

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CH1930
)	HUD.:	05-14-0662-8
ADANA FINCH,)	ALS NO.:	14-0456
)		
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three commissioners, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding upon Adana Finch’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CH1930 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 February 25, 2014, the Petitioner filed a perfected charge of retaliation against Jeanette Buerger, Steadfast Management Company, Inc., and Steadfast Foxview, L.P. alleging the three placed an entry on her credit report in retaliation for her filing a discrimination complaint against them in violation of Section 6-101(A) of the Human Rights Act. On June 16, 2014, the Respondent dismissed the charge for lack of substantial evidence. On August 4, the Petitioner filed a timely Request for Review.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for lack of substantial evidence. If no substantial evidence exists after the Respondent’s investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D)(3). Section 7A-102(D)(2) states substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

The evidence was insufficient to establish a *prima facie* case of retaliation. A *prima facie* case of retaliation is demonstrated when the Petitioner shows 1. Petitioner engaged in protected activity, 2. Respondent committed an adverse action against her and 3. A causal connection exists between the protected activity and the adverse action. Hofflet v. Department of Human Rights, 367 Ill.App.3d 628, 634, 867 N.E.2d 14, 310 Ill.Dec.701 (2006). Additionally, in order to allege retaliation under the Act, at

minimum, there must be evidence that the adverse action took place after the protected activity. Bregenhorn and C.C. Services, Inc., ALS No. S10596, 2004 WL 3312882 at 6 (Ill. HRC. Apr 2, 2004).

The alleged retaliation consisted of Jeanette Buerger, Steadfast Management Company, Inc and Steadfast Foxview, L.P. placing a \$3,820.00 credit balance on Petitioner's Leasing Desk credit report on October 1, 2006. The evidence demonstrates that Steadfast Foxview, L.P. purchased Foxview Apartments I on December 17, 2008.¹ As a result, they did not own the property at the time the entry was placed on Petitioner's credit report. The investigation did not reveal any evidence that Jeanette Buerger, Steadfast Management Company, Inc and Steadfast Foxview, L.P. placed the entry on the Petitioner's credit report. Additionally, there is no nexus between the alleged harm of filing a \$3,820.00 credit and Jeanette Buerger, Steadfast Management Company, Inc and Steadfast Foxview, L.P. Further, the protected activity must precede the retaliation. But here, the alleged retaliation preceded the protected activity since the entry was made on the credit report in October 1, 2006 and the Petitioner filed the discrimination complaint on February 15, 2012.² Petitioner cannot establish the

¹ A Trustees Deed dated December 17, 2008 demonstrated that Steadfast Foxview, L.P. purchased Foxview Apartment I in December 2008.

² Petitioner filed a discrimination complaint IDHR 2012CH2273 in February 2012 which was dismissed in May 2012 for lack of substantial evidence.

elements of a *prime facie* case of retaliation. Therefore, the Respondent lacked substantial evidence of retaliation and its dismissal of the charge was proper.

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 Jeanette Buerger, Steadfast Management Company, Inc., and Steadfast Foxview, L.P. as the 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 Nov. 2018.**
HUMAN RIGHTS COMMISSION)

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger