

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2013CH0275</b>
	)	HUD NO.: <b>05-12-1216-8</b>
<b>TORRIN PERRY,</b>	)	ALS NO.: <b>13-0040</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 Torrin Perry’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. 2013CH0275 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 August 1, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Porsche Wilkins, Manager, Mercy Lakefront Housing LLC, d/b/a South Loop Apartments (“Landlord”) subjected him to discriminatory terms, conditions, privileges, or services and facilities related to a real estate transaction in retaliation for opposing unlawful discrimination in violation of Section 6-101(A) of the Illinois Human Rights Act (“Act”). On October 19, 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).

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).

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<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.”

The Petitioner alleges that he was denied access to the property to retrieve his belongings and that his lease was terminated because he helped his son file a fair housing complaint against the subject property. The investigation did not produce any evidence that the Landlord was aware of the Petitioner's protected activity before sending him notice that his lease would not be renewed. And even if the Landlord did have notice of the protected activity, the Petitioner still cannot establish the causal nexus between the protected activity and the adverse action taken against him by the Landlord, as the Landlord explained during the investigation that the Petitioner's lease was terminated because of his criminal activity. One of the residents of the building had reported to the Landlord that the Petitioner had threatened her with a gun, and he was subsequently arrested. Further, he was only denied access to the property to retrieve his belongings because he came outside of normal business hours. He was instructed to come back at a more appropriate time.

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 Porsche Wilkins, Manager, Mercy Lakefront Housing LLC, d/b/a South Loop Apartments 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 7th day of December 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Eleni Bousis