



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>S.B.,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>and</b>	)	<b>Charge No.: 2004 CF 2949</b>
	)	<b>EEOC NO. 21 BA 41717</b>
<b>DESTINATIONS I DO,</b>	)	<b>ALS No.: 05-050</b>
	)	
<b>Respondent.</b>	)	
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<b>S.B.,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>and</b>	)	<b>Charge No.: 2004 CF 2950</b>
	)	<b>EEOC NO. N/A</b>
<b>IAN JOHNSON,</b>	)	<b>ALS No.: 05-051</b>
	)	
<b>Respondent.</b>	)	

**RECOMMENDED ORDER AND DECISION**

On February 1, 2005, the Illinois Department of Human Rights filed a Petition for an Order of Default on behalf of Complainant, S.B. That Petition alleged that Complainant filed her charge of discrimination on March 12, 2004, and thereafter, Respondents, Destinations I Do and Ian Johnson, each failed to attend fact finding conferences set on September 24, 2004. The Petitions further alleged that on September 27, 2004, the Department issued Notices to Show cause to the Respondents, and, receiving no response to the Notices other than a Notice of Withdrawal by Respondents' previous attorney, on October 25, 2004, the Department issued Notices of Default to the Respondents, and that no Requests for Review were filed. On February 23, 2005, the Commission entered said order of Default and referred the matter for a

hearing on damages by an Administrative Law Judge. Notice of the hearing issued on March 29, 2005, setting both cases for hearing on May 10, 2005.

A hearing on damages was held on May 10, 2005. Despite having been served notice of that hearing, neither the individual nor the corporate Respondent attended. Upon a determination that the matters arose from a common nucleus of operative fact, I consolidated the cases on my own motion. At the hearing, a motion was made to identify Complainant only by her initials. That motion was granted as it was consistent with a sound public policy of protecting sexual assault victims from further humiliation by disclosing their names to the public. There was no request for posthearing briefing. The matter is ready for decision.

### **FINDINGS OF FACT**

The following findings of fact were derived from the record file in this case and from the evidence presented at the damages hearing.

1. Complainant, S.B., was employed by Respondent Destinations I Do as an intern. Destinations I Do is engaged in the business of on-location wedding planning. Respondent Ian Johnson was Complainant's supervisor.

2. Throughout her employment, Respondent Johnson made vulgar and offensive comments, such as remarking on her breasts, urging her to get a boyfriend "on the side" and suggesting that she purchase sex toys. Complainant found these comments extremely upsetting, but felt she needed the internship to prepare for her future.

3. On September 19, 2003, Complainant and Respondent Johnson attended a movie, using passes received from a client of the corporate Respondent. During the evening, Respondent calculated income which might be anticipated to Destinations I Do as a result of Complainant's efforts on the company's website and praised Complainant's efforts on behalf of the corporation.

4. Subsequent to the movie, on a pretext, Respondent Johnson lured Complainant

to his home. While they were there, Respondent Johnson assaulted complainant sexually. The assault was forcible, brutal and painful to her, and thereafter Complainant found herself in a great deal of pain.

5. After eighteen days, Complainant sought medical attention at Planned Parenthood for the pain. There she was diagnosed with cervicitis and prescribed 14 capsules of Doxycycline for the infection.

6. Subsequent to this occurrence, Complainant received a referral for mental health services. She had a number of sessions with a psychiatrist, Dr. Lynch, and then with Maggie Bloomquist, a social worker. Her treatment with Ms. Bloomquist continues. While she was treating with Dr. Lynch, she was prescribed and received a ten-day supply of Lexapro.

7. Complainant has incurred economic damages in the amount of Complainant the sum of \$1,950.00 for psychiatric and counseling care, \$199.00 for physician's services, \$50.00 for medicine, for a total of \$2,199.00.

8. I take notice of the life expectancy tables promulgated by the Social Security Administration, updated April 22, 2005, <http://www.ssa.gov/OACT/STATS/table4c6.html>. I find that Complainant, who was twenty seven years old at the time of the hearing, has a life expectancy of 53.44 years.

9. As a result of this occurrence, Complainant has suffered great emotional distress. She became fearful and withdrawn in her relationships with others, including her partner. She has obsessively engaged in cleaning activities. She has become fearful of being alone, and afraid to venture out after dark. She checks frequently to make sure that doors are locked, and when she arrives home, she phones in for an escort from her car to her home. Her intimate relationship with her longstanding partner has been significantly diminished, and she has undergone a substantial change from her prior sunny disposition to one of anxiety and depression.

