



**Human Rights Commission**  
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**VERMONT HUMAN RIGHTS COMMISSION**  
**MINUTES**  
**Draft Meeting Minutes -**  
**December 1, 2022**

**PRESENT:** Commissioners: Kevin Christie, Chair, Nathan Besio, Joan Nagy, and Bruce Wilson, Dawn Ellis (1:25 p.m. – 3:13 p.m.). Staff: Bor Yang, Executive Director, Big Hartman, Daniel Flynnjac and Cassie Burdyslaw, Staff Attorneys. Public: Mike Maughan.

Chair Christie called the meeting to order at 9:08 a.m.

**BUSINESS MEETING**

MINUTES: Commissioner Nagy moved to accept the minutes of the October 27, 2022 meeting as written. The motion was seconded by Commissioner Besio. Vote 4-0

EXECUTIVE DIRECTOR REPORT:

**COVID:** ED Yang stated that the Commissioner's decision to be remote is set to expire in January and that Commissioners should discuss whether future meetings should return to in person. ED Yang stated that HRC Rules states that meetings will be in person unless good cause is shown for any Commissioner. Chair Christie offered to provide information about Legislature's discussion about how they will meet. Commissioners tabled the discussion because not all Commissioners were present for the discussion.

**ESA Hiring:** ED Yang stated that hiring is underway, and she hopes to have the new ESA start at beginning of 2023. ED Yang is currently in the offer and negotiation process.

**Case Management System:** Staff Attorney Hartman is leading the work to move forward with using carryforward funding to procure a case management system.

**HRC Rules Update:** Staff are reviewing the HRC Rules for possible amendments, which they will present to Commissioners in summer 2023.

**Annual Report:** ED Yang is in the process of writing the annual report. She is doing the ESA's duties while the position is vacant, and the report will be done in January instead of December so Commissioners will have an opportunity to provide input.

Committees and Task Forces: ED Yang stated that staff continue to conduct trainings and serve on committees and task forces. Staff Attorney Burdyslaw stated that the Vermont Criminal Justice Council (VCJC) recently revoked certification for a former law enforcement officer, and VCJC is in the process of scheduling additional professional regulation meetings and hearings.

Legislative Session: Chair Christie met with advocates to discuss legislative priorities for the upcoming session.

### **EXECUTIVE SESSION:**

Commissioner Nagy made a motion to go into executive session to hear confidential cases at 9:26 a.m. The motion was seconded by Commissioner Nathan Besio. Vote 4-0.

Chair Christie brought the VHRC out of executive session at 11:29 a.m.

### **BUSINESS MEETING CONTINUED**

#### HRC Case No: HV21-0009

Commissioner Nagy moved to find that there are reasonable grounds to believe that discrimination occurred on the basis of disability. The motion was seconded by Commissioner Besio. Vote 4-0

Commissioner Nagy moved to find that there are no reasonable grounds to believe that retaliation occurred. The motion was seconded by Commissioner Besio. Vote 4-0

#### PRE-DETERMINATION CONCILIATION AGREEMENTS

A PDCA was approved by the Commission for HRC Case No. PA20-0014

The Commission took a lunch break at 11:38 a.m.

The Commission returned at 12:30 p.m. Staff attorney Hartman conducted a professional development training about open meetings and public records issues.

Commissioner Dawn Ellis joined the meeting at 1:25 p.m. and stated she had technical difficulties with accessing the meeting by phone.

Member of the public Mike Maughan joined the meeting at 1:30 p.m. After conclusion of the professional development training, Mr. Maughan spoke about a problem with a housing assistance location in Saint Albans. He spoke about his concern for an individual who lost his housing because of a complaint made with Vermont's food and lodging complaint form. Mr. Maughan stated that the complaint form was shared with the hotel owner, who later attempted to evict the individual.

Commissioner Ellis spoke about additional opportunities for education for the Commission, including education about federal funding and impacts on human rights.

Chair Christie stated that the legislature may be able to help address the issue he talked about. Chair Christie referred Mr. Maughan to contact the General, Housing and Military Affairs Committee.

Mr. Maughan stated that Economic Services Division targets individuals who speak publicly about problems with housing assistance programs.

