

City of Chicago
COMMISSION ON HUMAN RELATIONS
500 N. Peshtigo Court, 6th Floor
Chicago, IL 60611
(312) 744-4111 [Voice] / (312) 744-1088 [TDD]

IN THE MATTER OF

Kennedy, Berman & Torres
COMPLAINANT,
AND

Chicago Transit Authority
RESPONDENT.

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CASE NO. 91-PA 14, 91-PA-45 & 92-PA-50

Date Mailed: July 26, 1993

TO: Kent S. Ray Feraby Kennedy
Chicago Transit Authority 6101 N. Sheridan, Apt. G7
Merchandise Mart Plaza Chicago, IL 60660
Chicago, IL 60654

ORDER

THE CHICAGO COMMISSION ON HUMAN RELATIONS HEREBY ORDERS:

See Attached.

THE COMPLAINANT MAY FILE A "REQUEST FOR REVIEW" REGARDING THIS ORDER WITH THE COMMISSION WITHIN 30 DAYS PURSUANT TO §250.100(a) AND (c) OF THE "RULES AND REGULATIONS GOVERNING THE CHICAGO HUMAN RIGHTS ORDINANCE, THE CHICAGO FAIR HOUSING ORDINANCE, AND THE CHICAGO COMMISSION ON HUMAN RELATIONS ENABLING ORDINANCE." REQUEST FOR REVIEW FORMS ARE AVAILABLE AT THE COMMISSION'S OFFICE.

By: CLARENCE N. WOOD
Chair/Commissioner

for: CHICAGO COMMISSION ON HUMAN RELATIONS

Kennedy v. CTA, CCHR No. 91-PA-14
Berman v. CTA, CCHR No. 91-PA-45
Torres c. CTA, CCHR No. 92-PA-50
July 26, 1993

ATTACHMENT

As part of the investigation into the cases named above, the Commission sought certain relevant documents from the CTA in each case. The CTA refused to cooperate with the Commission, claiming that the Commission has no jurisdiction over the CTA. The Commission ruled on the jurisdictional issue on August 28, 1992. However, the CTA still refused to voluntarily submit any information to the Commission. Accordingly, the Commission issued subpoenas to compel the production of the documents sought. The subpoenas were issued on June 25, 1993 and compliance was due on July 9, 1993. Several days later, on July 14, 1993, the CTA filed motions to quash the three subpoenas. The CTA raises two arguments, both of which are addressed and rejected below.

First, the CTA argues that it is not subject to the Commission's jurisdiction because it is an "independent municipal corporation," and because it is subject to the jurisdiction of the state anti-discrimination agency -- the Illinois Department of Human Rights ("IDHR"). This is exactly the same argument that the CTA raised and lost a year ago. In Wyatt v. CTA, CCHR No. 91-PA-33 (Aug. 28, 1992), the Commission held that no provision in the Illinois Human Rights Act ("IHRA"), the Chicago Human Rights Ordinance ("CHRO"), or the CTA's enabling statute exempted the CTA from the Commission's jurisdiction. Further, the Commission held

that the IHRA conferred on local governments the power to establish agencies with similar powers to the IDHR. The CHRO was passed pursuant to that grant of authority, giving the Commission concurrent jurisdiction with the IDHR. Therefore, the CTA's argument that it is not subject to the jurisdiction of the Commission has already been found wanting, and the CTA has not provided the Commission with any new reasons to reverse its earlier ruling.

The CTA's second argument is that the Commission "lost any jurisdiction it may have had . . . by failing to complete its investigation within 180 days after receiving the Complaint, pursuant to §2-120-510 of the Ordinance [CHRO]." Section 2-120-510(f) states that a Commission investigation is to be completed "within 180 days after receipt of the complaint, unless it is impractical to do so." Again, this issue has already been decided by the Commission, albeit not in a CTA case. In Littleton v. Chicago Municipal Employees Credit Union, CCHR No. 91-CR-5 (Mar. 15, 1993), the Commission followed United States Supreme Court precedent and held that complainants have a property interest in cases filed and so they cannot be dismissed without due process of law, i.e., completion of an investigation. See Logan v. Zimmerman Brush Co., 455 U.S. 422, 428-33, 102 S. Ct. 1148, 1153-56 (1982).

Further, this argument is somewhat outrageous in light of the fact that in the instant cases, there is no question that -- based on the CTA's own conduct -- it was not only "impractical," but also impossible, for the Commission to complete its investigation within

180 days. The CTA failed to cooperate with the Commission's investigation, even after the jurisdictional ruling, by refusing to

produce any requested documents and by refusing to permit interviews of key witnesses. Additionally, the CTA's original jurisdictional challenge delayed the proceedings for several months while the parties were given the opportunity to brief the legal issues raised. The CTA's current motions to quash, raising a jurisdictional issue already ruled upon, precisely illustrate the CTA's unnecessary delaying tactics that have prevailed throughout the investigation of these cases.

For the reasons set forth above, the motions to quash are DENIED and the subpoenas shall be sent to the Office of Corporation Counsel for judicial enforcement.

CITY OF CHICAGO
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510 N. Peshtigo Ct., Ste. 6A
Chicago, IL 60611
312/744-4111[VOICE]/312/744-1088[TDD]

IN THE MATTERS OF:

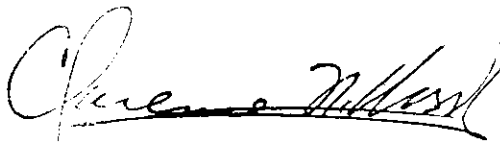
Kennedy v. CTA, 91-PA-14
Berman v. CTA, 91-PA-45
Torres v. CTA, 92-PA-50

To: Attached List

NOTICE

On July 26, 1993, the Commission on Human Relations referred the cases captioned above to the Office of Corporation Counsel. The Corporation shall seek judicial enforcement of the subpoena the Commission issued on June 25, 1993 directed to the Chicago Transit Authority. This action shall address the jurisdictional dispute between the Commission and the Chicago Transit Authority.

If you have any questions about this matter, please call Marilyn Johnson at the Office of Corporation Counsel at 744-0774.



By: Clarence N. Wood
Chair/Commissioner

For: Chicago Commission on Human Relations

ATTACHED LIST

Respondent:

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Complainants:

Kennedy v. CTA, 91-PA-14
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Berman v. CTA, 91-PA-45
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Torres v. CTA, 92-PA-50
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