



Maine Human Rights Commission

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Kit Thomson Crossman
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES 4/8/24 MEETING

In person (19 Union Street, Augusta, ME) and via ZOOM

Commissioner David chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Walker, Douglas, and Sanders.

AGENDA

Executive Director Thomson Crossman presented a request by Kirsten Kelley, Complainant in case E22-0270-ABCD, to come before the Commission in person and request reconsideration of the issuance of a right-to-sue letter in November 2023. ED Thomson Crossman explained that the letter had been issued pursuant to Ms. Kelley's request. Commissioner Douglas moved, seconded by Commissioner Walker, to reject Ms. Kelley's request. 4 in favor | 0 opposed.

ED Thomson Crossman presented a request by Mary Beth Hassett and Robert Maloney to dismiss case H23-02404-AB, Earl v. Hassett/Maloney, because the parties have reached a settlement. ED Thomson Crossman noted that only Complainants may request withdrawal of a case, and that they had not heard from the complainant in this case, and that they had only been made aware of the settlement at the end of the prior week. ED Thomson Crossman requested that the Commissioners leave the case on the hearing agenda, given the substantial resources already invested by the Commission in the case. Commissioner Sanders moved, seconded by Commissioner Douglas, to keep the case on the hearing agenda. 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Douglas, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 4 in favor | 0 opposed.

MINUTES

The March 2024 minutes were inadvertently not provided to the Commissioners. They will be voted on at the May 6, 2024, meeting.

ADMINISTRATION

Monthly reports : ED Thomson Crossman discussed reporting on the following Commission activities:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there was 1 successful conciliation and 5 unsuccessful conciliations. 3 reasonable-grounds cases remain in active conciliation.
 - The Commissioners approved a settlement agreement in H23-0321-AB, O'Neil v. Executive Properties et al., and authorized the Executive Director to sign on their behalf.
- New Charges: 55 new complaints filed in March 2024.
- Administrative Dismissals: 17 administrative dismissals issued in March 2024.

- Pre-determination settlements: 4 pre-determination cases settled with benefits of \$136,000 to complainants in March 2024.

New Business:

At 8:45 AM Commissioner David began the case hearing agenda.

HEARING AGENDA (MORNING SESSION)

PA22-0080* *Birdy Velveteen (Eastport) v. City of Eastport (Eastport)*. Attorney Dennis Mahar presented the Respondent's position. Birdy Velveteen presented their position. Investigator Alex Brindley presented/answered Commissioner questions about their report and investigation.

Commissioner Walker moved, seconded by Commissioner Douglas to find there are **reasonable grounds** to believe that the City of Eastport discriminated against Birdy Velveteen on the basis of sexual orientation or gender identity (terms and conditions) and **reasonable grounds** to believe that the City of Eastport discriminated against Birdy Velveteen on the basis of disability, and conciliation of these claims should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Douglas to find there are no reasonable grounds to believe that the City of Eastport discriminated against Birdy Velveteen on the basis of sexual orientation or gender identity (hostile environment); and this claim should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

E22-0140 *Nicholas Collins (Brunswick) v. Atlantic Coast Towing (Brunswick)*. Nicholas Collins presented his position. Attorney Pawel Binczyk presented the Respondent's position. Investigator Angela Morse presented/answered Commissioner questions about her report and investigation.

Commissioner Sanders moved, seconded by Commissioner Douglas to find there are no reasonable grounds to believe that Atlantic Coast Towing retaliated against Nicholas Collins for engaging in WPA- and/or MHRA-protected activity; and the complaint should be dismissed in accordance with 5MR.S. § 4612(2). 4 in favor | 0 opposed.

ED22-0147 *Jacob Clayton (Rockport) v. Maine Media College (Rockport)*. Attorney Richard O'Meara presented Complainant's position. Attorney Julia Pitney presented Respondent's position. Deputy Commission Counsel Colin Hurd presented/answered Commissioner questions about his report and investigation.

Commissioner David moved, Seconded by Commissioner Walker to find there are no reasonable grounds to believe that Maine Media College discriminated against Jacob Clayton on the basis of sexual orientation or gender identity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed

E22-0215* *Billie Sue Ham (Shapleigh) v. Pratt & Whitney (North Berwick)*. Complainant presented her position. It then became apparent that the Respondent had provided a submission of disagreement but due to technical problems, Commission staff had not received it. The Commissioners continued the case to the May Agenda.

