



**VT Human Rights Commission**  
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**VERMONT HUMAN RIGHTS COMMISSION  
MINUTES  
August 24, 2017**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Mary Brodsky, Nate Besio, Chuck Kletecka (arriving at 9:30 a.m., departing at 2:35 p.m.), Substitute Commissioner. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ayn Lee Sing, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Marzec-Gerrior called the meeting to order at 9:03a.m.

**BUSINESS MEETING**

MINUTES: Vickers moved to accept the minutes of the June 22, 2017 meeting as written. The motion was seconded by Besio. Vote 4-0 (Kletecka not present)

EXECUTIVE DIRECTOR REPORT:

Budget: The VHRC General Fund is currently projected to be under budget by \$31,539.70. A plan was submitted to the Agency of Administration for how those funds would be used. Special funds may also be targeted but it is unclear what the process for that is and whether we will have any say. The HRC actually ended the 2017FY \$25K **over** budget due to more being spent on salaries than was budgeted but because we had \$53K in carryforward we were able to cover that leaving the \$31K for this year. ED Richards reported that we have not yet heard back on the carryforward.

HUD Grant: The HRC successfully accomplished all of the deliverables under our HUD Partnership grant of \$7500. We received \$1500 of that during FY16. We still have \$6000 sitting in our account. We will receive \$70,700 from them for case processing for the FFY17 (our SFY18). We budgeted \$70,100.

Racial Disparities: As part of Act 54, the Attorney General (AGO) and the HRC have been tasked with coming up with strategies to address racial disparities in housing, employment, economic development and healthcare. A report is due to the legislature on November 1, 2017. To that end, the AGO and HRC will be co-sponsoring a meeting to get input from stakeholder groups about what they see as the issues in these areas and what can be done to address them.



The meeting will be on September 28, 2017 at the AG offices. Commissioners were encouraged to attend if available.

Post Case Updates:

Diallo v. Thrifty, PA16-0007- All of the deliverables from the mediated agreement have been completed except for the training of the Burlington/So. Burlington staff on implicit bias. ED Richards has reached out twice to the designated manager who has not yet scheduled dates. The deadline for compliance is September 27, 2017. Follow up with their counsel is the next step.

Nolan v. Wesco d/b/a Capital Deli, PA17-0002- The parties have agreed to go to mediation.

Fortin v. Grey Fox Inn, PA17-0010- The case has taken an interesting turn and ED Richards is reviewing options.

Hay v. UVMMC- PA16-0016- The parties are actively discussing settlement.

Restorative Justice Approach: Marzec-Gerrior asked ED Richards if she was still in touch with the Human Rights Commission in the Northwest Territories and if they had any advice to offer the HRC on where they were in their process. ED Richards reported that they are facing similar difficulties with implementation.

STATISTICS and OUTREACH

(July 1, 2016- June 30, 2017) A comparison of cases accepted through the end of the fourth quarter of the 2016 and 2017 fiscal years shows that the numbers are up or down from the number of cases accepted during the same period in the last fiscal year and the total has decreased by 3.

For the 2017 fiscal year, HRC staff conducted fifty-two (52) training events and trained 2092 people. Entities trained included employees and managers of the State, law enforcement, community members, ACLU members, criminal justice reform advocates, private employees, housing providers, individual landlords, private and non-profit attorneys, Legislators, municipal leaders and service providers. During the same period last year, we trained 1109 people in 40 events so training is up significantly.

**EXECUTIVE SESSION:**

Brodsky made a motion to go into executive session at 9:50 a.m. to obtain legal counsel where premature general public knowledge would clearly place the HRC at substantial disadvantage. The motion was seconded by Vickers. Vote 5-0

The Commission remained in executive session to hear confidential cases at 10:00 a.m.

VHRC Case No. HV17-0010

HUD Case No. 01-17-5533-8

Marzec-Gerrior brought the VHRC out of executive session at 10:35 a.m.

Kletecka moved to accept the recommendation of No Reasonable Grounds on the basis of disability. The motion was seconded by Vickers. Vote 5-0

Vickers moved to accept the recommendation of No Reasonable Grounds on the basis of sex. The motion was seconded by Besio. Vote 5-0

Brodsky made a motion to go into executive session at 10:40 a.m. to discuss confidential cases. The motion was seconded by Vickers. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 2:06 p.m. to vote.

“W.M.” v. Vermont Agency of Human Services; Vermont Department of Mental Health and Vermont Department of Corrections  
VHRC Case No. PA16-0018

Brodsky moved to accept the recommendation of Reasonable Grounds that the Vermont Department of Mental Health discriminated against “W.M.” on the basis of disability. The motion was seconded by Vickers. Vote 5-0

Besio moved to accept the recommendation of Reasonable Grounds that the Vermont Department of Corrections discriminated against “W.M.” on the basis of disability. The motion was seconded by Kletecka. Vote 4-1 (Vickers against)

Kletecka moved to accept the recommendation of Reasonable Grounds that the Vermont Agency of Human Services discriminated against “W.M.” on the basis of disability. The motion was seconded by Besio. Vote 5-0

Vickers made a motion to go into executive session at 2:14 p.m. to discuss confidential cases. The motion was seconded by Kletecka. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 2:23 p.m. to vote.

VHRC Case No. PA16-0015

Besio moved to accept the recommendation of No Reasonable Grounds that Respondent One (1) discriminated against the Complainant on the basis of gender identity. The motion was seconded by Brodsky. Vote 5-0

Vickers moved to accept the recommendation of No Reasonable Grounds that Respondent Two (2) discriminated against the Complainant on the basis of gender identity. The motion was seconded by Kletecka. Vote 5-0

Brodsky moved to accept the recommendation of No Reasonable Grounds that Respondent Three (3) discriminated against the Complainant on the basis of gender identity. The motion was seconded by Besio. Vote 5-0

**BUSINESS MEETING (continued)**

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Barrows v. Addison County Community Trust  
VHRC Case No. HV17-0025

MEDIATED SETTLEMENT (formal mediation)

Foran v. 562 Atlantic Realty Corp.  
VHRC Case No. HV17-0021  
HUD Case No. 01-17-6484-8

**OTHER BUSINESS**

ED Richards discussed informal agenda for the Restorative Justice meeting. She will provide a formal agenda to Commissioners and Staff prior to the meeting.

We will discuss 2018 Commission meeting dates at our next meeting on August 31, 2017. Marzec-Gerrior requested a note be placed on the agenda for Commissioners to bring their calendars.


Brodsky made a motion to go into executive session at 3:05 p.m. to discuss executive director compensation. The motion was seconded by Vickers. Vote 4-0 (Kletecka not present)

**NEXT MEETING August 31, 2017 (Commissioner/Staff Retreat, no hearings).**

The meeting was adjourned at 3:42 p.m.

Dated at Montpelier, Vermont this 1<sup>st</sup> day of September 2017.

Respectfully submitted:

  
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Karen L. Richards  
Executive Director