STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CH2010
	)	EEOC NO.: N/A
MELANIE STOVALL,	)	HUD NO.: 05-08-0492-8
	)	ALS NO.: 08-0421
Complainant.	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Rozanne Ronen presiding, upon Complainant's Request for Review ("Request") of the Notice of Dismissal ("Notice") issued by the Department of Human Rights ("Department") of Charge No. 2008CH2010, Melanie Stovall, Complainant, and Patrick Caldwell, Respondent; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report ("Report") and the Complainant's Request and supporting materials, and the Department's response to the Complainant's Request; and the Commission being fully advised of the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainant's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. On January 29, 2008, the Complainant filed a charge of discrimination with the Department, alleging that the Respondent failed to rent to the Complainant because of her race, African American, in violation of § 3-102(A) of the Illinois Human Rights Act ("Act"). On August 28, 2008, the Department dismissed the Complainant's charge for lack of substantial evidence of discrimination. On September 30, 2008, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant completed a rental application for a unit at the Respondent on March 6, 2007. The Department's investigation also revealed that the Respondent reviewed the Complainant's rental

application, obtained a report of the Complainant's credit history from an independent credit reporting agency, and talked to the Complainant's previous landlord. On March 13, 2007, the Respondent notified the Complainant that she had not been approved for the apartment. The Respondent's articulated nondiscriminatory reasons for rejecting the Complainant's application are the Complainant's bad credit history, a negative reference from her prior landlord, and the Complainant's responses on her rental application.

3. The Complainant contended that the Respondent did not approve her rental application because she is African American. The Complainant does not believe that her credit history was the cause of the Respondent's rejection. The Complainant asserts that she is currently a tenant of a different apartment and obtained the lease because of good references. The Complainant also now states that she has never been evicted.

4. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainant's charge because the Respondent demonstrated legitimate, non-discriminatory reasons for its actions. Specifically, the uncontradicted evidence in the investigation file shows that on the Complainant's rental application, the Complainant answered yes to: having had a judgment against her; having been served an eviction notice and/or evicted; having been convicted for any crime other than a minor traffic offense, and having changed her name.

5. Further, the Complainant's credit history that was reflected on the credit report shows that the Complainant had a previous bankruptcy and five (5) accounts in collection.

6. Although the Complainant now disputes that she has ever been evicted, the Complainant does not deny that she completed the rental application that she submitted to the Respondent, and that she affirmatively stated on that application that she had previously been served with an eviction notice and/or evicted.

7. The evidence further sustains the Department's finding that the Complainant could not raise an inference that the Respondent's proffered reason for its actions was mere pretext for unlawful discrimination because the Complainant did not present any evidence that similarly situated non-African American tenants with similar responses on their applications for rent, similar negative credit histories, or similar negative references were treated more favorably. The Complainant did not present any evidence that suggested that the Respondent's actions were motivated by racial animus.

8. Accordingly, it is the Commission's decision that the Complainant has not presented any evidence to show that the Department's dismissal of her charge was not in accordance with the Act. The Complainant's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Complainant's charge is hereby **SUSTAINED.**

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 Respondent Patrick Caldwell as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS	)	
	)	Entered this 14th day of January 2009.
HUMAN RIGHTS COMMISSION	)	

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Rozanne Ronen