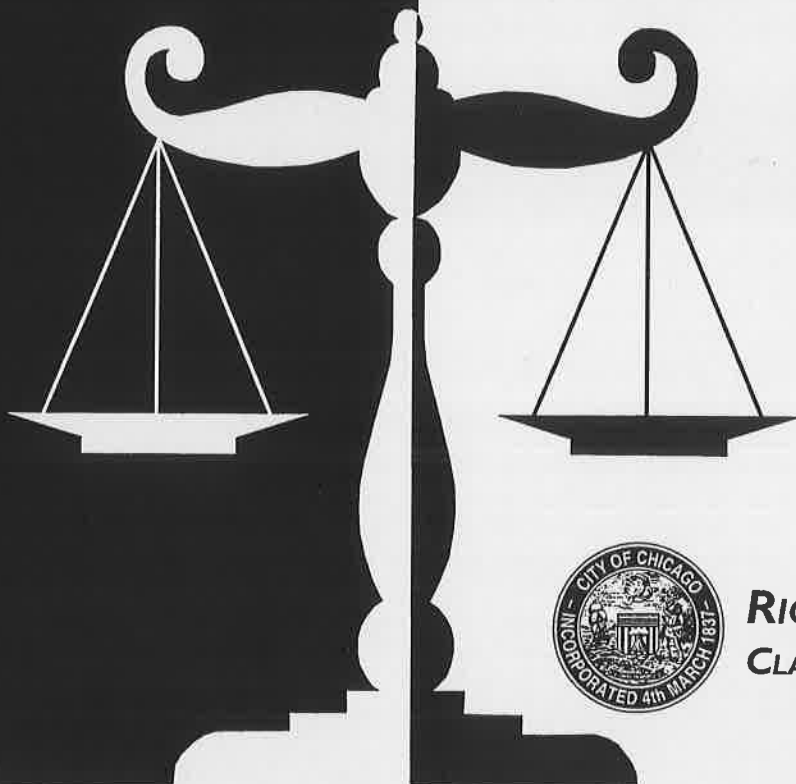


CITY OF CHICAGO

**COMMISSION  
ON  
HUMAN  
RELATIONS**

1998

*ADJUDICATION REPORT*

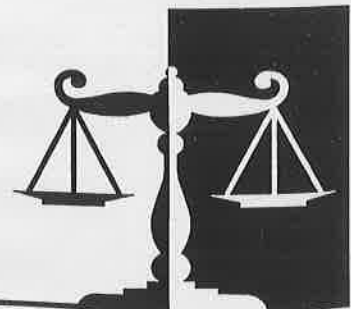


**RICHARD M. DALEY** MAYOR  
**CLARENCE N. WOOD**, CHAIRMAN

# CITY OF CHICAGO COMMISSION ON HUMAN RELATIONS

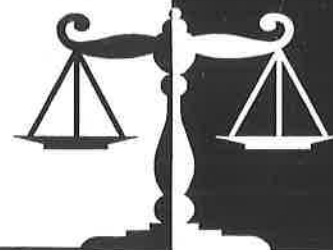
“The Chicago Commission on Human Relations was established to eradicate discrimination, bigotry, and prejudice in the City of Chicago. Since May 6, 1990, the Commission has been charged with administering and enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, and their provisions guaranteeing that all persons be free from discrimination in the areas of housing, employment, credit and bonding, and access to public places. The Commission investigates, mediates, and adjudicates such discrimination based on race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, and source of income.

“The Commission also assists victims of bias crimes and helps them and their communities respond to such acts of hatred. An Education, Outreach and Intergroup Relations Unit assists governmental agencies and community groups in developing effective fair housing and human relations programs, and is at the forefront of community crisis intervention. This unit works to improve intergroup relations through the provision of educational workshops, tension reduction, training and mediation. The Commission is also empowered to hold public hearings, conduct research, issue publications, and make recommendations to the Mayor and City Council on the state of human relations in Chicago. The Commission has eight Councils that act as advisors to the Commission regarding the special needs and concerns of the Refugee and Immigrant, Veteran, Gay and Lesbian, Asian-American, African-American, Arab-American, Latino, and Women’s communities.”



