



Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
April 25, 2024

PRESENT: Commissioners: Kevin **CHRISTIE**, Chair; Bruce **WILSON**; Mary **MARZEC-GERRIOR** (alternate); and Don **VICKERS** (alternate) (remotely). Staff: Big Hartman, Executive Director & General Counsel (“ED”); Mitch Rotbert, Senior Counsel (minutes); Dan Flynnjac, Attorney Investigator.

ABSENT: Nathan **BESIO** (illness); Dawn **ELLIS** (no reason provided).

Commissioner **CHRISTIE** called the meeting to order at 9:16 a.m.

BUSINESS MEETING

EXECUTIVE DIRECTOR REPORT:

At 9:18 a.m., **CHRISTIE** moved to accept as written the minutes of the Commission meeting held March 28, 2024. **WILSON** seconded. **CHRISTIE** and **WILSON** vote in favor on the motion (2-0). **MARZEC-GERRIOR** and **VICKERS** abstained (as having been absent from the March 28, 2024, meeting of the Commission).

At 9:20 a.m., ED began a discussion on the Commission’s budget. E.D. explained that the budget adjustment process may allow sufficient funding for FY 2025, but anticipates no new funding for the new positions requested.

At 9:22 a.m., ED began a discussion on staff’s continuing effort on community outreach, including discussion of Fair Housing Event on April 1 in partnership with Champlain Valley Office of Economic Opportunity (“CVOEO”) using HUD Partnership Grant funds. ED discussed staff participation in Fair Housing and Civil Rights Conference, April 10-12, 2024, in Springfield, Massachusetts. ED explained that these conferences tend to center around urban community issues; ED is interested in developing some discussions with agencies that, like VHRC, have a less urban profile. **CHRISTIE** indicated that there may be legislative support for organizing a rural approach for fair housing issues. ED discussed a new discrimination prevention training program multi-part series community training to heighten VHRC profile with the community, race relations, disability rights, and LGBTQ+ discrimination. Fair housing training remains available upon request and on a bi-monthly basis, presented by Investigative Attorney Burdyslaw.

At 9:30 a.m., ED commenced discussion on legislative activity. ED discussed “Crown Act” and equal protection constitutional amendment for Vermont Constitution.

At 9:33 a.m., ED began discussion of case load, which remains “high.” Without additional staff, ED points out, the Commission is getting to a “tipping point” and indicates that the Commission has had to slow down intake. **MARZEC-GERRIOR** inquired about the average time between contact and intake and between intake and assignment. ED explained the process and relative length of time.

At 9:38 a.m., ED discussed new format for Investigative Reports (addressing alternate Commissioners). ED explained that the new format is consistent with the way in which many other human rights agencies prepare and publish their investigative reports. ED pointed out that Vermont Attorney General and HUD perform similarly to prevent backlog in their respective investigative reporting. ED pointed out that the Commission’s statute requires only a summary of interviews conducted for purposes of an investigation. ED invited feedback from the Commissioners as staff adapts to the new format. In response to **WILSON** question, ED explained that MA, ME, IN, and RI were among the state agencies on which comparison was made. ED explained that, although these other agencies differ from the Commission in their hearing/meeting procedures, all have a more streamlined reporting format. **MARZEC-GERRIOR** stated that she likes the shorter format and likes seeing the facts laid out to help the Commissioners consider any conflict in the facts as raised during a Commission meeting. **VICKERS** indicated satisfaction with the new format.

EXECUTIVE SESSION

At 9:48 a.m., **MARZEC-GERRIOR** moved to go into executive session to discuss confidential cases. **WILSON** seconded. **Unanimous vote in favor (4-0).**

At 11:30 a.m., Attorney Investigator Dan Flynnjac was excused.

At 11:45 a.m., Attorney Investigator Cassandra Burdyslaw was welcomed.

At 1:03 p.m., **CHRISTIE** took the Commission out of Executive Session.

BUSINESS MEETING

In PA22-0008, **VICKERS** moved the Commission to determine that there are reasonable grounds to believe that Respondent unlawfully discriminated against Complainant with respect to disability in violation of the Vermont Fair Housing and Public Accommodations Act (“VFHPAA”), 9 V.S.A. § 4502(c). **MARZEC-GERRIOR** seconded. **Unanimous vote in favor of the motion (4-0).**

In PA22-0008, **VICKERS** moved that there are no reasonable grounds to believe that Respondent unlawfully retaliated against Complainant in violation of VFHPAA, 9 V.S.A. § 4506(e). **MARZEC-GERRIOR** seconded. **Unanimous vote in favor of the motion (4-0).**

In PA23-0003, **VICKERS** moved that there are no reasonable grounds to believe that Respondent unlawfully retaliated against Complainant in violation of VFHPAA, 9 V.S.A. § 4506(e). **MARZEC-GERRIOR** seconded. **Vote in favor: 2. Vote opposed: 2.**

In PA23-0003, **VICKERS** moved that the Commission reconsider the matter at its next hearing. **WILSON** seconded. **Unanimous vote in favor of the motion (4-0).**

At 1:08 p.m., **CHRISTIE** moved to go into executive session to discuss confidential cases. **WILSON** seconded. **Unanimous vote in favor of the motion (4-0).**

EXECUTIVE SESSION

At 1:55 p.m., **CHRISTIE** took the Commission out of Executive Session.

BUSINESS MEETING

In HRC Case No.: HV24-0014, **VICKERS** moved the Commission to determine that there are reasonable grounds to believe that Respondent unlawfully discriminated against the Complainant based on the receipt of public assistance in violation of VFHPAA, 9 V.S.A. § 4503. **MARZEC-GERRIOR** seconded. **Unanimous vote in favor of the motion (4-0).**

In HRC Case No.: HV23-0010 (HUD Case No.: 01-23-3262-8), **VICKERS** moved the Commission to determine that there are no reasonable grounds to believe that Respondent unlawfully discriminated against the Complainant on the basis of disability in violation of VFHPAA, 9 V.S.A. § 4503. **MARZEC-GERRIOR** seconded. **Unanimous vote in favor of the motion (4-0).**

At 2:12 p.m., **CHRISTIE** moved to go into executive session to discuss confidential cases. **VICKERS** seconded. **Unanimous vote in favor of the motion (4-0).**

EXECUTIVE SESSION

At 3:05 p.m., **CHRISTIE** took the Commission out of Executive Session.

BUSINESS MEETING

In HRC Case No.: E23-0002, **VICKERS** moved the Commission to determine that there are reasonable grounds to believe that Respondent unlawfully discriminated against the Complainant on the basis of religion and on the basis of disability in violation of the Vermont Fair Employment Practices Act, 21 V.S.A. § 309. **MARZEC-GERRIOR** seconded. **Unanimous vote in favor of the motion (4-0).**

At 3:07 p.m., **CHRISTIE** moved to go into executive session to discuss litigation matters about which premature general public knowledge would clearly place the HRC at substantial disadvantage. **VICKERS** seconded. **Unanimous vote in favor of the motion (4-0).**

EXECUTIVE SESSION

At 3:24 p.m., **CHRISTIE** took the Commission out of Executive Session.

At 3:24 p.m., **MARZEC-GERRIOR** moved to adjourn. **WILSON** seconded. **Unanimous vote in favor of the motion (4-0).**

The meeting was adjourned at 3:24 p.m.

NEXT MEETING Thursday, May 23, 2024.

Dated at Montpelier, Vermont this day 26th of April 2024.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Big Hartman', with a stylized flourish at the end.

Big Hartman
Executive Director