



# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051

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**Kit Thomson Crossman**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

August 12, 2024, MEETING

*Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM*

Commissioner David chaired the meeting and called it to order at 8:35 AM. Also present were Commissioners O'Brien, Walker, Douglas, and Sanders.

### AGENDA

Commissioner Douglas moved, seconded by Commissioner Walker, 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 3). 5 in favor | 0 opposed.

### MINUTES

Commissioner Douglas moved, seconded by Commissioner Walker, to adopt the July Commission Meeting Minutes. 5 in favor | 0 opposed

### ADMINISTRATION

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

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there were 2 unsuccessful conciliations and 3 successful conciliations, with 3 reasonable-grounds cases remaining in active conciliation.
  - Commissioner Sanders moved, seconded by Commissioner Douglas, to accept the conciliation agreements in H23-0461, PA22-0080, and E22-0125; and to dismiss E19-0323 and E19-0390, where Respondents have fully complied with the terms of those settlement agreements. 5 in favor | 0 opposed.
- New Charges: 33 new complaints filed in July.
- Withdrawals and dismissals: 19 issued in July, including 11 administrative dismissals, 4 right-to-sue letters, and 4 withdrawals with a total of \$86,000 to Complainants.

### New Business:

At approximately 8:46 Commissioner David began the Morning Session Hearing Agenda.

## CASES VOTED ON IN A.M. SESSION

E23-0064 *Jake Kulaw (South Portland) v. Portland Public Schools (Portland)*. Complainant presented his position. Attorney Jeana McCormick presented Respondent's position. Lead Investigator Jane O'Reilly reviewed her report and recommendations and answered Commissioner questions. Commissioner Sanders moved, seconded by Commissioner Douglas, to find there are no reasonable grounds to believe that Portland Public Schools discriminated against Jake Kulaw on the basis of sexual orientation or gender identity and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

E23-0119 *Virginia Brown (Portland) v. Bank of America (Charlotte, NC)*. Complainant presented her position. Attorney Margaret Manos presented Respondent's position. Lead Investigator Jane O'Reilly reviewed her report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner Douglas, to find there are no reasonable grounds to believe that Bank of America discriminated against Virginia Brown on the basis of sex and/or receipt of an order of protection, no reasonable grounds to believe that Bank of America retaliated against Virginia Brown for engaging in WPA- or MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed | 1 recused (Walker recused).

E22-0193 *Clifford McNeil (Sumner) v. TD Bank, N.A. (Auburn)*. Attorney Adam Lee presented Complainant's position. Attorney Timothy Powell presented Respondent's position. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner David to find there are no reasonable grounds to believe that TD Bank, N.A. discriminated against Clifford McNeil on the basis of age and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

E22-0329-A/B/C/D *Sharon Picard (Madawaska) v. Town of Madawaska (Madawaska), Gary Picard (Madawaska), Richard Dionne (Madawaska), and Madawaska Board of Selectmen (Madawaska)*. Complainant presented her position. Attorney John Hamer presented Respondents' position. Investigator Carrie McCarter reviewed their report and recommendations and answered Commissioner questions. Commissioner Sanders moved, seconded by Commissioner O'Brien, to find there are no reasonable grounds to believe Respondents discriminated against Sharon Picard on the basis of sex (hostile work environment), no reasonable grounds to believe that Respondents unlawfully retaliated against Sharon Picard for engaging in MHR A- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 3 in favor | 2 opposed (David and Douglas opposed).

E22-0368A/B *Jose Gabriel (Yarmouth) v. Abbott Laboratories (Westbrook) Helen Duckett (Westbrook)*. Complainant presented his position. Attorney Hillary Massey presented Respondents' position. Investigator Robert Beauchesne reviewed his report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Sanders, to find there are no reasonable grounds to believe that Respondents discriminated against Jose Gabriel on the basis of race, color, and/or national origin, and the charge should be dismissed in keeping with 5 M.R.S. § 4612(2) 4 in favor | 1 opposed (David opposed).

H23-0408 *Cathy Sheehan (South Portland) v. Dowd Realty (Cumberland)*. Complainant presented her position. Attorney Alan Wolf presented Respondent's position. Deputy Commission Counsel Colin Hurd reviewed his report and recommendations and answered Commissioner questions. Commissioner Sanders moved, seconded by Commissioner Walker, to find there are no reasonable grounds to believe that Dowd Realty discriminated against Cathy Sheehan based on race, no reasonable grounds to believe that Dowd Realty discriminated against Cathy Sheehan based on sex, no reasonable grounds to believe that Dowd Realty discriminated against Cathy Sheehan based on disability, no reasonable grounds to believe that Dowd Realty discriminated against Cathy Sheehan based on familial status, no reasonable grounds to believe that Dowd Realty discriminated against Cathy Sheehan based on receipt of public assistance, and no reasonable grounds to believe that Dowd Realty retaliated against Cathy Sheehan for engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

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## CASES VOTED ON IN P.M. SESSION

H/E24-0067 *Joanne Sysun (Sunderland, MA) v. Seaside Motor Inn (Kennebunk, ME)*. Complainant presented her position. Attorney Kelly Hoffman presented Respondent's position. Investigator Angela Morse reviewed her report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner Douglas, to find there are no reasonable grounds to believe that Seaside Motor Inn discriminated against Joanne Sysun on the basis of age or disability in employment, no reasonable grounds to believe that Seaside Motor Inn discriminated against Joanne Sysun on the basis of disability in housing, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed | 1 recused (Sanders recused).

H24-0083-A/B/C *Allan Corriveau (Augusta) v. Elderly Housing Development and Operations Corporation (Augusta), Chateau Cushnoc, Inc. (Augusta), Ivette Roy (Augusta)*. Complainant did not appear. Attorney Steven Silver was present for Respondent, and Investigator Angela Morse was available to review her report and recommendations and answer Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find there are no reasonable grounds to believe that Elderly Housing Development and Operations Corporation, Chateau Cushnoc, Inc., or Ivette Roy discriminated against Allan Corriveau on the basis of disability in housing, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

H24-0110-A-C *Kodichi Nwankwo (Madison, WI) v. Rick Pullen (Portland) Dan Jacques (Portland) North River Hathaway LLC (Portland)*. Attorney Jack Baldacci presented Complainant's position. Attorney Elizabeth Stouder presented Respondent's position. Investigator Alex Brindley reviewed their report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Sanders, to find there are no reasonable grounds to believe that Rick Pullen discriminated against Kodichi Nwankwo on the basis of race and/or color, no reasonable grounds to believe that Dan Jacques discriminated against Kodichi Nwankwo on the basis of race and/or color, and no reasonable grounds to believe that North River Hathaway LLC discriminated against Kodichi Nwankwo on the basis of race and/or color, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 1 in favor | 4 opposed (David, Walker, Douglas, and Sanders opposed). Commissioner David moved, seconded by Commissioner Douglas to find there are **reasonable grounds** to believe that Rick Pullen discriminated against Kodichi Nwankwo on the basis of race and/or color, **reasonable grounds** to believe that Dan Jacques discriminated against Kodichi Nwankwo on the basis of race and/or color, and **reasonable grounds** to believe that North River Hathaway LLC discriminated against Kodichi Nwankwo on the basis of race and/or color, and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 1 opposed (O'Brien opposed).

## EXECUTIVE SESSION

At approximately 2:28 P.M., Commissioner Sanders moved, seconded by Commissioner Walker, 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). 5 in favor | 0 opposed.

At approximately 2:38 P.M., Commissioner Sanders moved, seconded by Commissioner Douglas, to come out of Executive Session. 5 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Dougals, to litigate H23-0404-AB and H23-0461, and not to litigate PA22-0098. 5 in favor | 0 opposed.

At approximately 2:40 P.M., the meeting was adjourned.

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

## CONSENT AGENDA

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.

E22-0212	William "Blair" Melhuish (Brewer) v. Fandom Group, LLC, d/b/a Seasons Restaurant (Bangor)	NRG
E22-0225AB	Colleen Murphy (Lincolntonville) v. MaineHealth (Portland) v. Waldo County General Hospital (Belfast)	NRG
E22-0262	Suzanne Wendelken (Portland) v. MaineHealth (Portland)	NRG
E22-0414-AB	Elijah Drake (Portland) v. Sigco, LLC (Westbrook) v. Oldcastle Building Envelope, Inc. (Westbrook)	NRG
E23-0094-ABC	Jamie Bellefleur (Lisbon Falls, ME) v. Local Lodge S6 (Bath, ME) & District Lodge 4 (Lisbon Falls, ME) & IAM (Upper Marlboro, MD)	NRG
E23-0112-AB	Raymond Gauthier (Lewiston, ME) v. International Association of Machinists and Aerospace Workers Local S6 (Bath, ME) & International Association of Machinists and Aerospace Workers Grand Lodge (Upper Marlboro, MD)	NRG
E23-0118	Dolores Grondin obo Greg Grondin (Lewiston) v. O'Reilly Auto Parts (Lewiston)	NRG
E23-0098	Junior Washe (Turner) v. Maine State Prison (Augusta)	NRG
E23-0163	Brendan Gonzales (Van Buren) v. Walmart Supercenter (Presque Isle)	NRG
E23-0224	James Smith (Franklin) v. Elliot Jordan and Sons (Waltham)	NRG
H24-0113-AB	John Guinn (Portland) v. Forty Portland Pier Association (Portland) v. Foreside Property Management (Portland)	NRG

## TABLED

E23-0031	Kary Haley (Bath) v. MaineHealth (Portland)
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*\* Indicates a case in which a "reasonable grounds" finding is recommended*