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# MESSAGE FROM THE CHAIRMAN

Dear Friend in Human Relations:

A definitive portrait of prejudice remains elusive, unquantifiable. The Commission's annual report on its adjudication work, taken together with its companion report on hate crimes, provides a tangible, if partial, record of claims of discrimination and hatred in the city of Chicago.

It is a sad fact that seemingly harmless gestures of daily disrespect, left unchecked, have the capacity to escalate, emboldening some people to translate their prejudices into harm and harassment. Unfortunately, we can expect prejudice to continue to drive socially destructive and painful behaviors, so long as our attitudes are subtly and blatantly influenced by ongoing residential segregation, media-supported stereotypes and myths, and coveted senses of privilege and superiority.

However, heightened perception of discrimination and mistreatment also means that emotions run high in the discrimination cases before the Commission. The Adjudication Unit must work with people who feel wronged as well as those who feel wrongly accused. The Unit's charge is to determine whether discrimination actually occurred. We are neutral—we must identify discrimination when it happens and must clear people and institutions wrongfully accused.

In the spirit that "justice deferred is justice denied," I proudly report that **the turn-around time of Adjudication cases decreased** for the first time this decade. In 1998, the Commission closed, entered a default order or found "substantial evidence" in the average case 11.7 months from filing. That is a full one-month decrease from the average time in the prior year. Housing cases remain the fastest completed—they average only 6.4 months. Also, for the first time, **the Adjudication Unit closed virtually the same number of cases (557) as it took in (559).**

The housing area was particularly active. In 1998, **the Commission received 241 housing complaints—a new record.** In fact, that is an 11% increase over the number received in 1997 (217), which was itself a record.



“Source of income” was the type of discrimination most often cited (over 40%) in housing cases for the second straight year. Most of those cases involved claims that landlords would not accept Section 8 (a federal housing subsidy) from applicants. The frequency of this claim reflects the fact that Section 8 vouchers and certificates have become more prevalent in Chicago’s housing market, especially low-income housing, as the “projects” are demolished and their residents seek replacement housing.

The Commission’s Adjudication Unit responded to claims of discrimination in employment, public accommodation, and credit, in addition to housing. Race remained the most claimed basis of discrimination in all complaints. Over one-quarter of all claims included race. In addition to source of income, noted above, sex and disability discrimination were also frequently claimed.

The fact that the Adjudication Unit does high-quality work is reflected in its record in court. Commission cases continued to be well received in the state circuit and appellate courts. As of the end of 1998, the Commission has not had a circuit court or an appellate court reverse a liability finding. The appellate court’s two published 1998 opinions about the Commission decided the following: That the City of Chicago has home rule authority to pass ordinances more broad than comparable state law; that the Commission may award punitive damages; and that the Commission may award attorney’s fees even when the underlying damages are low. A circuit court judge remanded part of a sexual harassment case for further consideration, and an appellate court remanded part of a damages award for review.

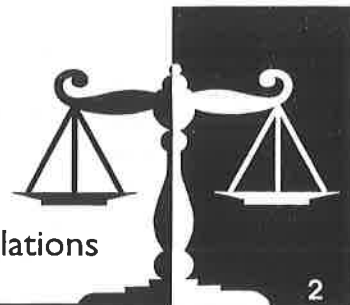
The full report of the Adjudication Unit follows. As Chairman, I offer my sincere thanks and congratulations to the Adjudication staff for the efficient yet caring attention given to complaints filed with the Commission.

