

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH1135</b>
	)	HUD NO.: <b>05-12-0064-8</b>
<b>ALICE Z. MITIC,</b>	)	ALS NO.: <b>12-0549</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,<sup>1</sup> Michael Bigger, and Amy Kurson presiding, upon Alice Z. Mitic’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2012CH1135 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**:

- A. The Respondent’s dismissal of Count A of the Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.
- B. The Respondent’s dismissal of Count B of the Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On October 18, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Ritchie Court Condominium Association (“Association”) and Sudler Property Management (“Manager”) subjected her to discriminatory terms, conditions, services, and facilities because of her national origin in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). On March 15, 2012, the Respondent dismissed Count A of the Petitioner’s charge for lack of jurisdiction and Count B 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).

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her term.

<sup>2</sup> 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.”

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 Association or Manager 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 Association or Manager altered the terms, conditions, and privileges of the Petitioner's real estate transaction, and (5) the Association or Manager 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).

There is no substantial evidence that Petitioner was subjected to unequal terms by the Association or the Manager because of her national origin. In Count A, the Petitioner alleges that she was denied access to her parking space, and when she brought her complaints to the attention of the Association, it did nothing to address them. However, the investigation revealed that the Petitioner purchased her parking spaces in 1996, and they have remained in the same condition since then. The Petitioner's complaint is that one of her parking spaces can only be accessed if one of the adjoining parking spaces is empty. However, because the car that was parked in the adjoining space was authorized to be there, there is nothing the Association could have done to remedy the Petitioner's issue. Therefore, there is no evidence that the Association altered the terms, conditions, and privileges of the Petitioner's real estate ownership.

The Petitioner's Count B alleges that she received a ban notice because of her national origin. The investigation revealed that Petitioner was issued a notice by the Manager advising her that all future communications should be made in writing, and she was no longer permitted to physically enter the management office. The Manager stated that this ban was issued because the Petitioner had been abusive and threatening towards one of its employees. Further, the investigation revealed that another resident, who is not a member of the Petitioner's protected class, had also been issued a ban notice for threatening behavior, so the Petitioner cannot establish a necessary element of her claim.

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, Ritchie Court Condominium Association, and Sudler Property Management 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 9th day of November 2018.**

Commissioner Diane M. Viverito

Commissioner Michael Bigger

Commissioner Amy Kurson