



**Human Rights Commission**  
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**VERMONT HUMAN RIGHTS COMMISSION**  
**MINUTES**  
**May 25, 2023**

PRESENT: Commissioners: Chair Kevin Christie, Nathan Besio, Joan Nagy, Dawn Ellis, and Bruce Wilson (at 9:37 a.m.), Alternate Commissioner Mary Marzec-Gerrior (joined Executive Session at 12:30pm). Staff: Bor Yang, Executive Director; Staff Attorneys: Cassie Burdyshaw, Daniel Flynnjac, and Big Hartman. Legal Intern: Zeal Patel, Executive Staff Assistant (minutes): Maia Hanron

Commissioner Christie called the meeting to order at 9:19 a.m.

**BUSINESS MEETING**

MINUTES:

Commissioner Nagy moved to accept the minutes of the April 17, 2023, Special Commission Meeting as written. The motion was seconded by Commissioner Besio. Vote 3-0. Commissioner Ellis abstained.

Commissioner Ellis moves to table the minutes of the April 27, 2023, meeting in order to allow for amendments to be submitted in writing. Commissioner Besio seconded. Vote 3-0. Commissioner Nagy abstained.

Commissioner Wilson joined at 9:37 a.m.

EXECUTIVE DIRECTOR REPORT:

ED Yang shared that Commissioners decided at the last meeting to return to in-person meetings with the option for parties and witnesses to appear remotely. Commissioners are expected to appear in person per HRC Rule 24 except for good cause as determined by the chair or in the chair's absence, by the executive director.

ED Yang shared updates on the Executive Director hiring process and that Commissioner Mary Marzec-Gerrior will be at the Commission meeting later to discuss the preliminary hiring process.

ED Yang shared an update that H.494, the budget bill which appropriates \$1,005,919 to the HRC, including the HUD grant and a staff attorney position, is before the Governor currently and awaiting approval.

ED Yang said she would by-pass task force updates for now so that we have time to move into Executive Session prepare for today's cases.

Commissioner Ellis said that she would like to acknowledge ED Yang's years of service. She commented that it's the Commissioners' job to hire the next Executive Director and asked where the job description came from.

ED Yang explained that it is the same one used in the past with some added language around policy.

Commissioners continued to discuss the job description and the need to post the job as quickly as possible to not have a gap in leadership. ED Yang said the Commissioners will have a chance to discuss this more with Commissioner Marzec-Gerrior.

Commissioner Ellis shared her concerns that steps in the search process were missed. She said she recalled during the last hire that the Commissioners had more input in the job description.

Chair Christie shared the sensitive timeline of posting the job description, given that there are simultaneous searches for similar positions right now.

Commissioner Ellis stated that all five Commissioners have equal responsibility and feels it is never so urgent that Commissioners should be left behind in the process. She said she felt the process has been rushed. She suggested appointing an interim director if there is a gap in leadership at the end of July.

Commissioner Besio said that Commissioner Ellis did not speak for him and that he agrees with everything that has been done, to put the job description and advertisement out with approval from Chair Christie.

Commissioner Nagy said that she also agrees with Commissioner Besio's comments and everything that Chair Christie has done so far.

Chair Christie said that he approved the job description and advertisement. As Chair he has executive responsibility to make decisions and approved moving forward with the job posting with Mary Marzec-Gerrior.

ED Yang said that there are only 20 minutes before our first hearing and that the Commissioners may want to move into Executive Session to discuss confidential cases. She also stated that for the record, Commissioner Ellis will be recusing herself from the last two cases.

## **EXECUTIVE SESSION:**

Commissioner Nagy made a motion to go into executive session to hear confidential cases at 9:44 a.m. The motion was seconded by Commissioner Besio. Vote 5-0.

Commissioner Ellis recused herself from Executive Session at 11:20 a.m.

Commissioner Ellis rejoined Executive Session at 12:30 p.m.

Commissioner Ellis recused herself at 1:09 p.m.

The Commission moved out of Executive Session at 3:09 p.m.

## **BUSINESS SESSION:**

Public Session started at 3:10 p.m.

Commissioner Ellis joined at 3:10 p.m.

Commission Marzec-Gerrior made a motion under HRC Rule 29, that extraordinary circumstances exist to reopen the matter for further-investigation in the case of PA21-0020. Commissioner Nagy seconded the motion. Vote 5-0.

Commissioner Marzec-Gerrior left the meeting at 3:13 p.m.

Commissioner Nagy made a motion that in VHRC Case No: HV22-0013, we find that reasonable grounds were found on the basis public assistance in violation of Vermont's Fair Housing Act. The motion was seconded by Commissioner Besio. Vote 4-1. Commissioner Ellis held the opposing vote.

Commissioner Besio made a motion that in VHRC Case No: PA23-0001, we find that reasonable grounds were found on the basis of disability, in violation of Vermont's Fair Housing and Public Accommodations Act. The motion was seconded by Commissioner Wilson. Vote 4-0.

## **EXECUTIVE DIRECTOR REPORT CONTINUED:**

ED Yang gave an update on S.103.

ED Yang shared that the Human Rights Commission has been added to a study committee to discuss school discrimination and harassment issues.

## **PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)**

Commissioners reviewed and approved a conciliation agreement in the following case: HV23-0005.

ED Yang reminded the Commissioners that Commissioner Ellis had made a motion to table the minutes.

Commissioner Ellis clarified that she would like to table the minutes in order to provide written amendments at a later date.

Attorney Hartman reminded the Commission that anything that gets circulated to the full commission becomes public record.

ED Yang requested that all meeting minute amendments from April's Commission meeting get sent to ESA Hanron before next month's Commission Meeting, along with any amendment suggestions from today's meeting.

Commissioner Nagy made a motion to adjourn today's meeting. Commissioner Besio seconded. Vote 5-0.

**NEXT MEETING June 22, 2023.**

The meeting was adjourned at 3:25 p.m.

Dated at Montpelier, Vermont this 25 day of May 2023.

Respectfully submitted:

/s/ Bor Yang

Bor Yang  
Executive Director