Sincerely,

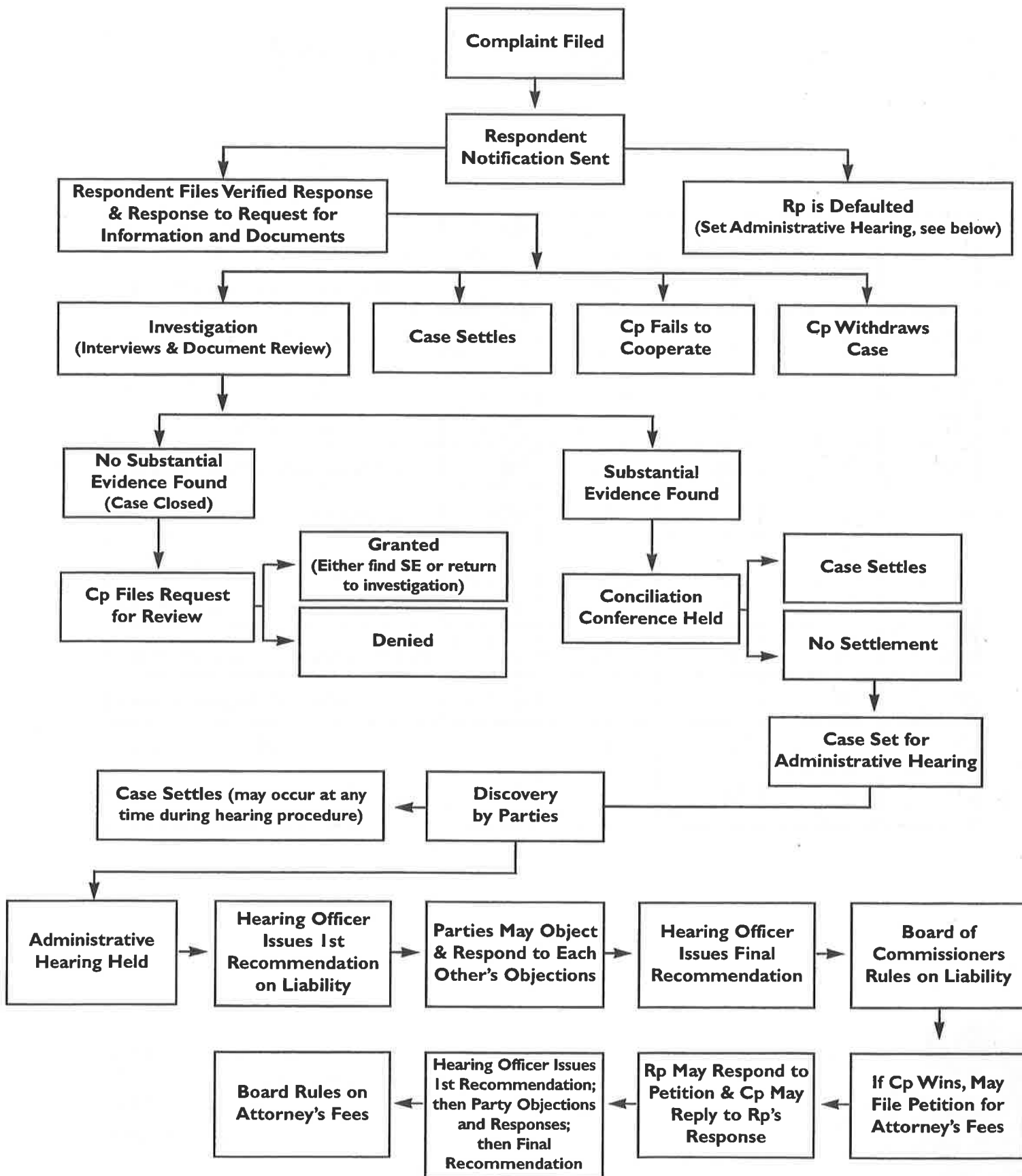


Clarence N. Wood  
Chairman

Chicago Commission on Human Relations



# CHR ADJUDICATION FLOW CHART



Note: Cp = Complainant and Rp = Respondent

# SUMMARY OF CASES FILED AND ACTIONS TAKEN

<b>ACTIONS TAKEN</b>	<b>EMP</b>	<b>PA</b>	<b>HSG</b>	<b>CRD</b>	<b>TOTAL</b>
<b>Number of Cases Filed</b>	237	76	241	5	<b>559</b>
Number of Cases Dismissed	270	73	210	4	<b>557</b>
Lack of Jurisdiction	3	12	0	0	<b>15</b>
Failure to Cooperate	37	3	9	0	<b>49</b>
Lack of Substantial Evidence	86	13	49	3	<b>151</b>
Withdrawn by Complainant	22	10	20	0	<b>52</b>
Other (includes closed after admin. hrg.)	6	8	3	0	<b>17</b>
<b>Settlement Agreements</b>	116	27	129	1	<b>273</b>
<b>Substantial Evidence Found</b>	23	14	18	0	<b>55</b>
<b>Respondent Defaults</b>	3	1	5	0	<b>9</b>
Requests for Review	9	4	5	0	<b>18</b>
Requests for Review Granted	3	0	0	0	<b>3</b>

