

New Hampshire Commission for Human Rights

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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

January 4, 2024, at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Christian Kim (chair), Nancy LeRoy, Basra Mohamed (via telephone), Elizabeth Asch, Adrienne Evans, and Melissa Moriarty

Commission Staff: Executive Director, Ahni Malachi
Assistant Director, Sarah Burke Cohen
Investigator, Katrina Taylor
Investigator, Joyce Samuel (Secretary)

Commissioner LeRoy called the meeting to order at 5:10 PM.

1. PUBLIC COMMENT

Commissioner LeRoy asked if anyone from the public was present and wished to make public comment.

John Clinch from LRBA Audit Division was present.

Mr. Clinch stated he is just here to observe.

2. APPROVAL OF NOVEMBER MINUTES

Commissioner Asch moved, and Commissioner Evans seconded a motion to approve the minutes for November.

Upon a roll call vote, the motion carried: Commissioner LeRoy – yea; Commissioner Asch – yea; Commissioner Evans – yea; Commissioner Moriarty – yea.
[Commissioners Kim and Mohamed arrived late.]

3. GACDI UPDATE

Executive Director Malachi discussed the ongoing work of the Governor's Council on Diversity and Inclusion ("GACDI").

In December, GACDI worked on and completed an annual report to the Governor. It was submitted on December 29th. Once review is complete, it will become a public document and Assistant Attorney General Sean Locke will ensure it appears on the website. Executive Director Malachi will then distribute the report to the Commissioners.

With regard to the portrait of Rogers Johnson discussed at the previous meeting, Mr. Johnson's wife requested the marker be placed in Concord, NH, instead of the Seacoast. Regardless, the marker would not be placed until 2025 as the calendar for 2024 is full. Fundraising discussions will be addressed next month as Executive Director Malachi has some leads.

GACDI is also looking into providing a survey to state agencies regarding language access to determine services available and if there are any needs. The purpose of the survey is to establish how different state agencies provide language access and in what areas GACDI can provide support. This survey has not been distributed yet.

4. OFFICE UPDATES

Executive Director Malachi discussed the Governor's letter to state employees which will be published in January 2024. Executive Director Malachi provided the Governor with an excerpt about the Commission that will appear in the letter. Executive Director Malachi will provide a link to the Commissioners once the letter is published.

Investigator Katrina Taylor created the Commission's Biennial report. After review by Executive Director Malachi, it will be sent to Attorney Locke and then potentially put forward to the Commissioners for a vote at the February meeting. Once the report has been approved, it will go before GNC.

Executive Director Malachi discussed a new organization called One Concord. There is a community listening session on Saturday, January 6th to begin to formulate the purpose of the organization. Executive Director Malachi will attend.

Executive Director Malachi will participate in a Citizen's Academy, offered by the FBI. The class will be held once a week starting April 25, 2024, for six weeks. The purpose of this program is to give people outside of law enforcement an inside look at understanding the FBI's services and provide an opportunity to ask questions.

Executive Director Malachi attended the Business and Industry Association's meeting in December where she had the opportunity to speak with business owners and legislators. Executive Director Malachi plans to send out an invitation to house and judiciary

members for a training session at the Commission and will keep the Commissioners informed of the date if they would like to attend.

The Commission hired an investigator who started on December 15, 2023. A new intake coordinator is scheduled to start on January 12, 2024, and another investigator will start in February.

The paralegal and secretary positions remain unfilled.

5. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke introduced Investigator Taylor to discuss investigator caseload.

Investigator Taylor is a senior investigator performs the opening and closing of cases and has been an investigator with the Commission for ten years. Investigator Taylor is also in charge of the Commission's mediation program.

Investigator Taylor reported in 2023, there were over double the number of mediations as 2022. The program has gained popularity and currently holds a 60% success rate. There are already 14 mediations scheduled for January 2024, and four so far for February 2024, with another eight anticipated.

The Commission currently has a list of approximately 40 volunteer mediators with varying availabilities. Some mediators perform two a year, some perform 12 a year. Investigator Taylor stated the Commission is in the process of recruiting more mediators since the program has increased in popularity. A flyer will be distributed to encourage recruitment.

Investigator Taylor stated the mediators need not be local and to put out the word if any of the Commissioners know of anyone interested.

With regard to opening and closing cases, 30 cases were opened in November and 10 cases were closed. This was in part due to the holiday and the Commission's relocation to a different office.

6. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the public hearing schedule for 2024. There will possibly be a hearing on February 21, 2024, or March 20, 2024. It will be an interesting hearing due to the Respondent's actions thus far in the process. The hearing could be somewhat of a default hearing as Respondent has decided not to participate. Respondent was notified but did not appear for conciliation today. Because the Complainant is *pro se*, Commission staff will present substance of case. Complainant will present information about the damages he is seeking. Commissioner LeRoy inquired about the process given no participation of the Respondent. Assistant Director Burke Cohen explained that Complainant's case will be presented and if Respondent is not

present, there will be no defense to it so everything could be deemed admitted. If the Hearing Panel reviews the Complainant's case and find that the evidence does meet the legal standard, the Hearing Panel can find in the Complainant's favor and award damages to him. The Hearing Panel would issue its Order and it would be sent to both parties. If Respondent does not comply with it, it is not enforceable by the Commission, but rather the Complainant would need to request the Superior Court to issue an Order to enforce it. Commissioner Kim asked why hold the hearing if there's already been a Probable Cause finding and likelihood that Respondent will not attend. Assistant Director Burke Cohen explained that Respondent will be notified of the public hearing and still has the opportunity to attend and put on a defense. Commissioner Kim asked if the Respondent does not attend, can the Hearing Panel adopt the findings of the report as is. Assistant Director Burke Cohen explained that because the hearing is *de novo* the Commission would need to present the case likely as an offer of proof to the Hearing Panel to fulfill the statutory requirements. Then, the Hearing Panel would hear evidence presented by the Complainant relative to damages he is seeking. Following the submission of that evidence, the Hearing Panel would deliberate, make a finding and an Order would be issued. Assistant Director Burke Cohen explained that the hearing likely would move forward in either February or March as there are some logistics that need to be worked out as Complainant currently resides in Florida.

7. OTHER BUSINESS

None.

8. NON-PUBLIC SESSION

None.

9. ADJOURNMENT

Commissioner Kim moved for adjournment. The Commissioner's meeting adjourned at 5:47 PM.