

# **MINUTES OF THE COMMISSION FOR HUMAN RIGHTS**

**February 26, 2010**

**A meeting of the Commission for Human Rights was held in the agency conference room on Friday, February 26, 2010. Present at the meeting were Commissioners Alton Wiley, Jr., Dr. John Susa, Iraida Williams, Rochelle Bates Lee and Camille Vella-Wilkinson. Absent were Nancy Kolman Ventrone and Alberto Aponte Cardona. Dr. Susa, Chair, called the meeting to order at 12:40 p.m.**

**A motion was made by Commissioner Lee to approve the minutes of January 29, 2010. The motion to approve was seconded by Commissioner Vella-Wilkinson and carried.**

**Status Report: Michael D. Évora, Executive Director**

**A written report was handed out. All new information is in bold print.**

**The Director opened the discussion on the Commission's Gift Policy.**

**The Commissioners discussed parts I and II of the policy and agreed upon revisions and additions. The Commissioners voted to table the policy until the changes are made and further discussion may be had at a future meeting.**

**Copies of the Commission's FY 2009 Annual Report were distributed to Commissioners.**

**The Director discussed a letter from the Board of Architects requesting the Commission records relating to charges of alleged discrimination against certain named respondents over whom the Board has disciplinary authority. The Commissioners agreed to not give out our records. A motion was made by Commissioner Wiley that the Commission will not provide records as requested. The motion was seconded by Commissioner Vella-Wilkinson and carried. The Director will advise the Board of Architects of the decision and keep Commissioners informed of any further discussions.**

**Case Production Report – Attached**

**Aged Case Report - Attached**

**Outreach Report - Attached**

**Commissioner Meeting -2- February 26, 2010**

**STATUS REPORT - COMMISSIONERS-**

**GENERAL STATUS: No reports at this time.**

**OUTREACH: No report at this time.**

**STATUS REPORT - LEGAL COUNSEL by Cynthia M. Hiatt and Francis Gaschen**

**LITIGATION: Report Attached  
Legal Counsel discussed pending bills**

**LEGISLATION: Crucial and important bills were discussed.**

**REGULATIONS: No report at this time.**

**HEARING SCHEDULE: Discussed**

**DECISIONS: No Discussion**

**The meeting adjourned at 2:05 p.m. The next regular meeting will be March 26, 2010 at 12:30 P.M.**

**Respectfully Submitted,**

**Michael D. Évora  
Executive Director**

**Notes taken by: B. Ross**  
**EXECUTIVE DIRECTOR'S**  
**REPORT TO COMMISSIONERS**  
**26 FEBRUARY 2010**

**I. BUDGET**

**S = State/General Revenue; F = Federal (EEOC/HUD); T = Total**

	<b>FY 2010</b>	<b>FY 2010</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2011</b>
	<b>(Request)</b>	<b>(Enacted)</b>	<b>(Revised)</b>	<b>(Request)</b>	<b>(Gov.Rec.)</b>
<b>S</b>	<b>868,444</b>	<b>1,016,242</b>	<b>961,874</b>	<b>1,052,721</b>	<b>1,016,877</b>
<b>F</b>	<b>406,615</b>	<b>408,505</b>	<b>356,615</b>	<b>400,268</b>	<b>356,689</b>
<b>T</b>	<b>1,275,059</b>	<b>1,424,747</b>	<b>1,318,489</b>	<b>1,452,989</b>	<b>1,373,566</b>

**The Commission's Revised FY 2010 and FY 2011 Budget Proposals were submitted to the Budget Office/Governor on October 23, 2009. The FY 2010 Revised Appropriations Bill contains funding for the Commission's full 14.5 FTEs. The Governor is recommending funding for the full 14.5 FTEs for both FY 2010 and FY 2011.**

**II. FEDERAL CONTRACTS**

**EEOC – For federal FY 2010 (beginning October 1, 2009), according to**

**EEOC Project Director Marlene Toribio, we have closed 87 co-filed cases. We have been advised that our EEOC contract for the fiscal year is for 251 cases (an increase to the FY 2008 funding level following last year's unilateral 16% contract reduction); we have not yet received/signed the formal contract.**

**HUD – For FY 10, according to HUD Project Director Angela Lovegrove, we have taken in 27 new housing charges, 21 of which are co-filed with HUD. Within this same time period, we have processed 31 housing charges, 25 of which were co-filed with HUD.**

### **III. PERSONNEL**

**The revised FY 2010 and FY 2011 budget proposals request that the 0.5 Sr. Compliance Officer position recently vacated by Tina Christy remain unfilled in order to meet the Budget Office's revenue target. Our Budget Analyst has advised that this position may actually be cut from the Commission's budget. Governor has recommended funding for full 14.5 FTEs.**

