

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST:)	
FOR REVIEW BY:)	CHARGE NO.: 2008CH3275
)	EEOC NO.: N/A
VERONICA PRINCIPE,)	HUD NO.: 05-08-0901-8
)	ALS NO.: 08-0461
Complainant.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., 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. 2008CH3275, Veronica Principe, Complainant, and Carrington Mortgage Services, 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 April 22, 2008, the Complainant filed a charge of discrimination with the Department, alleging that the Respondent subjected her to discriminatory terms, conditions, privileges, or services and facilities because of her race (African American) and because of her sex and that the Respondent issued the Complainant a thirty-day notice of mortgage foreclosure because of her race and because of her sex, in violation of § 3-102(B) of the Illinois Human Rights Act ("Act"). On October 17, 2008, the Department dismissed the Complainant's charge for lack of substantial evidence. On October 29, 2008, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant purchased a property in Hillside, Illinois through a mortgage provided by the Respondent. Through its investigation, the Department learned that in August 2007, the Complainant was behind on two mortgage payments that she owed the Respondent. On August 10, 2007, the Complainant made a payment which the Respondent mistakenly applied toward unapplied funds and three days later correctly applied toward the Complainant's repayment plan.

3. The Department's investigation also showed that the Complainant failed to make mortgage payments in September 2007 and October 2007. Then, the Respondent and the Complainant entered into another repayment plan. The Complainant made regular payments on this plan through January 2008. The Department learned that the Complainant made a partial payment in February 2008, which was returned to the Complainant due to insufficient funds. The Department's investigation showed that on March 5, 2008, the Respondent issued a Notice of Intent to Foreclose on the Complainant's Hillside property.

4. The Complainant contends that the Respondent failed to post payments to her account between September 2007 and February 2008 because of her sex and race. The Complainant also alleges that the Respondent issued the Complainant a thirty-day notice of mortgage foreclosure because of her sex and race, and that under similar circumstances, the Respondent did not issue such notices to male customers or to non-African American customers. In support of her contentions, the Complainant provides bank records showing payments to the Respondent.

5. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainant's charge because the Complainant did not provide any evidence that the Respondent failed to credit the Complainant's account for any of the mortgage payments that the Complainant made. Further, the Complainant provides no evidence that the Respondent treated a similarly situated male or similarly situated non-African American more favorably than the Respondent treated the Complainant. Even if the evidence that the Complainant submitted is construed to reflect errors in the Respondent's accounting, there is simply no evidence of a connection between the Respondent's treatment of the Complainant and the Complainant's race or sex.

6. The Commission's review of the record also found no evidence that the Respondent discriminated against the Complainant because of her sex or race in issuing a Notice of Intent to Foreclose on the Complainant's Hillside property. Further, the Respondent submitted statistical evidence to reveal that the Respondent issued 205 Notices of Foreclosure in Illinois in March 2008. Of these 205, 148 were to non-African American mortgagors. Approximately the same number of Notices of Foreclosure were sent to male mortgagors as to female mortgagors. There is no evidence in the record that the Respondent did not issue a Notice of Foreclosure to a similarly situated male mortgagor or similarly situated non-African American mortgagor under similar circumstances.

