

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2008CH2399
)	HUD NO.: 05-08-0615-8
ROBERT TRUJILLO)	ALS NO.: 10-0170
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., and Diane M. Viverito presiding, upon Robert Trujillo’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)^[1] of Charge No. 2008CH2399; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, 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:

1. On March 3, 2008, the Petitioner filed an unperfected charge of discrimination with the Respondent. The charge was perfected on April 23, 2008. The Petitioner alleged that Suham Salman, Lucia T. Salman, and Downers Grove Realty, Inc., a/k/a Grove Realtors (collectively referred to as “Landlords”), and David W. Rosenberg, Esq. (“Rosenberg”), altered the terms, conditions or privileges of his real estate transaction because of his national origin, Mexico (Count A); terminated his tenancy because of his national origin (Count B); and harassed him because of his national origin (Count C) in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”) On February 1, 2010, the Respondent dismissed the Petitioner’s charge for lack of substantial evidence. On March 8, 2010, the Petitioner filed this timely Request.

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge who is requesting review of the Department’s action shall be referred to as the “Petitioner.”

2. The Petitioner leased a duplex townhouse from the Landlords. The Petitioner and the Landlords entered into a written one-year lease on March 19, 2006. After the lease expired on April 30, 2007, the Petitioner continued to lease the premises on a month-to-month basis. The Petitioner lived in the unit with a roommate, who was also his ex-wife.
3. During the Petitioner's tenancy, a construction business belonging to the Landlords operated out of the garage of the Landlords' duplex.
4. On February 4, 2008, the Landlords leased the other half of the duplex to another tenant and his family whose national origin was Mexico ("the Neighbors")
5. Thereafter, a conflict arose between the Petitioner and the Neighbors. The Petitioner complained to the Landlords that the Neighbors were excessively noisy and damaged his property. The Neighbors also complained that the Petitioner was hostile to them and that his dogs barked excessively.
6. The Petitioner alleged the Landlords told him to discuss these problems directly with the Neighbors because the Petitioner and the Neighbors spoke Spanish.
7. In February 2008, the Petitioner unilaterally decreased his rent payment because he disapproved of how the Landlords had handled the Petitioner's dispute with the Neighbors. The Petitioner also unilaterally deducted an additional \$250.00 from his March 2008 rent for property damage allegedly caused by the Neighbors.
8. On March 3, 2008, one of the Landlords slid a 30-day Notice to Terminate Tenancy under the Petitioner's door.
9. On March 5, 2008, the Petitioner's roommate sent the Landlords notice that she and the Petitioner intended to vacate the unit.
10. On March 25, 2008, one Landlord entered the Petitioner's unit. The Landlord believed the unit was vacant. However the Petitioner had not yet moved out of the unit.

11. In Count A of his charge, the Petitioner alleged the Landlords required the Petitioner to manage the Respondents' Spanish-speaking tenants and employees because of his national origin. In Count B, the Petitioner alleged the Landlords terminated his tenancy because of his national origin. In Count C, the Petitioner alleged the Landlords and Rosenberg harassed him because of his national origin by serving him with an invalid 30-day Notice and by entering his unit without permission.
12. In his Request, the Petitioner argues the Respondent's findings are unsupported by the record. The Petitioner contends the Landlords' statements and exhibits were unreliable.
13. In its Response, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge for lack of substantial evidence.

Conclusion

The Commission concludes 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). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

As to Count A, there is no substantial evidence the Petitioner was turned into a *de facto* or quasi-manager of the Landlords' premises, employees, or other tenants because of the Petitioner's national origin.

Count B of the Petitioner's charge fails because at the time the Landlords gave the Petitioner the 30-day Notice of intent to terminate the Petitioner's tenancy, the Petitioner was not a tenant in good standing. See Turner v. Human Rights Commission, 177 Ill.App.3d 476 (1st Dist. 1988). The Petitioner was behind in his rental payments when he was served with the 30-day Notice.

Finally, Count C was properly dismissed for lack of substantial evidence because there is no evidence the Petitioner was harassed because of his national origin. The two incidents forming the basis for the alleged harassment are service of the 30-day Notice on the Petitioner on March 3, 2008, and a Landlord's entry into the Petitioner's unit on March 25, 2008. There is no evidence either of these incidents was motivated by the Petitioner's national origin.

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.

WHEREFORE, 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, Suham Salman, Lucia T. Salman, Downers Grove Realty, Inc., a/k/a Grove Realtors, and David W. Rosenberg, 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

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Entered this 27th day of October 2010

Commissioner Sakhawat Hussain, M.D.

Commissioner Spencer Leak, Sr.

Commissioner Diane M. Viverito