

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH2590
)	HUD NO.: 05-12-0573-38
ZSOCH DUNN,)	ALS NO.: 12-0457
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Lauren Beth Gash¹ presiding, upon Zsoch Dunn's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012CH2590 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 March 12, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that CHL Properties, LLC ("Landlord") subjected him to discriminatory terms, conditions, privileges, or services and facilities because of his sex and in retaliation for filing a previous charge of discrimination in violation of Sections 3-102(B) and 6-101(A) of the Illinois Human Rights Act ("Act"). On June 12, 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 Petitioner's 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, in order to show the existence of a *prima facie* case of discrimination in the provision of housing, there must be evidence of the following: (1) the Petitioner is a member of a protected class; (2) the Landlord was aware of the Petitioner's membership in that protected class; (3) the Petitioner was a tenant in good standing with the terms and conditions of tenancy; (4) the Landlord altered the terms, conditions, and privileges of the Petitioner's real estate transaction, and

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."

(5) the Landlord treated similarly situated tenants outside of the Petitioner's protected class more favorably under similar circumstances. In re Warren Corprew and Slate Creek Apartments, et al., IHRC, Charge No. 2010SH0239, 2010 WL 5314832, *2 (June 23, 2010).

To prove a *prima facie* case of retaliation, the Petitioner must prove the following three elements: (1) Petitioner engaged in a protected activity, (2) the landlord took an adverse action against him, and (3) there was a causal nexus between the protected activity and the adverse action. Carter Coal Co. v. Human Rights Commission, 261 Ill. App. 3d 1, 7 (5th Dist. 1994).

There is no substantial evidence that Petitioner was subjected to different terms and conditions of his lease because of his sex or in retaliation for filing a previous charge of discrimination. The first two counts of the Petitioner's charge allege that the landlord did not properly address his complaints about disturbances caused by an upstairs tenant because the upstairs tenant was female. The investigation revealed that the landlord did try to resolve their disputes, but both parties declined to participate. Furthermore, the leaseholders in the upstairs unit were both male and female.

The Petitioner's charge also alleges that he was denied a thermostat, even though female residents had been provided thermostats. The Respondent's investigation showed that none of the residents in the building had thermostats; rather, all of the units were heated by radiators. Further, the denial of the thermostat could not have been in retaliation for opposing discrimination because the Petitioner asked for and was denied the thermostat prior to filing his charge of discrimination.

Finally, the Petitioner alleges that his water pressure and temperature were inadequate compared to other units. Again, the investigation does not support this. The Respondent's investigator was unable to check the Petitioner's water pressure, as he would not let her into his unit. The Petitioner did report to the investigator that the problems with his water pressure had corrected themselves.

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 CHL Properties, LLC as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 5th day of November 2018.

HUMAN RIGHTS COMMISSION)

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Lauren Beth Gash