

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CH2960
)	EEOC NO.: 05-14-0920-8
PAMELA WHITESIDE)	ALS NO.: 14-0565
)	
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon the Request for Review (“Request”) of Pamela Whiteside (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CH2960 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 April 16, 2014, Petitioner filed a charge of discrimination with the Respondent alleging that Altamore Properties and Storage and Linda Altamore (collectively “Altamore”) discriminated against her because of her race (black) when it raised her rent (Count A), issued her a 10-day notice of lease termination (Count B), and issued her a 5-day notice of lease termination (Count C) in violation of Section 3-102 of the Illinois Human Rights Act.

On November 6, 2014, the Department dismissed the charge in its entirety for Lack of Substantial Evidence. Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge 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). A finding of Lack of Substantial Evidence is proper here because the Petitioner has failed to make a *prima facie* case of discrimination.

Generally, to establish a *prima facie* case of discrimination, the Petitioner must show: 1) she is a member of a protected class; 2) she was qualified to engage in a real estate transaction; 3) the Landlord altered the terms, conditions, or privileges of the Petitioner's real estate transaction; 4) the Landlord treated a similarly situated lessee more favorably under similar circumstances. In the Matter of the Request for Review by: Carrie Hanson, Charge No. 2009CH3002, 2010 WL 3457717 (February 10, 2010).

The Petitioner's charge fails to meet the third and fourth requirements of the *prima facie* case. As to Count A, the Respondent's investigation revealed that Altamore rescinded the proposed rent increase after the Petitioner explained that she could not afford to pay \$900.00 per month. Furthermore, Altamore kept the rent at \$850.00 per month until the Petitioner moved out of the property. As to Count B, Altamore stated that it rescinded the 10-day notice after Linda Altamore discussed the allegations of illegal activity on the property with the Petitioner and determined that there was insufficient evidence to move forward with the eviction. Finally, Altamore rescinded the 5-day notice after the Petitioner paid her rent, which the Petitioner concedes was past due. There was no alteration of terms and conditions of the transaction, only proposed alteration, which was rescinded after Altamore gave the Petitioner an opportunity to respond.

Finally, the Respondent's investigation revealed that Altamore evicted several similarly situated tenants, outside of the Petitioner's race, for non-payment of rent.

The Petitioner has failed to establish that Altamore altered the terms of the real estate transaction or that she was treated differently than other similarly situated tenants. As a result, she has failed to make a *prima facie* case of discrimination. The Department's dismissal of the Petitioner's charge was not a violation of 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, Altamore Properties and Storage, and Linda Altamore 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 21st day of November 2018.

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor