

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH3423</b>
	)	HUD NO.: <b>05-12-0874-8</b>
<b>BOBBIE LEONARD,</b>	)	ALS NO.: <b>12-0688</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Eleni Bousis presiding, upon Bobbie Leonard’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2012CH3423 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 May 23, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Normandy Condominium Association and NG Property Group, Inc. (“Association”) subjected her to unequal terms and conditions of her housing due to her race and in retaliation for opposing unlawful discrimination in violation of Sections 3-102(B) and 6-101(A) of the Illinois Human Rights Act (“Act”). On August 23, 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 Association 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 altered the terms, conditions, and privileges of the Petitioner’s real estate transaction, and

---

<sup>1</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.”

(5) the Association 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).

The Petitioner's charge alleges that the Association forced her to stop work on a renovation to acquire the necessary city permits. The Petitioner states that other residents who were not members of the Petitioner's protected class were allowed to do renovations without getting or displaying permits. The investigation revealed that the Petitioner's bathroom renovations caused multiple neighbors to complain to the Association about noise and damage to their units. The Petitioner cannot prove that similarly situated residents were allowed to renovate their units without interference because there was no proof that any of these renovations resulted in complaints from neighbors. Further, as for the work stoppage, it was the City of Evanston, not the Association, that required the permit after being alerted to the renovations by one of the Petitioner's neighbors.

The Petitioner's charge also alleges that the Association charged her attorney's fees related to the defense of her HUD complaint. 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 Association took an adverse action against her, 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). The Petitioner cannot establish the necessary elements of this claim because she cannot show that the Association took any adverse action against her. While the attorney's fees were originally included on the Petitioner's assessment, the Association admitted this was in error. The fees were removed, and the Petitioner did not pay them.

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, Normandy Condominium Association, and NG Property Group, Inc. as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS** )  
 ) **Entered this 30th day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Eleni Bousis