

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH0547
)	HUD NO.: 05-11-1419-8
TERRY WADELL-MOENTER,)	ALS NO.: 12-0264
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Lauren Beth Gash¹, Hermene Hartman, and Nabi R. Fakroddin presiding, upon the Request for Review (“Request”) of Terry Wadell-Moenter (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CH0547 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 August 22, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that The Estates at Churchill Hunt Community Association (“Association”) subjected her to discriminatory terms, conditions, privileges, or services and facilities because of her race, in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). Petitioner had been operating a daycare business out of her home, and the Association directed her to cease operation of that business and fined her when she failed to do so, citing Association rules against operating businesses that were not incidental to the home’s primary use as a residence.

On January 11, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner must show that she was a member of a protected class; the Association was aware of her membership; the Association subjected her to an adverse action; the Association did so because of her membership in a protected class; and the Association treated similarly situated home owners who were not members of that class more favorably under similar circumstances. Petitioner’s claim fails at the final step. She identified a trio of other homeowners who worked from their homes, but those businesses involved only occasional customer contact at that location (unlike the daycare business, which by definition had several children in Petitioner’s home during her hours of operation).

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.”

The Association also identified another homeowner who had been directed to stop using their home for an acupuncturist business. The latter is similarly-situated to Petitioner, in that such a business also involves a steady stream of customers visiting the home, and that homeowner was treated similarly to 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 The Estates at Churchill Hunt Community Association, 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 10th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Nabi R. Fakroddin

Commissioner Lauren Beth Gash

Commissioner Hermene Hartman