

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009SH3203
	HUD NO.: 05-09-0873-8
ROGER PARKER)	ALS NO.: 09-0444
)
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini, presiding, upon the Petitioner's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009SH3203, Roger Parker ("Petitioner"); and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request and supporting materials, and the Respondent's response to the Petitioner's Request; 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 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. The Petitioner filed a charge of discrimination with the Respondent on April 3, 2009, perfected on April 22, 2009. The Petitioner alleged the Quincy Housing Authority ("QHA") subjected him to discriminatory terms and conditions, privileges, or services and facilities because of his sex, male, in violation of Section 3-102(B) of the Illinois Human Right Act (the "Act"). On July 9, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On August 11, 2009, the Petitioner filed his timely Request.
2. QHA administers the Section 8 voucher program and provides low income housing and rental assistance in and around Quincy, Illinois.
3. QHA maintains a list of people who are not allowed on QHA property, i.e., its "banned" list. The "banned" list was tendered to the Respondent during the course of its investigation. QHA policy provides that it may deny an application for the Section 8 program to any applicant if the applicant has a history of violent criminal activity, regardless of the timing of the incident, or based on drug-related criminal activity within the past three years.

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 Department's action shall be referred to as the "Petitioner."

4. On June 2, 2003, QHA placed the Petitioner on its “banned” list after he had been arrested for dumping waste on QHA property.
5. In December 2008 the Petitioner applied for a Section 8 housing voucher from QHA. On April 23, 2008, QHA investigated the Petitioner’s background pursuant to its pre-application process, and discovered a pending criminal investigation into allegations the Petitioner was allegedly transporting marijuana.
- 6.. The Respondent’s investigation revealed the Petitioner had a criminal history that extended back to 1988, with the latest conviction having occurred in 2005. The Petitioner’s criminal history contained convictions for violent offenses. The application was subsequently denied by QHA because the Petitioner was on its “banned” list and because the Petitioner had a criminal history that included violent offenses.
7. In his charge and Request, the Petitioner argues his application was denied because he was male. He argues that under similar circumstances, QHA provided C. Brown, female, with a Section 8 housing voucher.

CONCLUSION

The Commission’s review of the investigation file leads it to conclude 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. See 775 ILCS 5/7A-102(D).

In the Petitioner’s case, he has failed to establish substantial evidence of a *prima facie* case of sex discrimination. To establish a *prima facie* case the Petitioner must show the following: (1) the Petitioner is a member of a protected class; (2) the Petitioner was qualified to engage in the real estate transaction; (3) QHA altered the terms, conditions, or privileges of the Petitioners’ real estate transaction; and (4) QHA treated a similarly situated prospective lessee more favorably under similar circumstances. See Turner V. Human Rights Commission, 177 Ill.App.3d 476, 488, 532 N.E.2d 392, 399 (1st Dist. 1988).

The Petitioner has failed to show he was a qualified lessee because at the time of his application, the Petitioner was on QHA’s “banned” list and his criminal history included convictions for violent crimes. The Petitioner also failed to provide evidence of a similarly situated female comparative who was treated more favorably than he. His only named comparable, C. Brown, was not similarly situated to the Petitioner because she was not on QHA’s “banned” list, and she did not have a history of convictions for violent crimes.

In the Request the Petitioner argues the Respondent’s findings are false and misleading. However, the Petitioner does not provide any new evidence nor specify any errors in the Respondent’s investigation. Additionally, for the first time in his Request, the Petitioner alleges discrimination based on race, religion and family affiliation. The Commission does not have jurisdiction to review new allegations or charges raised for the first time in a request for review. See 775 ILCS 5/8-103.

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

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner'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 Quincy Housing Authority as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 24th day of February 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini