



State of Vermont  
Human Rights Commission  
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**VERMONT HUMAN RIGHTS COMMISSION  
MINUTES  
April 30, 2015**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Mary Brodsky, Nathan Besio, Chuck Kletecka, Substitute Commissioner. Staff: Karen Richards, Executive Director, Nelson Campbell, Katherine Spence, and Ellen Maxon, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Marzec called the meeting to order at 9:09 a.m.

**EXECUTIVE SESSION:**

Vickers made a motion to go into executive session to discuss confidential cases at 9:11. The motion was seconded by Brodsky. Vote 4-0.

Marzec brought the VHRC out of executive session @ 9:40 a.m.

**BUSINESS MEETING**

MINUTES: Vickers moved to accept the minutes of the March 26, 2015 meeting as written. The motion was seconded by Besio. Vote 4-0

EXECUTIVE DIRECTOR REPORT:

Budget: ED Richards reported the HRC is currently \$39,000.00 under budget and expects to know this week if the Senate is proposing cuts to the budget. HRC has been under budget for the last two years.

Housing cases: ED Richards indicated HUD will no longer take money away for cases aging beyond 100 days. Additionally there are increases in the funding formulas for HRC per housing case. Commissioners Vickers and Marzec inquired if HRC is using the Fair Housing training money that HUD appropriates. ED Richards indicated that staff have taken part in multiple fair housing training events and that under the new guidance training will also be available for Commissioners. ED Richards indicated HRC housing cases are down in comparison to prior quarters.

Gas station accessibility: ED Richards indicated that she plans to meet with the the Agency of Natural Resources, the Agency of Agriculture and the Department of Motor Vehicles (which is obligated to notify gas stations of their obligations under the ADA) to discuss ways to educate gas stations about their responsibilities.

### **EXECUTIVE SESSION:**

Vickers made a motion to go into executive session to hear confidential cases at 10:00. The motion was seconded by Besio. Vote 5-0

Marzec brought the VHRC out of executive session at 10:17  
Besio moved to accept the recommendation of no reasonable grounds in E15-0001. The motion was seconded by Brodsky. Vote 5-0

### **BUSINESS MEETING RESUMED**

#### LEGISLATIVE REPORT

H.18- contains an amendment to the VHRC statutes re confidentiality and would permit the VHRC to withhold from parties information that is confidential under other laws. This would be a safety valve for situations where the parties are unable to reach agreement on a confidentiality agreement. A dissatisfied individual can subpoena the information, the VHRC can move to quash and then a court would decide if the information can be released and under what circumstances. The provision which is part of a larger public records bill passed the House and was then voted out of the Senate Committee. There will be a first reading on the Senate floor the week of May 4, 2015.

H.256- Makes technical changes to the retaliation provisions of 9 V.S.A. 4506 to add back in language that was inadvertently omitted when the statute was amended in 2013. The bill passed the House and was referred to Senate Judiciary. The Judiciary Committee took testimony on March 24<sup>th</sup>. The bill was signed into law on April 16, 2015.

H.221 – An act relating to criminal justice reform. Crimes and criminal procedure; release prior to trial; sentencing; probation; parole; juveniles; and, termination of parental rights. ED Richards reported the bill has stalled and she expects may be taken up in the next session.

H. 121 – An act relating to the use of criminal records in employment decisions. The bill did not go anywhere this session but the Governor issued a 'ban the box' Executive Order to remove questions about criminal records from state employment job applications. The Department of Human Resources will be issuing a policy that will outline the parameters of the E.O. The order was signed into law on April 21, 2015.

Marzec made a motion to go into executive session to hear confidential cases at 10:52. The motion was seconded by Vickers. Vote 5-0. Commissioner Besio recused himself from the hearing.

Marzec brought the VHRC out of executive session at 12:45. Kletecka moved to accept the recommendation of reasonable grounds in PA14-0022. The motion was seconded by Brodsky. Vote 1-3, motion failed. An order of no reasonable grounds was entered.

Vickers moved to accept the recommendation of no reasonable grounds in HV15-0011. The motion was seconded by Brodsky. Vote 5-0

### **EXECUTIVE SESSION:**

Besio made a motion to go into executive session to hear confidential cases at 1:02. The motion was seconded by Brodsky. Vote 5-0

Marzec brought the VHRC out of executive session at 1:13  
Brodsky moved to accept the recommendation of no reasonable grounds in E14-0009. The motion was seconded by Besio. Vote 5-0

### **BUSINESS MEETING RESUMED**

Pre-Determination Conciliation Agreements (by staff)

*Kumpf v. Hook*

HRC No. HV15-0012

HUD case No. 01-15-0162-8

Mediated Settlement (formal mediation)

Department of Corrections case involving discrimination based on sex. VHRC interviewed two persons. The case went to mediation and was settled. There is a mediated settlement on file.

### STATISTICS and OUTREACH

Commissioner discussion regarding training and requesting a nominal fee to agencies/organizations. The discussion was tabled until next meeting.

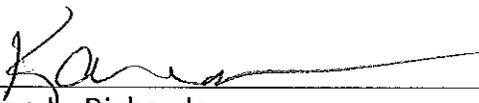
ED Richards posed to Commissioners to adjust commission meeting schedule to allow for VHRC staff to attend a conference on restorative justice on June 25, 2015. Commissioners agreed to new meeting schedule: May 28, 2015 meeting cancelled; June 25, 2015 meeting cancelled. **NEXT MEETING JUNE 4, 2015.**

Vickers moved to go back into Executive session at 1:28 p.m. where premature general public knowledge would clearly place the HRC at substantial disadvantage. Seconded by Brodsky.

Commissioner Marzec brought the Commission out of executive session and the Commissioners authorized ED Richards to send a letter to Agency of Human Services Secretary Hal Cohen outlining the Commission's concerns about the lack of coordination of services for individuals with mental health needs who are incarcerated and awaiting community placement after serving their minimum sentence.

The meeting was adjourned at 3:26.  
Dated at Montpelier, Vermont this 10<sup>th</sup> day of May 2015.

Respectfully submitted:

  
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Karen L. Richards  
Executive Director