

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH2360
)	HUD NO.: N/A
CLIFFORD CERUTTI,)	ALS NO.: 12-0691
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Charlene Foss-Eggemann,¹ and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of Clifford Cerutti (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CH2360 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 February 24, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that International Union of Operating Engineers, Local 150 Building Corporation (“Landlord”) subjected him to discriminatory terms, conditions, privileges, or services and facilities because of his race (black), in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). Petitioner rented a commercial space from Landlord for a barber shop. Petitioner alleges that Landlord refused to build the unit to suit Petitioner’s needs, wouldn’t install a mailbox or allow Petitioner to place a sign on the awning; blocked his customers from using the parking lot; and evicted him for nonpayment of rent and using space not included in the lease. He also alleges racial animus, as Landlord’s maintenance man offered to install a “black” mailbox for Petitioner.

On August 7, 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 he was a member of a protected class; Landlord was aware of his membership; Landlord subjected him to an adverse action; Landlord did so because of Petitioner’s membership in a protected class; and Landlord treated similarly situated tenants who were not members of that class more favorably under similar

¹ This Order is in accordance with a vote cast by Commissioner Foss-Eggemann 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.”

