

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2011CP2948</b>
	)	EEOC NO.: <b>N/A</b>
<b>JORGE ANTONIO MARQUEZ,</b>	)	ALS NO.: <b>12-0245</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Lauren Beth Gash<sup>1</sup>, Hermene Hartman, and Nabi R. Fakroddin presiding, upon the Request for Review (“Request”) of Jorge Antonio Marquez (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2011CP2948 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 April 5, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that First National Mortgage (“Bank”) denied him the full and equal enjoyment of its services due to his national origin and ancestry, in violation of Section 5-102(A) of the Illinois Human Rights Act (“Act”). Specifically, Petitioner sought a second modification of his mortgage, even though an earlier modification lowered his monthly payments. He contends that the Bank should have offered him more favorable terms.

On March 23, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Generally to establish a *prima facie* case of discrimination concerning a public accommodation the Petitioner must show that: 1) the Petitioner is within a protected category; 2) he or she was denied full enjoyment of the respondent’s facilities; and 3) that others not within his or her protected class were given full enjoyment of those facilities. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, \*9 (March 24, 1994). Petitioner’s case fails at the third prong: he was unable to identify others outside his protected class who were given a more favorable mortgage modification than the one he had already received from the Bank.

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her 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.”

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 First National Mortgage, 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 Nabi R. Fakroddin

Commissioner Lauren Beth Gash

Commissioner Hermene Hartman