**IV. OUTREACH – Refer to attached report**

### **V. GENERAL STATUS**

**&#9679;Meetings with staff members – I continue to meet with individual investigative staff members on a monthly basis to monitor case production.**

**&#9679;Case Closures – Refer to attached report.**

**We are slightly behind last year’s case processing rate. For FY 09, we processed 243 cases from July 1 to January 31; for this fiscal year, we processed 229 in that same time period.**

**&#9679;Aged Cases – Refer to attached report.**

**&#9679;Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 98. We ended FY 09 with approximately 325 cases in inventory. As of 2/15/10, we had a total of 325 cases in inventory; 40 of those cases were pending assignment. On February 15, 35 of the 40 pending cases were assigned to investigative staff; on February 18, the remaining five cases were assigned.**

**&#9679;Annual Report – The FY 2009 Annual Report is in and ready to be distributed. Special thanks to Susan Pracht for her work on this project.**

**&#9679;Commission Gift Policy – In accordance with Dr. Susa’s request at April’s Commission meeting, Summer Legal Intern John**

**Bogue researched and drafted language to be considered by the Commissioners in establishing a gift policy for the Commission. The proposed policy, which includes options to be reviewed and decided by the Commissioners, was mailed to Commissioners this month at the request of Dr. Susa. A revised draft was sent via email earlier this week.**

**&#9679;Railing for Hearing Room – On November 25, I faxed a letter to Dorwest/Capstone (landlord) in respect to Commissioner Ventrone’s request for a railing for the ramp leading up to the bench/witness chair in the Hearing Room. On December 1, Paul Greisinger stopped by the office to assess the ramp. He has agreed to have Capstone’s architect come in to view the ramp and draft plans for a railing. On December 14, Capstone’s architect came to the office to view and assess the ramp. On February 2, I spoke with Mr. Greisinger; he agreed to have the architect submit a drawing/draft of the proposed railing to the Commission for approval. On February 22, I met with a Capstone representative and a carpenter to discuss the placement of the railing. They will identify a date for construction/installation which does not conflict with hearings or PDCs.**

**Respectfully submitted,**

**Michael D. Évora**

## **Executive Director**

### **Attachments**

**To: Commissioners**

**From: Cynthia Hiatt and Frank Gaschen, Legal Counsels**

**Re: Litigation**

**Date: February 26, 2010**

**Recent developments are in bold.**

### **Christopher Antonelli Bankruptcy**

**On November 5, 2008, the Commission entered a Decision on damages in the case of DeAngelis v. Antonelli, et al. Thereafter Mr. Antonelli filed bankruptcy. Mrs. DeAngelis filed a suit in the Bankruptcy Court against Mr. Antonelli to have her award from the Commission non-discharged and the Court decided the issue in her favor. Mr. Antonelli has moved for reconsideration.**

### **Aquidneck Island v. RICHR, et al.**

**This suit was brought by the plaintiff against multiple parties, alleging that liens have been placed on its property improperly. All liens were against Norman Cardinale not Aquidneck. Case is moot now.**

### **Atturio et al v. Évora**

**This is an appeal of a Commission decision that granted in part and denied in part a motion to quash a Commission subpoena. The Superior Court upheld the decision of the Commission. The plaintiffs**

**petitioned the RI Supreme Court to hear the case.**

**Babbitt v. Crescent Park Manor, et al.**

**The Commission intervened as a party plaintiff in this case. A discovery deposition was held. Defendants' Motion for Summary Judgment was denied. The case will be called for trial the end of April.**

**Bagnall v. RICHR and WLWC et al.**

**The complainant appealed the Commission Decision and Order. The Commission filed the administrative record on April 12, 2006. On April 22, 2008, the complainant's attorney filed his brief. The Commission's Brief was filed on August 27, 2008. The Commission received the respondent's brief on December 5, 2008. The parties plan to move to have the appeal assigned to a judge for decision. The complainant's attorney has informed me that he may file a reply memo.**

**Dill v. Wal-Mart**

**The plaintiff in this Superior Court disability discrimination claim has subpoenaed Commission records. Commission Counsel and plaintiff's counsel have agreed to limited production of records by March 31. Interested parties are being notified of the Commission production of records.**

**Ezersky v. Rite-Way Forms, Inc.**

**On October 8, 2009, the complainant filed a petition to enforce the Commission Order. The petition was granted on October 23, 2009.**

#### **Gaffney v Town of Cumberland et al**

**The respondent appealed the Commission decision. In November, 2007, Judge Savage remanded the Commission Decision for the Commission to determine how the Commission would evaluate the evidence, given the conclusions reached in her decision. Judge Savage also asked the Commission to re-assess its Order. After numerous efforts to reach a resolution between the parties, and submissions by the parties in the winter and spring of 2009, the case was taken under consideration by the Commission.**

