

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

James R. Thompson Center
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

Meeting of Panel A
September 16, 2009
9:00 a.m.

MINUTES

Present: Commissioners

Marti Baricevic (Panel Chair)
Robert S. Enriquez
Greg Simoncini (via telephone)

Staff

Harriet Parker
Donyelle L. Gray
Meghan J. Paulas
Christine Welninski
Bricia Herrera
Brent Movitz, Coles Fellow
Lesley Smith, Coles Fellow

I. Call to Order.

A meeting of Human Rights Commission Panel A was called to order on September 16, 2009 at 9:00 a.m. by Panel Chair Baricevic.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

1) A quorum of the public body was present at the meeting without the physical presence of Commissioner Simoncini.

2) Prior to the meeting, Commissioner Simoncini gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that he would be unable to be physically present for the September 16, 2009 meeting. The Commission voted to allow Commissioner Simoncini to participate in the meeting via telephone. Motion made by Commissioner Enriquez, seconded by Commissioner Baricevic. Motion carried 2-0.

II. Consideration of Minutes.

The minutes of the meeting of July 22, 2009 were approved as submitted by staff. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

III. Contested Matter

Raymond L. Hayes v. City of Chicago Police Department
Charge No. 1994CA0541, ALS No. 8290, EEOC No. 21B93358

Pending before the Panel were: (1) Respondent's exceptions to the ALJ's Recommended Order and Decision ("ROD") of July 2, 2009; (2) Complainant's exceptions to the Administrative Law Judge's ("ALJ") Recommended Liability Determination ("RLD"); and (3) Motion to Reconsider the findings in the ROD that the Complainant's former attorneys had waived their attorneys' fees.

(1) Respondent's exceptions. In its exceptions, the Respondent argued that the Commission should not accept the ALJ's recommended finding in favor of the Complainant, and against the Respondent, in the Complainant's race discrimination claim.

Commissioner Enriquez was persuaded by the Respondent's exceptions. However Commissioners Baricevic and Simoncini were not persuaded by the exceptions, and determined that the ALJ's findings as to the issues of the Respondent's liability and the Complainant's entitlement to relief under the Act were not against the manifest weight of the evidence.

For this reason, the majority of the Panel voted to decline review of the ROD on the issues of liability and damages. Motion to decline review made by Simoncini, seconded by Enriquez. Commissioners Simoncini and Baricevic were in favor, and Commissioner Enriquez opposed the motion. Motion carried 2-1.

(2) Complainant's Exceptions to the RLD. The Panel voted to decline to consider the Complainant's untimely exceptions because the Commission lacked the jurisdiction and legal authority to review exceptions to RLDs; the Commission could only consider timely filed exceptions to RODs. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

(3) Motion to Reconsider. The Panel voted to grant the Petitioners' Motion to Reconsider the ROD with respect to the ALJ's finding that the Petitioners Hakeem and Gunn had waived their Attorneys' fees because the Record revealed Attorney Gunn had not been served with a copy of the RLD. Wherefore, that portion of the ROD which found the Petitioners waived their attorney fees, is vacated and remanded back to the ALJ Section for further proceedings consistent with this order. Motion made by Commissioner Baricevic, seconded by Commissioner Simoncini. Motion carried 3-0.

IV. Requests for Review

A. *Tadeusz Palka v. Cook County Sheriff*
ALS No. 09-0243 Charge No. 2008CF3253

The Panel sustained the dismissal in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

- B. *Hope Fair Housing Center v. Victor Elliott*
ALS No. 09-0268 Charge No. 2009CH1817

The Panel sustained the dismissal in the above-referenced matter. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

- C. *Mehrshid P. Toosi v. National City Corporation*
ALS No. 09-0277 Charge No. 2008CA2287

The Panel sustained the dismissal in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

- D. *Penney Washington v. McDonald's*
ALS No. 09-0282 Charge No. 2008CA3693

The Panel sustained the dismissal in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

- E. *Phyllis Guajardo v. Housing Authority for LaSalle County*
ALS No. 09-0329 Charge No. 2009CH2642

The Panel sustained the dismissal in the above-referenced matter. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

V. Settlement

DHR#	Complainant	Respondent
1. 2009SF0724	E. Sodergren	ISS, Inc.

The Panel approved the settlement in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

VI. Adjournment.

The meeting was adjourned at 9:53 a.m. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

Respectfully submitted,

Harriet Parker
General Counsel