

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CH2863
KEIYA MONTICELLO,)	HUD NO.: 05-13-0717-8
)	ALS NO.: 13-0265
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Keiya Monticello's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2013CH2863 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **LACK OF JURISDICTION**.

DISCUSSION

On April 18, 2013, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on April 19, 2013, alleging that Manna Management, Inc. ("Manna"), subjected her to discriminatory terms, conditions, privileges, of services and facilities in retaliation for her filing of a previous charge of discrimination with the Respondent against Manna, in violation of Section 6-101(A) of the Illinois Human Rights Act ("Act"). On May 15, 2013, the Respondent dismissed Petitioner's charge for Lack of Jurisdiction. On May 15, 2013, the Petitioner filed a timely Request for Review ("Request") with the Commission.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for Lack of Jurisdiction. Section 7B-102 (A) (1) of the Act states that a housing discrimination charge must be filed within one year after the date that a civil rights violation has been committed or terminated. On August 18, 2011, Manna filed an action for forcible entry and detainer lawsuit to evict the Petitioner and the Petitioner was aware of said action. Therefore, the jurisdictional time-period for the Petitioner to file her charge with the Respondent began to run on August 18, 2011. The Petitioner filed the instant charge against Manna on April 18, 2013, more than one year after the date of the alleged violation. The Petitioner's failure to file her charge within the prescribed time period

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

deprived the Respondent of jurisdiction to investigate the instant charge. As such, the Respondent lacked jurisdiction to investigate the Petitioner's charge.

In her Request, the Petitioner argued that she filed a charge against Manna with the Respondent and thereafter Manna placed her name on an eviction when she wasn't evicted. In support of her argument the Petitioner attaches a summary of eviction case number 2011-M1-71812 of the Circuit Court of Cook County. However the summary indicates that the date of the eviction filing was August 18, 2011. The summary only supports the Respondents determination of lack of jurisdiction. Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of the Charge was not in accordance with the Act. The Petitioners' Request is not persuasive

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

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, Manna Management, Inc. as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 30th day of October 2018.

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor