



VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200
[toll free] 1-800-416-2010

**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
September 22, 2016**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Nathan Besio, Dawn Ellis, and Chuck Kletecka, Substitute Commissioner. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ellen Maxon, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes) Ruth Roberts, Legal Intern.

Commissioner Marzec called the meeting to order at 9:06 a.m.

BUSINESS MEETING

MINUTES: Vickers moved to accept the minutes of the August 25, 2016 meeting as written. The motion was seconded by Ellis. Vote 4-0

EXECUTIVE SESSION:

Vickers made a motion to go into executive session to hear confidential cases at 9:22 a.m. The motion was seconded by Kletecka. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 1:45 p.m.

Besio moved and Kletecka seconded a motion to accept the recommendation of no reasonable grounds with regard to allegations in PA16-0013. Vote 5-0 Motion passed.

Marzec-Gerrior made a motion to go into executive session to hear confidential cases at 1:48 p.m. The motion was seconded by Ellis Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 2:40 p.m. to continue the business meeting.

BUSINESS MEETING CONTINUED:

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Tenant v. Private Property Owner
VHRC Case No. HV16-0020
HUD Case No. 01-16-4401-8

EXECUTIVE DIRECTOR REPORT:

Budget:

The proposed FY18 budget shows a total need of \$485, 658. Compared to the FY17 need of \$455,632, an increase of \$30,026. We are supposed to present a level funded budget. We are allocating \$10K less in Salary and Benefits to our Federal Revenue Fund than in FY17, which means more is being allocated to General Fund. The other increase is in the increase in total salary and benefits from FY17 to FY18 (total increase is \$24,706). ED Richards will be presenting the HRC budget to the Agency of Administration on 10/5/16.

Updates:

Newsletter – We have now sent out seven monthly newsletters. The most recent addressed the refugee crisis in Syria, a relevant topic given the community issues being raised in Rutland around the relocation of 100 Syrian refugees to that community beginning in October. Pro-active efforts are going to be needed to bring the community together once this becomes inevitable or there will be the potential for discrimination and / or hate crimes directed at refugees.

EXECUTIVE SESSION:

Vickers made a motion to go into executive session to discuss confidential cases at 2:55 p.m. The motion was seconded by Ellis Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 3:04 p.m.

Ellis moved to accept the recommendation and Vickers seconded a motion to accept the recommendation of no determination with regard to allegations in HRC case HV16-0018 and HUD case 01-16-4272-8. Vote 5-0 – motion passed.

Commissioners additionally moved to submit an advisory opinion to parties in this case.

Vickers made a motion to go into executive session to discuss confidential cases at 3:06 p.m. The motion was seconded by Ellis Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 3:36 p.m.

Ellis moved to accept the recommendation of No Reasonable Grounds on the first issue in VHRC case No. PA16-0007 & PA16-0019. The motion was seconded by Kletecka. Vote 5-0 – motion passed

Ellis moved and Kletecka seconded a motion to accept the recommendations of reasonable grounds to believe that DTG Operations, Inc. d/b/a Thrifty Car Rental discriminated against Amadou Diallo, the Complainant, on the basis of race, color, national origin, when he returned a

second time to rent a car in violation of Vermont's Fair Housing and Public Accommodations Act in No. PA16-0007 & PA16-0019. Vote 3-2 (Vickers and Besio against) - motion passed

Vickers made a motion to go into executive session to discuss confidential cases at 3:39 p.m. The motion was seconded by Besio Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 3:41 p.m.

Ellis moved and Besio seconded a motion to accept the recommendations of reasonable grounds to believe that DTG Operations, Inc. d/b/a Thrifty Car Rental retaliated against Amadou Diallo, the Complainant, in violation of Vermont's Fair Housing and Public Accommodations Act in No. PA16-0007 & PA16-0019. Vote 5-0 – motion passed

BUSINESS MEETING CONTINUED:

EXECUTIVE DIRECTOR REPORT CONTINUED:

AG / DHR Agreements

A new draft confidentiality agreement is close to being finalized.

AG Position on HRC Jurisdiction

On 8/4/16, ED Richards sent a letter to the Deputy Attorney General about the issue of HRC jurisdiction over complaints under the Parental Family Leave Act (PFLA). An email response was received on September 21, 2016.

Fair and Impartial Police Training

AG Sorrell reached out to ED Richards on 9/8/16 to see if she would be interested in joining a workgroup that will be looking at and making recommendations to the Vermont Criminal Justice Training Academy to their fair and impartial policing curriculum. ED Richards plans to participate. Four public meetings will be held over the next month in Montpelier, White River Jct., Burlington and Bennington to take testimony from law enforcement, residents and advocacy organizations.

Restorative Justice:

Discussion tabled until the October 27, 2016 meeting. ESA Bolduc to attempt finding a location for this meeting in the greater Burlington area.

EXECUTIVE SESSION:

Vickers made a motion to go into executive session at 3:53 p.m. to discuss a litigation matter for which premature public knowledge would clearly place the HRC at a substantial disadvantage. The motion was seconded by Ellis Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 4:20 p.m.

Besio moved and Ellis seconded a motion to authorize ED Richards to litigate in D.C. v. Departments of Corrections and Mental Health, HRC case No. PA15-0007. Vote 5-0 – motion passed

BUSINESS MEETING CONTINUED:

Staffing:

Recruitment for ALE Maxon's position begins in October. We hope to have an offer out by mid-November. ED Richards may seek HR approval to have a few weeks of overlap with Maxon in order to provide some training on the HUD-specific aspects of the job.

ED Richards advised Commissioners that the ads are running sooner than expected and applications have begun coming in.

Post Case Updates (ED Richards):

D.C. v. AHS, DOC, DMH, HRC Case No. PA15-0007 – Complainant's counsel has submitted a settlement demand. HRC has sent its public interest demand. The state agreed to mediate if Correct Care Solutions (CCS) was willing to participate. CCS wants to review medical records prior to agreeing to mediate. The parties have agreed to extend the statute of limitations to 10/21/16 but may need to extend it again as the earliest date for mediation may be 10/19/16. The parties have agreed to a further extend the statute of limitations only if mediation is going forward. If it is not, Complainant's counsel is unwilling to further extend.

O.P. v. Camel's Hump Middle School et al., HRC Case No. PA15-0026. The parties are continuing to negotiate regarding a settlement.

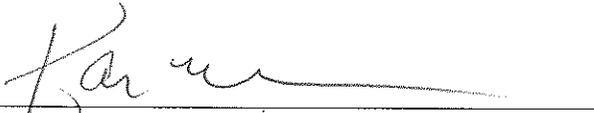
C.S. v. DOC, HRC Case No. PA15-0001. HRC is waiting for a response from the Attorney General's Office with regard to its position on mediation or settlement.

NEXT MEETING October 27, 2016.

The meeting was adjourned at 4:31 p.m..

Dated at Montpelier, Vermont this 26th day of September 2016.

Respectfully submitted:



Karen L. Richards
Executive Director