## CONCLUSIONS OF LAW

1. Complainant is an “aggrieved party” Respondent Johnson is a “person” and Respondent Destinations I Do is an “employer” as those terms are defined by the Illinois Human Rights Act, 775 ILCS 5/1-103(B), 5/1-103(L) and 5/2-101(B) respectively.

2. The Commission has jurisdiction over the parties and the subject matter of the action. Because of the default order entered in this matter, Respondents have admitted the allegations of the Department Charge that Complainant was subjected to sexual harassment as prohibited in Section 2-102(D) of the Illinois Human Rights Act.

3. Complainant has demonstrated emotional suffering as a result of Respondent’s unlawful acts of such great magnitude that she is entitled to significant compensation.

4. Complainant is entitled to recover her economic damages for medical and counseling treatment.

## DISCUSSION

As a result of the default order, Respondents are deemed to have admitted the allegations of the complaint. ***Bielecki and Illinois Family Planning Council***, 40 Ill. HRC Rep. 109 (1988). Accordingly, findings of liability against Respondents are appropriate. The only remaining issues involve Complainant’s damages.

The Illinois Human Rights Act at 775 ILCS 5/8B-104(B) provides that actual damages may be awarded as a remedy. “Actual Damages” have been interpreted to include “compensation for emotional harm and mental suffering.” ***Fire & Police Comm’rs v. Human Rights Comm’n***, 167 Ill. App. 3d 384, 133 Ill.Dec. 810, 541 N.E.2d 1248 (Ill App. 1 Dist 1989). Further illuminating the question of emotional damages, the Court in ***ISS International Service System v. Illinois Human Rights Comm’n***, 272 Ill.App. 3d 969, 209 Ill. Dec. 414, 651 N.E. 2d 592 (Ill. App. 1 Dist 1995) urged the Commission, in evaluating these damages, to examine the injury caused by the offending party “closely.” Where sexual harassment results in significant

emotional distress which affects a Complainant's ability to function in many areas of her life, a significant award is appropriate. See, e.g. *Westley and C.L. Management, Inc.*, 2001 WL 474078 (Ill. Hum. Rts. Com.), in which emotional distress damages in the sum of \$75,000.00 were awarded in a case which did not include forced intercourse. The recommendation for damages herein is significantly higher than in *Westley*, however, the damages that have resulted from Respondents' conduct in this case are dramatically, and understandably, greater.

Complainant, in her testimony, described the egregious conduct of the Respondent Johnson in both his verbal and physical assaults on her. The behavior on the part of Respondent Johnson to which she testified demonstrates without a doubt that she is entitled to an award for the severe emotional distress she has suffered as a result of this conduct. Since the occurrence, she has remained in a state of constant vigilance. The Respondents' conduct has altered Complainant's habits, her ability to leave her home, and her relationship with her partner, - in short, many of the ordinary enjoyments of a normal life have been affected by these events, and, based on her testimony that, two years after the fact, she does not feel improvement in her sense of well-being, her loss is excruciating. Complainant was a credible witness, whose demeanor throughout the hearing indicated that she continues to be visibly shaken by these events.

Complainant submitted an exhibit upon which she had tallied what she believed to be her economic losses due to Respondents' conduct. Her testimony supported her medical and counselling expenses. As to the remainder of the expenses on Complainant's exhibit #1, including an airplane ticket for her mother, on-line criminal background checks, a self-help book and meals, mileage and parking, there is no testimony in the record to substantiate these expenses or to tie them to Respondents' conduct, and therefore no damages will be awarded for them.

Finally, although given an opportunity to do so, Complainant's counsel has failed to file a

petition for attorney's fees. The time for filing has passed, and neither a petition nor a motion for an extension of time has been filed. Therefore, no fees will be awarded.

RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint in this matter be sustained in its entirety and that an order be entered awarding Complainant the following relief:

- A. That Respondents pay to Complainant the sum of \$300,000.00 as emotional distress damages;
- B. That Respondents be ordered to pay Complainant the sum of \$1,950.00 for psychiatric and counseling care, \$199.00 for physician's services, \$50.00 for medicine for a total of \$2,199.00.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MARY KENNEDY  
CHIEF ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: June 29, 2005