H22-0433, -0434, -0435 *Corey Mitchell (Scarborough), Tyshiem Brown (Scarborough), and Stanford Ellis (Scarborough) v. Town of Scarborough (Scarborough)*. Attorney Alice Neal presented the Complainant's

position. Attorney Jonathan Brogan presented the Respondent's position. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about her report and investigation.

Commissioner Sanders moved, seconded by Commissioner Walker to find there are no reasonable grounds to believe that Town of Scarborough discriminated against Corey Mitchell, Tyshiem Brown, or Stanford Ellis on the basis of race, color, and/or receipt of public assistance; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed

H23-0461* *Lisa Young (Marlborough, MA) v. The Pines Senior Communities (Ocean Park, ME)*. Attorney Aubrey Russell presented the Respondent's position. Lisa Young presented her position. Investigator Angela Morse presented/answered Commissioner questions about her report and investigation.

Commissioner Sanders moved, seconded by Commissioner Douglas to find there are **Reasonable Grounds** to believe that The Pines Senior Communities discriminated against Lisa Young on the basis of disability in housing, and Conciliation should be attempted on this claim in accordance with 5 M.R.S. § 4612(3). 4 in favor | 0 opposed

****EXECUTIVE SESSION ****

At approximately 12:20, Commissioner David moved, seconded by Commissioner Douglas, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 12:31, Commissioner Sanders moved, seconded by Commissioner Walker, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Douglas, not to litigate the following reasonable-grounds cases that were not successfully resolved in conciliation:

Bourgoin v. St. Croix Reg. Health Care Center, E22-0004

Austin v. Hebron Academy, ED22-0002

Kabongo v. The Opportunity Alliance, E21-0413

Marriner v. Scientific Games, Inc., E22-0052

Kurasz v. American Eagle Outfitters, E22-0214

Nguyyen v. Walmart, Inc., E21-0514

Lausser v. Elite Airways, E22-0375

Hayes v. Elite Airways, E22-037

4 in favor | 0 opposed.

Commissioner David, seconded by Commissioner Walker, moved to approve a settlement agreement in *Buckley v. Graiver*, H20-0423-AB. 4 in favor | 0 opposed.

HEARING AGENDA (AFTERNOON SESSION)

H23-0404AB* *Rose Earl (Brookfield, VT) v. Mary Beth Hassett (San Antonio TX)/Robert Maloney (San Antonio, TX)*. Rose Earl was present. Respondents and their counsel did not appear. Investigator Nupur Leva presented/answered Commissioner questions about her report and investigation.

Commissioner David moved, seconded by Commissioner Douglas to find there are **reasonable grounds** to believe that Mary Beth Hassett and Robert Maloney discriminated against Rose Earl based on her disability. 4 in favor | 0 opposed

H23-0352-A/B/C *Sterling Nichols and obo Minor Child (Ellsworth), Danielle Alley and obo Minor Child (Ellsworth) v. Sandra Wallace (Milbridge), Gilbert Wallace (Milbridge), Samuel Wallace (Milbridge)*. Attorney Alice Neal presented the Complainants' position. Sandra Wallace presented her position. Gilbert Wallace and Samuel Wallace did not appear. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about her report and investigation.

Commissioner David moved, seconded by Commissioner Walker to find there are no reasonable grounds to believe that Sandra Wallace, Gilbert Wallace, and/or Samuel Wallace discriminated against Sterling Nichols, Danielle Alley, and/or Minor Child based on sex and/or sexual orientation or gender identity; no reasonable grounds to believe that Sandra Wallace, Gilbert Wallace, and/or Samuel Wallace retaliated against Sterling Nichols, Danielle Alley, and/or Minor Child for engaging in MHRA-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 3 in favor | 1 opposed (Sanders opposed)

At approximately 1:07PM the meeting was adjourned.

CONSENT AGENDA

PA22-0098*	Veronica Raymond (Lebanon) v. Go Driving Co. (Saco)	RG
E22-0137	Christopher Shorey (South Paris) v. Pemberton's Gourmet Foods, LLC (Auburn)	NRG
E22-0179	Stacey Reiley (Alfred) v. Professional Security Consultants (Los Angeles, CA)	NRG
E22-0180	Amy Conley (Stratham, NH) v. York Hospital (York)	NRG
E/PA22-0204	Marissa Sauer (Augusta) v. Process Solutions (Fairfield)	NRG
H23-0420AB	Ashley Emery (Parsonsfield) v. Avesta Housing & Hill Street Terrace Housing Corp (Portland)	NRG

**** Indicates a case in which a "reasonable grounds" finding is recommended***