

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH1578
)	HUD NO.: 05-12-0257-8
JOE ANN BOOKER,)	ALS NO.: 12-0426
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Lauren Beth Gash¹, and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of Joe Ann Booker (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CH1578 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 December 5, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Timothy J. Pieroni and Valerie D. Pieroni (“Landlords”) and Mary Mast (“Tenant”) subjected her to discriminatory terms, conditions, privileges, or services and facilities, and subjected her to interference, coercion, or intimidation, because of her race, in violation of Sections 3-102(B) and 3-105.1 of the Illinois Human Rights Act (“Act”). Petitioner alleges that the Landlords required her to mow the lawn she shared with Tenant, and that when she refused to assume sole responsibility for the lawn, the Landlords and Tenant harassed her and yelled racial slurs. After Petitioner moved out, Landlord returned only part of her security deposit, and influenced her new landlord to revoke her lease, leaving her homeless for a month.

In April 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; Landlords and Tenant were aware of her membership; Landlords and Tenant subjected her to an adverse action; Landlords and Tenant did so because of Petitioner’s membership

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 a protected class; and Landlords and Tenant treated similarly situated tenants who were not members of that class more favorably under similar circumstances.

Petitioner's lease does not spell out who was responsible for mowing the lawn. But several of the prior tenants of Petitioner's unit (both of Petitioner's race, and of other races) were responsible for mowing the lawn, according to their own leases. Tenant had lived there many years and had never been responsible for lawn care. So, Petitioner cannot show that similarly-situated tenants outside her racial group were treated more favorably. Landlords admitted that they had failed to include the lawn-mowing provision in Petitioner's lease, as they had done for the prior tenants of Petitioner's unit; this led to the dispute, but does not show racial animus.

Petitioner presented no evidence that either Landlords or Tenant somehow influenced Petitioner's new landlord into cancelling her lease. Landlords also presented evidence that they kept part of the security deposit because Petitioner moved out suddenly and her unit required cleaning and repair.

Section 3-105.1 prohibits interference, coercion, or intimidation on account of having exercised rights under Article 3. Petitioner alleges that Landlords and Tenant harassed her. The evidence showed that Landlords and Tenant had a dispute with Petitioner over the property's lawn, and it led to Petitioner calling the police on multiple occasions and moving out early. The actions Petitioner describes, while unpleasant, are not sufficiently "severe and pervasive" to constitute harassment. Harris v. Forklift Systems, Inc., 510 U.S. 17, 20 (1993).

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 Timothy J. Pieroni, Valerie D. Pieroni, and Mary Mast, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 2nd day of November 2018.

Commissioner Duke Alden

Commissioner Lauren Beth Gash

Commissioner Patricia Bakalis Yadgir