

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH2313
)	HUD NO.: 05-12-0476-8
NAMON BARNETT and)	ALS NO.: 12-0372
LETITIA G. BARNETT,)	
)	
Petitioners.)	

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 Namon Barnett and Letitia G. Barnett (“Petitioners”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2012CH2313 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 February 10, 2012, the Petitioners filed a charge of discrimination with the Respondent alleging that Walter Owiesny and Jayne Owiesny (“Owners”) refused to sell them a home based on their race and veteran status, in violation of Section 3-102(A) of the Illinois Human Rights Act (“Act”). Petitioners allege that, after the Owners signed a contract to sell a house to Petitioners, the Owners cancelled the contract a few days later and accepted another offer.

On April 18, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

In order to establish a *prima facie* 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). Assuming Petitioners presented such a case, the claim still fails. The evidence shows that the second offer arrived during the five-day attorney review period allowed in Petitioner’s contract, and the later offer was more favorable to the sellers. Although the purchase price was slightly lower, it had a different mortgage contingency and did not require Owners to pay the buyer’s closing costs. This constitutes a legitimate, nondiscriminatory reason for accepting one offer over another. Id. at 488-89.

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.”

