

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CC0395
)	EEOC NO.: N/A
GEORGE CALVIN,)	ALS NO.: 13-0308
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Amy Kurson, Steve Kim, and Robert A. Cantone presiding upon George Calvin's (the "Petitioner") Request for Review (the "Request") of the Notice of Dismissal issued by the Department of Human Rights (the "Respondent")¹ of Charge No. 2013CC0395 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 August 15, 2012, the Petitioner, George Calvin, filed a charge of discrimination with the Respondent (the "Charge"), alleging that International Capital Equipment failed to process his finance application in retaliation for filing a previous charge of discrimination with the Respondent against International Capital Equipment in violation of Section 6-101 (A) of the Illinois Human Rights Act (the "Act"). On April 24, 2013, the Respondent dismissed the Petitioner's Charge for Lack of Jurisdiction. On July 15, 2013, the Petitioner filed this timely Request with the Commission.

The Commission concludes that the Respondent properly dismissed the Petitioner's Charge for Lack of Jurisdiction in that International Capital Equipment is not a financial institution as define by the Act. Section 4-104 (B) of the Act defines financial institutions as follows: "Financial institution" means any bank, credit union, insurance company, mortgage banking company or savings and loan association which operates or has a place of business in this State. See 775 ILCS 5/4-104(B). International Capital Equipment is a firm engaged in the business of selling a variety of used equipment to consumers. International Capital Equipment has a sales facility in Burr Ridge, Illinois, which sells used semi-trucks. International

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."

Capital Equipment's Owner, Chris Zoerb ("Zoerb"), stated that International Capital Equipment does not engage in any in-house financing at all. Zoerb stated that all financing is accomplished in such a manner that International Capital Equipment's sales personnel seek to have financial institutions such as banks and credit unions provide financing for customers. As such, International Capital Equipment is not a financial institution as define by the Act.

In his Request, the Petitioner does not address the jurisdictional basis of the dismissal of his Charge. Rather, he argues the facts and merits of his Charge. Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his 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 Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights and International Capital Equipment as Respondents with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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HUMAN RIGHTS COMMISSION

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Entered this 16th day of October 2018

Commissioner Robert A. Cantone, Esq.

Commissioner Steve Kim, Esq.

Commissioner Amy Kurson, Esq.