

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CH3146
)	HUD NO.: 05-14-1015-8
GABELLA PYKE)	ALS NO.: 15-0036
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Hamilton Chang, and Nabi R. Fakroddin presiding, upon Gabella Pyke’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CH3146 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 June 3, 2014, the Petitioner filed a charge of discrimination with the Respondent, perfected on June 20, 2014, alleging that Wells Fargo Home Mortgage (“Wells Fargo”) subjected her to discriminatory financing in a real estate transaction because of her race, black, in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”). On November 6, 2014 the Respondent dismissed the Petitioner’s charge for lack of substantial evidence. The 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).

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.”

There is no substantial evidence that the Petitioner was subjected to discriminatory financing based on her race. Generally, to establish a *prima facie* case of housing discrimination, the Petitioner must show that (1) she belongs to a protected class; (2) Wells Fargo was aware of her protected class; (3) The Petitioner applied for a loan modification and was qualified, ready, willing and able to be approved for a loan modification consistent with the terms and conditions of Wells Fargo; (4) Wells Fargo denied the Petitioner's loan modification; and (5) Wells Fargo did not deny a loan modification for a similarly situated non-black applicant under similar circumstances. In the Matter of Peggy Buchanan, IHRC, Charge No. 1988CH0129, 1991 WL 698583, *11 (September 6, 1991).

In the instant case, the Petitioner fails to establish the second, third, fourth, and fifth elements of her *prima facie* case. The evidence established that the Petitioner did not actually apply to modify the loan taken out by her deceased sister. Rather, the Petitioner applied to have her deceased sister's mortgage loan reviewed under a Consent Agreement between Wells Fargo and the Federal Reserve Board to determine if her sister was eligible for any compensation based on the original terms of her loan. The Petitioner was ineligible to apply for a loan modification for her sister's property due to her sister being the sole borrower on the mortgage loan.

Moreover, the Petitioner failed to provide any evidence that Wells Fargo was aware of her race or harbored a discriminatory animus based on her race. Additionally, the Petitioner did not identify another similarly situated non-black applicant treated more favorably under similar circumstances. Therefore, there is no substantial evidence that the Petitioner was subjected to discriminatory financing based on her race.

Accordingly, the Petitioner has not presented any 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 Illinois Appellate Court by filing a Petition for Review, naming the Illinois Department of Human Rights, the Illinois Human Rights Commission, and Wells Fargo Home Mortgage, as named party respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Final Order.

STATE OF ILLINOIS

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HUMAN RIGHTS COMMISSION

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Entered this 20th day of December 2018

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Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Nabi R. Fakhroddin