

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH3272</b>
	)	HUD NO.: <b>05-12-0809-8</b>
<b>DAVID LOUIS SITO,</b>	)	ALS NO.: <b>12-0695</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Charlene Foss-Eggemann,<sup>1</sup> and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of David Louis Sito (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2012CH3272 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 May 8, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Crossland Economy Studios and Extended Stay Hotels, c/o HVM LLC (“Landlords”) refused to rent to him, and subjected him to discriminatory terms, conditions, privileges, or services and facilities because of his ancestry, religion, and mental disability; and subjected him to retaliatory conduct, in violation of Sections 3-102(A), 3-102(B), 3-102.1(A), 3-102.1(B), and 3-105.1 of the Illinois Human Rights Act (“Act”). Petitioner alleges that Landlords refused to rent him an extended-stay hotel room and banned him from their properties. Petitioner complained to Landlord’s corporate office, but they did not respond.

On August 22, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

In order to establish a *prima facie* case for refusal to rent, a petitioner is generally required to show that: 1) the petitioner is a member of a protected group; 2) the petitioner applied for an opportunity and was qualified for the opportunity; 3) the opportunity was denied to the petitioner; and 4) after the opportunity was denied, the opportunity was offered to others not in the protected group. Turner v. Human Rights Comm’n, 177 Ill. App. 3d 476, 487–88 (1988). Assuming Petitioner presented such a case, the claim still fails. Landlords assert that Petitioner had stayed in their hotels

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

three times in the past. The first two were without incident; however, during his third stay Petitioner caused considerable damage to the room, including tampering with the room lock and allowing his cat to urinate on the carpet. This constitutes a legitimate, nondiscriminatory reason for refusing to rent to Petitioner, and Petitioner has not shown it to be pretextual. Id. at 488-89.

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 circumstances. Petitioner has not presented evidence of similarly-situated tenants, who had caused damage to property, but were still allowed to rent rooms.

Section 3-105.1 prohibits interference, coercion, or intimidation on account of having exercised rights under Article 3. Assuming Petitioner presented a *prima facie* case, his claim still fails. Again, Landlords presented a legitimate, nondiscriminatory reason for refusing to rent to Petitioner, and he has not shown that this was pretextual. Turner, 177 Ill. App. 3d at 488-89.

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, Crossland Economy Studios, and Extended Stay Hotels, c/o HVM LLC, 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 16th day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Duke Alden

Commissioner Charlene Foss-Eggemann

Commissioner Patricia Bakalis Yadgir