

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH0653
)	HUD NO.: 05-11-1473-8
TONYA FLETCHER,)	ALS NO.: 12-0219
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Lauren Beth Gash¹, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Tonya Fletcher (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CH0653 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 Counts E and F of Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On September 9, 2011, Petitioner filed a charge of discrimination with the Respondent alleging that Edward Stachurski, Danuta Stachurski, and Rafal Stachurski (“Landlords”) failed to rent to her (Counts A-C), subjected her to discriminatory statements (Count D), and misrepresented availability of an apartment (counts E and F) because of her race (black), in violation of Sections 3-102(A), 3-102(F), and 3-102(E) of the Illinois Human Rights Act (“Act”). Petitioner alleged that Landlords represented their rental apartment as being available until they actually met her. While she viewed the apartment, Landlords made racial comments and told her that the apartment needed repairs and would not be available until after she needed it.

On February 17, 2012, the Respondent entered a finding of Substantial Evidence as to Counts A-D, but dismissed Counts E and F for Lack of Substantial Evidence. Respondent filed a complaint with the Commission for Counts A-D, which was eventually settled and voluntarily dismissed. The Petitioner filed a timely Request as to Counts E and F. (Counts A-D are not before the Commission in this Request.)

In Counts E and F, Petitioner alleges that Landlords misrepresented the availability of the apartment on July 19, 2011, by telling her that it needed repairs to the kitchen and would not be available for a few weeks, though Petitioner needed it immediately. In order to establish a *prima facie*

¹ This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her term.

² 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.”

case, a petitioner is generally required to show that: 1) the petitioner is a member of a protected group; 2) the petitioner applied for an opportunity and was qualified for the opportunity; 3) the opportunity was denied to the petitioner; and 4) after the opportunity was denied, the opportunity was offered to others not in the protected group. Turner v. Human Rights Comm'n, 177 Ill. App. 3d 476, 487–88 (1988). Petitioner's claim fails at the fourth prong. A few days after Petitioner viewed the apartment, a white man viewed the apartment as a potential renter. Landlords also informed him that the apartment needed repairs and would not be ready for another few weeks. He moved in August 1, 2011, and Landlords were still doing repairs to the apartment for two more weeks. Landlords also produced receipts for building materials during this time frame. Petitioner has not shown that the white renter was treated more favorably as to the availability of the apartment based on repairs.

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

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of Counts E and F of 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 Edward Stachurski, Danuta Stachurski, and Rafal Stachurski, 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 9th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Lauren Beth Gash