the position of the Complainant. Respondent did not appear. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Complainant Doris C. St. Ours was subjected to unlawful sex/gender discrimination in employment by Respondent Alere. 5 in favor | 0 opposed.

H14-0105: Stacey Stinson & Brandon Johnson (Rumford) v. Heirs of Alice Zadakis, Constance Porter (Peru) & Peggy Hawley (Rumford). Constance Porter and Peggy Hawley restated the position of the Respondents. Attorney Patricia Ender restated the position of the Complainants. Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondents Heirs of Alice Zadakis/Constance Porter and Peggy Hawley discriminated against Complainants Stacey Stinson and Brandon Johnson in housing on the bases of color, national origin, sex, or religion. 5 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondents Heirs of Alice Zadakis/Constance Porter and Peggy Hawley made an illegal inquiry on the rental application regarding familial status. 3 in favor | 2 opposed (Chandler and Thompson opposed).

#### **EXECUTIVE SESSION:**

At 11:31 a.m. Commissioner Clark moved, seconded by Commissioner Whitworth, 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 11:38 a.m. Commissioner Whitworth 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. Commissioner Whitworth moved, seconded by Commissioner Chandler, to adjourn the Commission Meeting at 11:43 AM. 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

E12-0369:	Kathalene LaCroix (Clinton) v. Inland Hospital (Waterville)	NRG
E12-0402:	Kelly Blanchard (Rockland) v. Home Counselors, Inc. (Rockland)	NRG
E13-0024:	Michele Pierce (Naples) v. TD Bank N.A. (Bridgton)	NRG
E13-0118:	Beverly Campbell (Auburn) v. Crisis & Counseling Centers, Inc. (Augusta)	NRG
E13-0304:	Eileen Rae (Sanford) v. Counseling Services, Inc., Maine Mental Health Partners (Westbrook)	NRG
PA13-0556:	Michael Siracusa, Jr. (Augusta) v. State of Maine, Maine State Library (Augusta)	NRG
PA13-0624:	Michael Siracusa, Jr. (Augusta) v. State of Maine, Department of Public Safety	NRG
E13-0629:	Scott Ryder (Old Town) v. Canteen Service Co. (Bangor)	NRG
E13-0645:	Denton Ayers, Jr. (Winslow) v. Goodwill Industries of Northern New England (Waterville)	NRG
H14-0047:	Meghan Kline (Lewiston) v. Todd Mercer & Fawn Mercer d/b/a Mercer Properties (Poland)	RG
H14-0125:	Pine Tree Legal Assistance, Inc. (Portland) v. Apex Management, LLC & Wescott & Payson II, LLC (Portland)	NRG