

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF: )

SOPHIA A. CORNEJO, )

Complainant, )

and )

TUSCANY STEAK & PASTA HOUSE )  
OF MATTOON, INC., )

Respondent. )

CHARGE NO(S): 2006SF1852

EEOC NO(S): N/A

ALS NO(S): S07-118

**NOTICE**

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS )  
HUMAN RIGHTS COMMISSION )

Entered this 16<sup>th</sup> day of June 2011

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N. KEITH CHAMBERS  
EXECUTIVE DIRECTOR

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

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<b>SOPHIA A. CORNEJO,</b>	)	
	)	
Complainant,	)	CHARGE NO: 2006SF1852
	)	EEOC NO: N/A
and	)	ALS NO: S07-118
	)	
<b>TUSCANY STEAK &amp; PASTA HOUSE</b>	)	
<b>OF MATTOON, INC.,</b>	)	
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

This matter comes to me on review of the instant file, which indicates that an Order was entered on December 30, 2008, requiring Complainant to supply the Commission with a different address for Respondent so that a proper person could be served with a copy of the instant Complaint. Complainant has not complied with the Order of December 28, 2008 as of the date of this Recommended Order.

**Findings of Fact**

1. On January 20, 2006, Complainant filed a Charge of Discrimination alleging that she was the victim of race discrimination and retaliation for reporting sexual harassment when Respondent terminated her from her restaurant position.
2. On February 23, 2007, Complainant filed on her own behalf a Complaint of Discrimination with the Commission, alleging that she was the victim of race discrimination and retaliation when Respondent terminated her from her restaurant position.
3. The Commission sent Respondent's copy of the Complaint to Respondent's restaurant address.

4. On April 9, 2007, an Order was entered, which reflected that Respondent's copy of the Complaint had been returned to the Commission with the notation that the Complaint was not deliverable as addressed. The Order also directed Complainant to supply the Commission with another address for Respondent.

5. On April 27, 2007, counsel for Complainant sent the Commission a letter indicating that Respondent's copy of the Complaint could be served on Mr. Shefik Idrizi, Respondent's counsel.

6. On June 29, 2007, the Commission received a green card from the post office indicating that Mr. Idrizi had been served with a copy of the instant Complaint on June 25, 2007

7. On October 11, 2007, an Order was entered, which noted that the instant Complaint had been served on Mr. Idrizi, but that Respondent had not filed a responsive pleading to the instant Complaint. The Order gave Respondent until October 26, 2007, to file a responsive pleading.

8. On October 22, 2007, the Commission received a letter from Mr. Idrizi, indicating that he did not represent Respondent in this matter and had conducted only one meeting on an unspecified topic with a shareholder of Respondent's corporation

9. On December 17, 2007, an Order was entered, which directed Complainant to provide the Commission with a new address for Respondent on or before January 31, 2008.

10. On December 30, 2008, an Order was entered, which noted that Complainant had failed to comply with the December 17, 2007 Order. The Order also established a new deadline of January 20, 2009 for Complainant to provide the Commission with a different address for Respondent and cautioned the Complainant that should she fail to comply with the Order of December 30, 2008, she risked the entry of a future order recommending that the case be dismissed for want of prosecution.

11. Complainant has not complied with the Order of December 30, 2008 or otherwise provided the Commission with a new address for Respondent as of the date of this Recommended Order.

### **Conclusions of Law**

1. A Complaint may be dismissed when a party engages in conduct that unreasonably delays or protracts proceedings. See, 56 Ill. Admin. Code, Ch. XI, §5300.750(e).

2. The Complainant has unreasonably delayed proceedings by failing to provide the Commission with a valid address to serve Respondent with a copy of the instant Complaint.

### **Determination**

Under the Commission's procedural rules, an administrative law judge may recommend to the Commission that a Complaint be dismissed where a complainant engages in conduct that unreasonably delays or protracts proceedings. (See, 56 Ill. Admin. Code, Ch. XI, §5300.750(e).) On review, the Commission has upheld the use of such discretion to dismiss complaints in circumstances which are analogous to the case at bar. See, for example, *Ramirez and Wasco Spring Company*, 40 Ill. HRC Rep. 266 (1988), and *Allison and John Vaughan, d/b/a Vaughan Properties*, IHRC, S-04-102, October 29, 2004.

Here, the circumstances also indicate that Complainant's inaction has served to unreasonably delay these proceedings. Specifically, I note that the Commission has been unable to serve anyone at Respondent with a copy of the instant Complaint, and that while Complainant suggested that Mr. Idrizi might be the applicable representative of Respondent, Mr. Idrizi indicated that he did not represent Respondent. However, until a representative of Respondent has been served with a copy of the instant Complaint, there is little that the Commission can do with respect to enforcement of any of the provisions of the Human Rights Act. Moreover, Complainant's continued failure to provide the Commission with a new address for Respondent so that the Commission can serve Respondent with a copy of the Complaint has resulted in an unreasonable delay in this case and renders it difficult for the Commission to

take any action with regard to this case except to dismiss it. (See, *Allison*, slip op. at pg. 2.) This is especially true where Complainant was specifically warned that her continued failure to provide the Commission with a valid address for Respondent could result in a future order recommending that this case be dismissed for want of prosecution.

**Recommendation**

Accordingly, I recommend that the Complaint and the underlying Charge of Discrimination of Sophia A. Cornejo be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL R. ROBINSON  
Administrative Law Judge  
Administrative Law Section

ENTERED THE 5TH DAY OF OCTOBER, 2010