

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CP2484
)	EEOC NO.: N/A
Curtis Gaylord)	ALS NO.: 14-0433
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Hamilton Chang, and Steve Kim presiding, upon Curtis Gaylord's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")¹ of Charge No. 2014CP2484 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 dismissal of the Petitioner's charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On March 26, 2014, the Petitioner filed a perfected charge of public accommodation discrimination based on race (Black) and gender (male) against Woodforest National Bank ("WNB") in violation of Section 5-102(A) of the Illinois Human Rights Act ("Act").

On June 18, 2014, the Respondent dismissed the Petitioner's charge in its entirety. The Petitioner filed a timely Request on September 22, 2014.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge of racial and gender discrimination 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).

The record shows that on or about December 13, 2013, Petitioner was one of several WNB's customers in the Teller's (Black, Female) line to conduct business. While waiting in line, a non-black female customer asked Petitioner if she could make an inquiry of the Teller even though she was behind him. While the Petitioner did not mind that she ask a question regarding the availability of postage stamps and nothing more, he was displeased with the fact that the Teller also provided

¹ 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."

pricing information and sold stamps to her, thereby being serviced ahead of him. When he reached the teller's counter, he asked to speak to the Branch Manager, Obaid Haleem. After complaining to the Branch Manager, he was told that there was likely some sort of misunderstanding at the time as the Teller was one of her best employees. The Petitioner then cashed his check.

Public accommodation is defined in Section 5-101 (A) as a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, facilities, privileges, advantages or accommodation are extended, offered, sold, or otherwise made available to the public. 775 ILCS 5/5-102(A). Section 5-101(A)(6) lists a bank as a place of public accommodation. 775 ILCS 5/5-102(A)(6). Generally, to establish a prima facie case of public accommodation discrimination, the Petitioner must prove as follows: 1) he is within a protected class; 2) he was denied full enjoyment of the WNB's facilities; and 3) that others not within his protected class were given full enjoyment of those facilities. *In the Matter of Velma J. Henderson and Steak 'n Shake, Inc.*, IHRC, Charge No. 1996CP2939, 1999 WL 33252627, *9 (March 24, 1995).

Here, Petitioner is unable to show that he was "denied the full and equal enjoyment of the facilities, goods and services of a place of public accommodation based on unlawful racial or gender discrimination. Petitioner allowed the customer behind him in line to go ahead and ask a question. While, the Teller also sold the customer postage stamps in addition to responding to her inquiry, the Teller's actions did not rise to the level of unlawful discrimination. The Petitioner was able to cash his check and was not denied any services. Petitioner continues to conduct business with WNB. Finally, there have been no other complaints involving race and gender discrimination or non-equal enjoyment of the facilities made against WNB.

In his Request for Review, there is no additional evidence provided by Petitioner to the contrary. He simply states that he was dissatisfied with the handling of the investigation.

Accordingly, the Petitioner has not presented substantial 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 WNB as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

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Entered this 7th day of November 2018.

Commissioner Robert A. Cantone (Chair)

Commissioner Hamilton Chang

Commissioner Steve Kim