

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2011CH0384</b>
	)	HUD NO.: <b>05-10-1575-8</b>
<b>CHARLOTTE EMERY,</b>	)	ALS NO.: <b>11-0842</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove<sup>1</sup> presiding, upon the Request for Review (“Request”) of Charlotte Emery (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2011CH0384 and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent’s dismissal of Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On September 23, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Aegis Management Company (“Managers”) subjected her to discriminatory terms, conditions, privileges, or services and facilities because of her race (black), in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). After Petitioner fell behind in paying her condominium assessments, she requested a partial payment plan from the Managers. The Managers offered Petitioner a three-month plan, which she rejected. She was then assessed late fees, and her account was sent to collections.

On October 6, 2011, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Section 3-102(B) prohibits altering the “terms, conditions, or privileges” of a real estate transaction based on racial discrimination. Petitioner must show that she was a member of a protected class; the Managers were aware of her membership; the Managers subjected her to an adverse action; the Managers did so because of Petitioner’s membership in a protected class; and the Managers treated similarly situated condominium owners who were not members of that class more favorably under similar circumstances. Petitioner’s claim fails at the last prong. She alleges that a white condominium owner who also fell behind in her assessments was not sent to collections.

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Cosgrove prior to the expiration of his term.  
<sup>2</sup> In a request for review proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

The Managers' documents showed that this was untrue: the other owner's account was sent to collections for nonpayment, and other fees were assessed.

Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of the charge was not in accordance with the Act.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Aegis Management Company, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS** )  
 ) **Entered this 24th day of October 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir