

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH1294
)	HUD NO.: 05-12-0149-8
VIVIAN E. BROWN,)	ALS NO.: 12-0362
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Steve Kim, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Vivian E. Brown (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2012CH1294 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 Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On November 7, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Erickson Management Company (“Manager”) subjected her to discriminatory terms, conditions, privileges, or services and facilities related to a real estate transaction because of her race, in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). Specifically, Petitioner alleges that the roof over her condominium unit leaked, causing damage to her home, and the Manager refused to repair her roof while issuing a special assessment to repair the roofs of other buildings in the condominium complex.

On April 10, 2012, 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 Manager was aware of her membership; the Manager subjected her to an adverse action; the Manager did so because of Petitioner’s membership in a protected class; and the Manager treated similarly situated condominium owners who were not members of that class more favorably under similar circumstances. Petitioner did not provide evidence that the Manager’s actions were based on her race, or that other condominium owners with leaking roofs, of a different race, had their roofs repaired more speedily.

¹ 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.”

