

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Meeting of Panel C
April 25, 2012
11:00 a.m.

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

MINUTES

Present: Commissioners

Spencer Leak, Sr., Panel Chair
Diane M. Viverito
David J. Walsh

Staff

Donyelle L. Gray
Evelio Mora
Christine Welninski

I. Call to Order.

A meeting of Human Rights Commission Panel C was called to order on April 25, 2012, at 11:00 a.m. by Panel Chair Spencer Leak, Jr.

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

A quorum of the public body was present at the meeting.

II. Consideration of Minutes.

The minutes of the meeting of February 22, 2012, were approved as submitted by staff. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

III. Contested Matters

- A) *Indira Adusumilli v. Wordspeed Inc.*
Charge No.: 2008CN2503 ALS No.: 09-0301

Pending before the Panel was the Complainant's exceptions to the ALJ's Recommended Order and Decision ("ROD"). The Panel voted to decline review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

IV. Requests for Review

- A) *David King v. Praxair, Inc.*
Charge No.: 2008CN4048 ALS No.: 10-0843

The Panel sustained the dismissal in the above-referenced matter for Lack of Jurisdiction and Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

- B) *Deborah Reeves v. Village of Dixmoor*
Charge No.: 2009CN4575 ALS No.: 11-0037

The Panel voted to vacate the dismissal in the above-referenced matter for Lack of Substantial Evidence and remand the matter to the Department for a finding of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

- C) *Carol Moseley v. Passages Hospices*
Charge No.: 2009CF2205 ALS No.: 11-0038

The Panel voted to vacate the dismissal of Counts B and C of the charge in the above-referenced matter and remand Counts B and C of the charge to the Department for an entry of a finding of Substantial Evidence. The Panel sustained the dismissal of Counts A and D of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

D) *Mrs. Michael Miller on behalf of Robert Miller, deceased v. St. Mary's Cement*
Charge No.: 2009CN4603 ALS No.: 11-0041

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Leak. Motion carried 2 in favor with 1 abstention.

E) *Beverly Freeman v. Autumn Crest Condominium Association, Inc.*
Charge No.: 2010CH2391 ALS No.: 11-0040

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

F) *John Yutakis v. Caterpillar, Inc.*
Charge No.: 2010SF2109 ALS No.: 11-0042

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

G) *Leonida Sinio v. Abbott Laboratories*
Charge No.: 2010CA1131 ALS No.: 11-0043

The Panel voted to vacate the dismissal of Counts B, E, and H of the charge in the above-referenced matter and remand Counts B, E, and H of the charge to the Department for an entry of a finding of Substantial Evidence. The Panel sustained the dismissal of Counts A, C, D, F, G, and I of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

H) *Thomas Chakonas v. 707 National Production Workers Union*
Charge No.: 2010CF2629 ALS No.: 11-0044

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

I) Phillip Fontaine v. Sports Page Bar & Grill

Charge No.: 2010CP2097

ALS No.: 11-0045

The Panel voted to vacate the dismissal in the above-referenced matter for Lack of Substantial Evidence and remand the matter to the Department for a finding of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

J) Luis Garcia v. City of Albion

Charge No.: 2010SF1458

ALS No.: 11-0046

The Panel voted to vacate the dismissal of Counts C and D of the charge in the above-referenced matter and remand Counts C and D of the charge to the Department for an entry of a finding of Substantial Evidence. The Panel sustained the dismissal of Counts A and B of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

K) Maria Cuevas v. LTN Staffing

Charge No.: 2010CA2776

ALS No.: 11-0055

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

L) Lynn J. Birchell v. Lansing Cleaners

Charge No.: 2010CA2269

ALS No.: 11-0056

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

M) Ethel Armstrong v. Chicago Transit Authority

Charge No.: 2009CA2819

ALS No.: 11-0057

The Panel sustained the dismissal in the above-referenced matter for Lack of Jurisdiction and Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

V. Petitions for Default

Dennis Costanzo v. Andrew Rodriguez and Michelle Rodriguez
Charge No.: 2011CH1462 ALS No.: 12-0192

The Panel voted to grant the motion in the above-referenced matters. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

VI. Motions to Voluntarily Withdraw Request for Review

A. *Reginald Bailey v. Lofton & Lofton Management d/b/a McDonald's*
Charge No.: 2011CF2208 ALS No.: 12-0158

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

B. *Charles Sherline v. Genentech, Inc., and Proshad Jacqueline Ramtin, individually*
Charge No.: 2008CN4761 / 2008CN4760 ALS No.: 11-0640

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

C. *Maria Pulido v. Wal-Mart Stores, Inc.*
Charge No.: 2009CF4669 ALS No.: 11-0338

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

VII. Second Motion for Extension of Time to File Request for Review

Charlotte Emery v. Aegis Management Company
Charge No.: 2011CH0384 ALS No.: 11-0842

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

VIII. Adjournment.

The meeting was adjourned at 12:48 p.m. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

Respectfully submitted,

Donyelle L. Gray
General Counsel