



**Human Rights Commission**  
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**VERMONT HUMAN RIGHTS COMMISSION**  
**MEETING MINUTES**  
**October 26, 2023**

PRESENT: Commissioners: Kevin Christie, Chair, Joan Nagy, Nathan Besio, and Dawn Ellis.  
Staff: Big Hartman, Executive Director; Cassie Burdyslaw, Daniel Flynnjac, Kelly Poupore, Staff Attorneys; Mitch Rotbert, Staff Litigator; Darla Mariduena, Legal Intern; Maia Hanron, Executive Staff Assistant (minutes).

Chair Christie called the meeting to order at 9:29 a.m.

Commissioner Nagy moved to accept the minutes of the July 17, 2023, meeting as written. The motion was seconded by Commissioner Besio. Discussion of the minutes followed. Chair Christie decided to table the motion concerning these minutes in order to get clarity about documenting an absent/recused commissioner in the vote tally.

Commissioner Ellis discussed her proposal to include a disclaimer in the minutes document, and asked for consideration of recording meetings. Commissioners discussed this further.

Chair Christie moved onto the August 24, 2023, minutes. Because only one Commissioner who was present at that meeting (Chair Christie) is present today, the decision was made to table approval of the August meeting minutes.

Commissioner Ellis wanted the minutes to reflect that she has brought up grave concerns about the use of alternate commissioners in unorthodox ways. She noted that Alternate Commissioner Vickers made motions and that he is not a Vermont resident. She questions using him in any capacity as an alternate Commissioner, as he would not be eligible to be a Commissioner at this time. She therefore has concerns about what transpired at the August meeting as portrayed in the August meeting minutes and whether it is beyond statute.

Commissioner Nagy moved to accept the minutes of the September 28, 2023, meeting as written. The motion was seconded by Commissioner Besio. The Commissioners discussed these minutes and the use of Microsoft Teams for meetings.

Chair Christie moved for a motion to accept the minutes of September 28, 2023, as motioned by Commissioner Nagy and seconded by Commissioner Besio. Vote 3-1 with Commissioners Christie, Besio, and Nagy in favor and Commissioner Ellis opposed.

Chair Christie suggested we motion to move into Executive Session. Commissioner Nagy moved that the Commission move into Executive Session to hear confidential cases at 10:26am. Vote 4-0, with Commissioners Christie, Besio, Nagy, and Ellis all in favor.

Chair Christie brought the VHRC out of executive session at 12:02pm. Commissioner Ellis had additional questions about the case. Commissioner Nagy moved to go back into Executive Session at 12:04pm to discuss confidential case matters, Commissioner Ellis seconded. Vote 4-0 with Commissioners Christie, Besio, Nagy, and Ellis all in favor.

Chair Christie brought the VHRC out of executive session at 12:12pm. The Commission took a lunch break until 1:20pm.

Commissioner Nagy moved to go into Executive Session at 1:22pm to hear confidential cases. Commissioner Besio seconded. Vote 4-0 with Commissioners Christie, Besio, Nagy, and Ellis all in favor. Chair Christie brought the VHRC out of executive session at 2:30pm

Commissioner Nagy moved to accept the recommendation that in HRC Case HV21-0001, HUD Case No 01-21-8499-8, there were no reasonable grounds to believe that the respondents discriminated against the complainant on the basis of disability. The motion was seconded by Commissioner Besio. Vote 3-0-1 with Commissioners Christie, Besio, and Nagy voting in favor, none opposed, and Commissioner Ellis abstaining.

Commissioner Besio moved to accept the recommendation that in HRC Case PA23-0006, that there were reasonable grounds to believe that the respondents discriminated against the complainant on the basis of race, color, sex, and sexual orientation. The motion was seconded by Commissioner Nagy. Vote 3-0-1 with Commissioners Christie, Besio, and Nagy voting in favor, none opposed, and Commissioner Ellis abstaining.

ED Hartman shared the details around a Post-Determination Settlement Agreement in HRC Case PA23-0001. They noted that Commissioner Ellis was absent for that hearing. Commissioners Christie, Besio, and Nagy approved the PDCA.

### **ED Report:**

ED Hartman noted the proposed dates for the 2024 Commission Meetings.

ED Hartman stated that the next meeting on December 7, 2023 will be at the Waterbury Complex and that we will attempt to hold next year's meetings at that location whenever the space is available. That location is accessible by public transit, spacious, has a cafeteria on site, and is on State property.

ED Hartman stated that they are requesting a per diem increase to \$150/day and that there is currently a statutory limit of \$1000/year per Commissioner, so the statute may need to be amended if the per diems are increased.

ED Hartman noted that they had one litigation matter that the Commission will need to go into executive session to discuss.

Commissioner Nagy made a motion at 2:47pm to go into executive session to discuss confidential matters in litigation. Commissioner Besio seconded. Vote was 4-0 with Commissioners Christie, Besio, Nagy, and Ellis in favor.

Chair Christie brought the VHRC out of executive session at 2:55pm.

Chair Christie made a motion at 2:55pm to go back into executive session to discuss an evaluation of a public officer or employee. The motion was seconded by Commissioner Nagy. The Commissioners discussed the motion, and Commissioner Ellis voiced questions she had about recusals, confidentiality, and confidentiality.

Commissioner Besio returned the group to vote on the motion to move into executive session at 3:16pm. Vote 3-1 with Commissioners Christie, Besio, and Nagy for and Commissioner Ellis opposed the vote.

The Commissioners came out of executive session and the meeting was adjourned at 4:18pm.

**NEXT MEETING: Thursday, December 7, 2023 at the Waterbury State Complex.**

Dated at Montpelier, Vermont this 28th day of October 2023.

Respectfully submitted:

/s/ Big Hartman

Big Hartman  
Executive Director