Commissioner Besio spoke about need for Commissioners to have refresher trainings. Chair Christie stated that he agreed the Commissioners need to continue professional development.

ED Yang asked the Commissioners to share their thoughts about the future of HRC meetings given the expiration of Act 78 and the language of HRC Rule 24. Chair Christie stated that the CDC continues to provide guidance at the county level that is updated each week. Chair Christie said HRC could follow the guidance for Washington County, where the HRC is based.

Commissioner Besio stated he is leaning toward returning to meeting in person and to continue make remote meetings available to the public and parties. ED Yang stated that parties will have the option to attend meetings remotely even if the Commissioners meet in person. Commissioner Nagy is ready to return to meeting in person. ED Yang stated that the process to make rule changes is complex and lengthy and should not be done separately for one rule particularly in light of the fact that all of the HRC rules are currently being reviewed right now by staff.

Commissioner Ellis endorsed having multiple options for attending meeting including virtual, telephonic, and in person. Commissioner Ellis suggested a liberal interpretation good cause. ED Yang stated that the rules are not just interpreted by the Commission but by the parties as well; Parties may interpret these rules differently. Commissioner Nagy wanted to know if the Governor's Act expiring changes whether there is good cause to appear remotely. ED Yang said the Commissioners can still have good cause to attend remotely based on the continuing nature of COVID but that the Commissioners should make a finding as such on the record. Chair Christie stated that people may still decide to wear masks if joining in person. Commissioner Wilson stated that travel in the winter can be treacherous, and that it would be very nice to attend in person by the spring and summer. Commissioner Wilson stated that we should be able to make our own decisions about whether we get together. ED Yang stated that very bad road conditions would be "good cause" for virtual attendance. The Commissioners took a "straw poll" about meeting in person in January. Four out of five commissioners voted in favor of meeting in person. Commissioner Ellis prefers a continuation of the current arrangement, which allows Commissioners to have the option to attend virtually or in person. ED Yang stated that if the Commission decides to have in-person meetings then parties may expect that Commissioners will in general be attending in person. Therefore, it was important to be clear to the parties whether Commissioners would be in person or if the meeting would be remote. ED Yang clarified the history of use of this rule, which was first really used in the context of COVID.

Anyone who needs to attend virtually for good cause needs to make a request for that on a monthly basis and state the basis for virtual attendance to the Chair. Chair Christie stated that we will plan for January's meeting that Commissioners will attend in person, and that Commissioners will address problems they have with attending if that arises. Chair Christie stated that clarifying the current rules will need to go through statutory rule-making procedure. Commissioner Nagy was concerned about the parties for January – if four of us are planning to be there in person then the parties can be told in advance that is the plan. Commissioner Nagy stated her priority is to create a meeting that helps the parties feel heard. ED Yang said she did not think it made sense to move forward with in-person meetings with only four Commissioners agreeing to attend in person. Because four out of the five Commissioners agreed to attend in person, the Commission should return to in-person meetings and any one commissioner who is unable to attend in person must notify the chair and staff of their reason for not being able to attend in-person. Commissioner Besio said that he would be operating on the expectation that he will attend in person for the future unless the need for virtual attendance arises.

ED Yang urged the Commissioners to please reach out to staff in advance of meetings if they're going to be late or absent regardless of the reason. Commissioners should be checking for conflicts as soon as they receive the materials via email or mail. Furthermore, if there are technical issues, those technical issues need to be addressed within the first hour of the business meeting so that the entire panel can sit for confidential cases, as expected.

Commissioner Besio asked for clarity on who to contact if a commissioner can't make it. ED Yang stated if you can't attend in person, the good cause determination is made by the Chair. But absences or tardiness due to scheduling conflicts or conflicts of interests need to be made to the ED and ESA as soon as possible so that an alternate can be found and staff can get the materials to that alternate with enough time to review.

We will be in person on January 26 starting at 9AM at Community National Bank in Barre.

**NEXT MEETING January 26, 2023.**

The meeting was adjourned at 3:13 p.m.

Dated at Montpelier, Vermont this   1<sup>st</sup>   day of December 2022.

Respectfully submitted:

*/s/ Bor Yang*

Bor Yang  
Executive Director