**EMP** = Employment  
**PA** = Public Accommodation  
**HSG** = Housing  
**CRD** = Credit



# BASES OF CLAIMS FOR CASES FILED

PROTECTED CLASSES	EMP		PA		HSG		CRD		TOTAL	
	Count	%	Count	%	Count	%	Count	%	Count	%
Race	87	26%	49	48%	69	22%	4	50%	209	27%
Color	1	0%	4	4%	1	0%	1	13%	7	1%
Sex	75	22%	12	12%	23	7%	1	13%	111	15%
Age (over 40)	36	11%	1	1%	2	1%	0	0%	39	5%
Religion	5	2%	3	3%	5	2%	0	0%	13	2%
Disability	46	14%	22	22%	31	10%	1	13%	100	13%
National Origin	20	6%	4	4%	5	2%	0	0%	29	4%
Ancestry	5	2%	1	1%	4	1%	0	0%	10	1%
Sexual Orientation	30	9%	1	1%	4	1%	0	0%	35	5%
Marital Status	7	2%	1	1%	11	4%	1	13%	20	3%
Parental Status	11	3%	1	1%	30	10%	0	0%	42	6%
Military Discharge	0	0%	0	0%	0	0%	0	0%	0	0%
Source of Income	1	0%	1	1%	129	41%	0	0%	131	17%
Retaliation	15	4%	2	2%	0	0%	0	0%	17	2%

In some cases, complainants complain about more than one type of discrimination. Percentages are based on total claims, not total complaints, and so add up to 100%

**EMP** = Employment  
**PA** = Public Accommodation  
**HSG** = Housing  
**CRD** = Credit





## EMPLOYMENT CLAIMS

<i>ACTION COMPLAINED ABOUT</i>	<i>NUMBER</i>	<i>PERCENT</i>
Failure to Hire	21	7%
Promotion Denied	9	3%
Demotion	2	1%
Wage Differential	3	1%
Discriminatory Benefits	8	3%
Sexual Harassment	22	8%
Harassment (other than sexual)	21	7%
Termination/Layoff	136	47%
Failure to Recall	0	0%
Retaliation for Filing Complaint	0	0%
Discriminatory Terms and Conditions	52	18%
Failure to Accommodate a Disability	12	4%
Other	5	2%

## PUBLIC ACCOMMODATION CLAIMS

<i>ACTION COMPLAINED ABOUT</i>	<i>NUMBER</i>	<i>PERCENT</i>
Accommodation Not Accessible	9	12%
Mistreatment	45	58%
Refusal of Entry	11	15%
Discriminatory Terms and Conditions	11	15%
Other	1	1%

In some cases, complainants complain about more than one action in a complaint. Percentages are out of all claims made, not all complaints, and so add up to 100%.



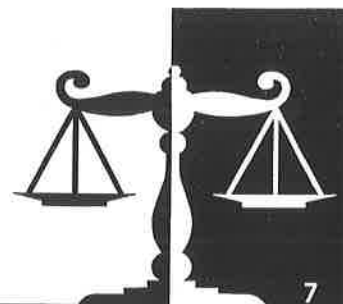
## HOUSING CLAIMS

CLAIMS MADE	NUMBER	PERCENT
Discriminatory Communication	0	0%
Discriminatory Financing	0	0%
Not Accessible to Disabled	5	2%
Lease Termination	26	10%
Panic Peddling/Blockbusting	0	0%
Refusal to Examine Listings	0	0%
Refusal to Sell	4	2%
Refusal to Rent/Lease	177	70%
Sexual Harassment	12	5%
Steering	1	0%
Discriminatory Terms and Conditions	21	8%
Other	7	3%

## CREDIT CLAIMS

CLAIMS MADE	NUMBER	PERCENT
Denial of Bonding	0	0%
Improper Limitation of Terms	0	0%
Denial of Credit	5	100%
Other	0	0%

In some cases, complainants complain about more than one action in a complaint. Percentages are out of all claims made, not all complaints, and so add up to 100%.