#### **J.J. Gregory and Sons v. RICHR and Brenda Zeigler**

**The Commission found that J.J. Gregory and Sons discriminated against Brenda Zeigler because of her sex. J.J. Gregory and Sons filed an appeal. Its appeal was amended to include an appeal of the Commission's Decision on Damages and Attorney's Fees. The Commission filed the record on February 14, 2008. Respondent filed its brief on January 5, 2009. The complainant filed her brief on January 29, 2009. The Commission filed its brief on February 9, 2009.**

**On February 10, 2009, the appeal was assigned to Judge Judith Savage for decision.**

#### **Laboy v. Stat Health Services**

**Counsel is trying to locate respondent's officers in order to ensure**

**compliance with the Commission Decision and Order. One respondent was located in MA. Suit was filed to enforce the Commission Decision; service on the respondent has not been effectuated yet.**

#### **MHRH v. RICHR and the Estate of Dr. John Satti**

**MHRH has appealed the Commission decision that MHRH retaliated against Dr. Satti and discriminated against him on the basis of his age. MHRH filed its Brief on August 7, 2008. On October 21, 2008, the Commission filed the administrative record. On January 14, 2009, the Commission filed its brief. The complainant's brief is pending.**

#### **RICHR (Breault) v. Elmhurst House, et al.**

**In this Fair Housing Practices Act case, the respondents elected to have the case heard in Superior Court. Suit on behalf of the Breaults was filed against four respondents in Providence Superior Court on January 27, 2009. Discovery was served upon the defendants.**

#### **RICHR (Lovegrove) v. Escolastico**

**A Rhode Island judgment was obtained and sent to a Florida lawyer for collection. Counsel is waiting for Ms. Lovegrove to forward funds to the Florida counsel to begin Supplementary Proceedings against Mr. Escolastico. Next month Mr. Escolastico's house is to be auctioned in foreclosure.**

#### **RICHR (Manfred) v. BD Holding (Facilities Services Mgt, Inc.)**

**A complaint was filed to enforce the Commission decisions. The complaint and discovery requests have been served on the respondent.**

**RICHR (Martin) v. Cardinale, et al.**

**A complaint alleging a transfer of real estate in violation of the Uniform Fraudulent Transfers Act was filed against Norman Cardinale, et al. Motions for Entry of Default were granted on January 21, 2009.**

**RICHR (Martin) v. Cardinale, et al.**

**A complaint alleging a transfer of partnership interests in real estate in violation of the Uniform Fraudulent Transfers Act has been filed against defendants. Discovery was commenced. Motions to compel will be filed.**

**RICHR (Morin) v. Teofilo Silva, et al.**

**A complaint for enforcement was filed on 3-24-05. Service of the complaint will be made once respondent can be located.**

**RICHR (Robinson) v. Geruso, Flagship Management, et al.**

**After a finding of probable cause, a complaint against six defendants was filed in Superior Court alleging racial discrimination in a failure to rent case. The case was settled and HUD and the press notified. RICHR will monitor the case for three years.**

**RICHR (Sousa) v. Galvin**

**A Miscellaneous Petition was filed in Providence County Superior Court to have a show cause hearing on whether Mr. Galvin should be held in contempt for failure to comply with two subpoenas duces tecum, either by appearing or sending the documents requested. The defendant is avoiding service. Galvin's house was allegedly foreclosed in December.**

**RICHR (Wright) v. New Canonchet Cliffs, et al.**

**The Commission found probable cause and the respondents elected in this housing case that alleges failure to give a reasonable accommodation regarding a support animal (the respondents claimed that the dog was too big for a pet). Suit was filed in Washington County Superior Court. The complaint was sent to counsel for defendants who agreed to accept service.**

**RICHR (Switzer) v. Principe and TEN SEVENTY EIGHT MAIN**

**The Commission found probable cause and the respondents elected in this housing case that alleges familial status discrimination. Suit was filed in state court on 1-27-09. Judgment has been entered against Principe. Default judgment motion against Ten Seventy Eight Main will be heard next month.**

**RICHR (Costa, et al.) v. Woonsocket Housing, et al.**

**This case deals with a failure to reasonably accommodate the complainants' request to have two assistive dogs in one apartment. RICHR has been working with Boston HUD on this case as HUD has**

**its own complaint. The case has been settled: respondent to be trained, enact a policy for support animals and pay the respondents \$7500. Should be finalized shortly.**

**RICHR (Zeigler) v. Laura Sitrin, Finance Dir. of Newport**

**The case is resolved. The Commission must annually monitor City training. Training was completed for 2009.**

**Tucker v. Blue Cross**

**The complainant filed an appeal of the Commission's finding of no probable cause. No action taken since appeal filed in 2004.**