

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH1279
)	HUD NO.: 05-12-0148-8
NAMON and LETICIA BARNETT,)	ALS NO.: 12-0281
)	
Petitioners.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Nabi Fakroddin, Lauren Beth Gash¹, and Hermene Hartman presiding, upon Namon and Leticia Barnett's ("Petitioners") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012CH1279 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 the Petitioners' charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On October 28, 2011, the Petitioners filed a charge of discrimination with the Respondent alleging that Michael M. Lullo and Associates dba Century 21 Lullo ("Broker") refused to sell them a real estate property due to their race in violation of Section 3-102(A) of the Illinois Human Rights Act ("Act"). On February 24, 2012, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioners' charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

Generally, to establish a *prima facie* case of discrimination in a real estate transaction, the buyer must show: 1) she is a member of a protected class; 2) the seller was aware of her protected class; 3) she was ready, willing, and able to purchase the property; and 4) the seller refused to sell her the property. In re Request for Review of Aaron Bryant, IHRC, Charge No. 2010CH1155, 2010 WL 8346853, *2 (November 18, 2010).

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."

In this case, the Broker represented the *Petitioners*, not the seller. It was the seller who declined to sell the Petitioners the subject property due to a more favorable offer from another prospective buyer.

Accordingly, the Petitioners have 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 Michael M. Lullo and Associates dba Century 21 Lullo 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 2nd day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Nabi Fakhroddin

Commissioner Lauren Beth Gash

Commissioner Hermene Hartman