# AVERAGE TIME CASES SPEND IN THE INVESTIGATIVE STAGE

	<i>EMP</i>	<i>PA</i>	<i>HSG</i>	<i>CRD</i>	<i>OVERALL</i>
Average Time in Months	16.1	11.7	6.4	5.1	11.7

The chart above indicates the average amount of time a case spends in the investigative stage. That is the time from when the case is filed until the first of a substantial evidence finding, a default order or a dismissal (including as settled, withdrawn or for failure to cooperate). The chart does not measure time spent after a case proceeds to a conciliation conference and/or an administrative hearing.

**EMP** = Employment  
**PA** = Public Accommodation  
**HSG** = Housing  
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# SUBSTANTIAL EVIDENCE DETERMINATIONS

	<i>EMP</i>	<i>HSG</i>	<i>PA</i>	<i>CRD</i>	<i>TOTAL</i>
No Substantial Evidence Found	86 79%	49 73%	13 48%	3 100%	151 73%
Substantial Evidence Found	23 21%	18 27%	14 52%	0 0%	55 27%

The percentages above are measured from only those cases in which a No Substantial Evidence (NSE) or a Substantial Evidence (SE) finding was made. They are **not** percentages from **all** cases in which the Commission took any action. For example, they do not consider the cases which were settled or withdrawn before an NSE or SE finding could be made.

**EMP** = Employment  
**PA** = Public Accommodation  
**HSG** = Housing  
**CRD** = Credit



## SETTLEMENT AGREEMENTS

Virtually half of all cases closed at the Commission close by way of settlement agreements. Some facts concerning these agreements are set forth below.

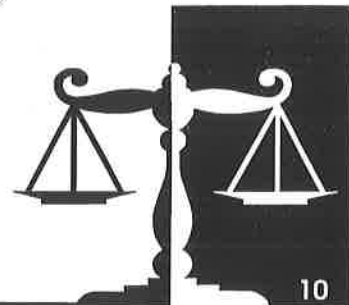
<b>TYPE OF CASE</b>	<b>CASES SETTLED</b>	<b>SETTLEMENT AMOUNT</b>
Employment	116	\$187,221.60
Public Accommodation	27	\$ 10,885.00
Housing	129	\$ 74,997.02
Credit	1	\$ 1,000.00
<b>Total</b>	<b>273</b>	<b>\$274,104.22</b>

**CASES SETTLED** includes all cases in which the Commission knows that the parties settled, even if the parties submitted a withdrawal form, not the agreement itself.

**SETTLEMENT AMOUNT**, however, includes settlement awards only from settlement agreements submitted to the CCHR for approval (and so in which the amount settled for is known). The CCHR facilitated settlements in many cases in which the parties did not reveal the terms of the settlement to the Commission. There are also agreements which do not include the payment of money.

## SUMMARY OF ADMINISTRATIVE HEARING ACTIONS

Rulings for Respondents	5
Ruling for Complainants	8
Damages Awarded to Complainant	\$97,386.37
Fines Awarded to City	\$ 4,000.00
Attorney's Fees Rulings	4
Fees & Costs Awarded to Complainant	\$71,192.65
Number of Hearings Held (Rulings on several of these cases are not due until 1999)	14



# SUMMARY OF LIABILITY RULINGS MADE AFTER ADMINISTRATIVE HEARINGS

## EMPLOYMENT

MAHAFFEY V. UNIVERSITY OF CHICAGO HOSPITALS ET AL., 93-E-221 (7-22-98) (Respondents found not liable for age and race discrimination where CCHR found they terminated Complainant for not meeting legitimate job expectations and where there was no evidence that similarly situated younger and/or white employees were not terminated)

MOULDEN V. FRONTIER COMMUNICS., ET AL., 97-E-1 (8-19-98) (defaulted Respondent found liable for not giving Black Complainant commensurate raises and bonuses as a white worker who received similar transfer)

BLACHER V. EUGENE WASHINGTON YOUTH & FAMILY SVCS., 95-E-261 (8-19-98) (where complainant showed that his employer perceived him to be disabled and that he was able to perform the job's essential functions, respondent found liable when it failed to prove that its forced medical examination was directly related to Complainant's ability to perform his job and when it fired Complainant because it perceived him to have a disability; Complainant awarded \$2,000 in emotional distress damages and \$4,890 in back pay from date of discharge until he had opportunity for comparable job; Respondent also ordered to pay a \$500 fine to the City of Chicago and to pay Complainant's attorney's fees)

HOUCK V. INNER CITY HORTICULTURAL FOUNDATION, 97-E-93 (10-21-98) (Respondent found liable for firing gay Complainant explicitly due to her sexual orientation; Complainant awarded \$5,000 in emotional distress damages and \$7,221 in back pay from date of discharge until she was offered a comparable job; Respondent ordered to reinstate Complainant, to have sensitivity training for its staff, to pay Complainant's attorney's fees, and to pay a fine of \$500 to the City of Chicago)

## HOUSING

SMITH V. NIKOLIC, NIKOLIC & CHAVEZ, 95-H-130 (4-15-98) (CCHR found that Complainant did not prove either hostile environment or *quid pro quo* sexual harassment where the incidents described by Complainant were not sexual and where there was no evidence that any housing services were withheld due to any rejection of advances)

MCCUTCHEN V. ROBINSON, 95-H-84 (5-20-98) (Respondent real estate broker, defaulted for discovery and related abuses, found to have violated Chicago Fair Housing Ordinance where he did not pursue Complainant's offer to purchase property for full price because one source of her income was public aid; Respondent ordered to pay Complainant \$2,000 in emotional distress damages, \$5,064 as difference in rent actually paid from monthly mortgage expenses she would have paid had Respondent broker not discriminated against her, and \$370.21 for other out-of-pocket losses; Respondent also ordered to pay a fine of \$500 to the City of Chicago and to pay Complainant's attorney's fees; Department of Professional Regulation notified of broker's violation)



FIGUEROA V. FELL, 97-H-5 (10-21-98) (landlord found liable for his harassment of Complainant, a Hispanic tenant, which created a hostile, intimidating, and offensive environment including calling her names and suggesting that she move to Humboldt Park; Respondent was ordered to pay Complainant \$15,000 in emotional distress damages and \$35,000 in punitive damages, ordered to pay a \$500 fine to the City of Chicago, and to pay Complainant's attorney's fees)

### **PUBLIC ACCOMMODATION**

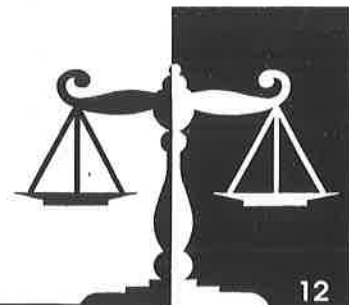
MILLER V. DRAIN EXPERTS & DERKITS, 97-PA-29 (4-15-98) (defaulted Respondents found liable for calling client/customer explicit racist name in course of providing services; Respondents ordered to pay Complainant \$1,250 for emotional distress due to the name-calling, \$1,500 for the several-day loss of plumbing services, \$400 for out-of-pocket losses, and \$2,500 in punitive damages; Respondent also ordered to pay a \$500 fine to the City of Chicago)

LAWRENCE V. MULTICORP CO., 97-PA-65 (7-22-98) (where Respondent's employee made a racial comment to Complainant but where Complainant was not a customer or a prospective customer [was a stranger to the employee and business], defaulted Respondent found not to have discriminated with respect to "full use of a public accommodation" and so held not liable)

HANSON V. ASSOCIATION of VOLLEYBALL PROFESSIONALS, 97-PA-62 (10-21-98) (Respondent found liable for holding a tournament which was not accessible to Complainant, a person who uses wheelchair who wished to attend; Respondent ordered to make future tournaments accessible and ordered to pay Complainant \$3,500 in emotional distress damages and \$5,000 in punitive damages; Respondent also ordered to pay a fine of \$500 to the City of Chicago and to pay Complainant's attorney's fees)

CARTER V. CV SNACK SHOP, 98-PA-3 (11-18-98) (defaulted Respondent found liable for not serving African-American Complainant due to his race; Respondent ordered to pay Complainant awarded \$1000, the total he sought, for his emotional distress, and Respondent also ordered to pay a fine of \$500 to the City of Chicago)

BROWN V. EMIL DENEMARK CADILLAC, 96-PA-76 (11-18-98) (no liability found where Respondent showed that bad service provided to African-American Complainant/customer, as compared to white customers, was caused by different quality salespeople, not race or sex of customers)



# ADJUDICATION PERSONNEL

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THERMON DONNELLY  
NANCE DULAJ  
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