

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2014CH2252</b>
)	HUD NO.: <b>05-14-0613-8</b>
)	ALS NO.: <b>14-0464</b>
<b>MARIBEL DEYERLER,</b> )	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Hamilton Chang, and Steve Kim presiding, upon Maribel Deyerler'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. 2014CH2252, 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**

The Petitioner filed an unperfected charge of discrimination with the Respondent on March 5, 2014, which was perfected on March 9, 2014, alleging that Cortland Properties, Inc. ("Cortland") failed to provide a reasonable accommodation for her physical disability in violation of Section 3-102.1(C)(2) of the Illinois Human Rights Act ("Act"). On August 5, 2014, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.

The nature of the Petitioner's physical disability is not particularly alleged; however, her charge involves Cortland's failure to prohibit a tenant, residing in a unit below hers (Unit 1E), from smoking to such an extent that the smoke permeated her unit. On February 26, 2014, the Petitioner's husband contacted Cortland's President, William Samatas, advising him that the smoke coming up from Unit 1E was aggravating the Petitioner's medical condition. The Petitioner further alleges that Cortland was previously

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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."

aware of her physical disability, because she filed a similar complaint several years ago against another resident in the building.

The Respondent's investigation shows that the Petitioner resides in a condominium building, that she and her husband own their individual unit, and that they are members of the Bluff's Crossing Condominium Association ("Association"). It is uncontested that, at some point in time, Cortland was the management company for the Association. However, a letter dated December 17, 2012 to members of the Association provided notice that Cortland was no longer handling the management of the Association at that time. The letter further stated that all management duties had been turned over to the Association's board (of which the Petitioner was a member). Further, property transfer records from July 23, 2007, show that Unit 1E is owned by Bluff's Crossing, LLC, not Cortland.

Section 3-102.1(C)(2) provides that it is a civil rights violation to "refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." 775 ILCS 5/3-102.1(C)(2).

The Commission concludes that there is not substantial evidence in the record that Cortland failed to provide a reasonable accommodation, for the simple fact that at the time of the Petitioner's request, Cortland did not own or manage the unit in question. 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).

In her Request for Review, the Petitioner provides a document that appears to be from the purchase of her own unit in 2007, listing the Seller as Bluff's Crossing, LLC, whose manager was Thomas Samatas. The Petitioner further states that Thomas Samatas is the owner of several other units in the building, including Unit 1E, that are leased to tenants. The possible familial relationship between Thomas Samatas, and Cortland's President William Samatas, is not clear from the Petitioner's evidence or the Respondent's investigation. However, none of the evidence shows any connection between Thomas Samatas and Cortland.

Thus, the evidence simply does support that Cortland, the entity the Petitioner named in her charge, had any ownership or management interest in Unit 1E at the time

the Petitioner requested an accommodation. In fact, Cortland had not had any management duties for over a year at that point in time, and had no authority or ability to make an accommodation for the Petitioner's disability. The Petitioner did not bring a charge against any entity other than Cortland, and the Respondent's investigation report indicates the Petitioner did not wish to amend her charge to substitute the Association, because she had not made a request for an accommodation directly to the Association.

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 Cortland Properties, 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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**HUMAN RIGHTS COMMISSION** )

**Entered this 7<sup>th</sup> day of November 2018**

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Commissioner Robert A. Cantone

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Commissioner Hamilton Chang

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Commissioner Steve Kim