City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, 3rd Floor, Chicago, IL 60654
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

IN THE MATTER OF:

Anthony Cotten
Complainant,
v.
Addiction Sports Bar & Lounge (Formisono, Inc.)
Respondents.

Case No.: 08-P-68

Date Mailed: November 4, 2009

TO:

Attorney for Complainant
Matthew P. Weems
Law Office of Matthew P. Weems
1652 W. Ogden Ave.
Chicago, IL 60612

Attorney for Respondent
Joel Brodsky
Brodsky and Odeh
8 South Michigan Ave., Suite 3200
Chicago, IL 60608

FINAL ORDER ON LIABILITY AND RELIEF

YOU ARE HEREBY NOTIFIED that, on October 21, 2009, the Chicago Commission on Human Relations issued a ruling in favor of Complainant in the above-captioned matter. The findings of fact and specific terms of the ruling are enclosed. Based on the ruling, the Commission ORDERS Respondent to pay the following amounts:

1. To the City of Chicago, a fine of $500.

2. To Complainant, emotional distress damages of $1.00.[1]

3. Complainant is also awarded his reasonable attorney fees and associated costs subject to the procedure described below.

Attorney Fee Petition

Pursuant to Reg. 240.630, Complainant may now file with the Commission and serve on Respondent and the hearing officer a petition for attorney fees and/or costs, supported by argument and affidavit. Any petition must be served and filed on or before **December 2, 2009**. Any response to such petition must be filed and served on or before **December 16, 2009**. A reply will be permitted only on leave of

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[1]**COMPLIANCE INFORMATION:** Parties must comply with a final order after administrative hearing no later than 28 days from the date of mailing of the later of a Board of Commissioners' final order on liability or any final order on attorney fees and costs, unless another date is specified. See Reg. 250.210. Enforcement procedures for failure to comply are stated in Reg. 250.220.

Payments of damages are to be made directly to the Complainant. **Payments of fines** are to be made by check or money order payable to City of Chicago, delivered to the Commission at the above address, to the attention of the Deputy Commissioner for Adjudication and including a reference to this case name and number.

the hearing officer. A party may move for an extension of time to file and serve any of the above items pursuant to the provisions of Reg. 210.320.

Right of Review

Pursuant to Commission Regulations 100(15) and 250.150, a party seeking a review of this decision may file a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law; however, because attorney fee proceedings are now pending at the Commission, such a petition cannot be filed until after issuance of the Final Order concerning those fees.

CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner

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CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner

City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, 3rd Floor, Chicago, IL 60610
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IN THE MATTER OF:	
Anthony Cotten **Complainant,** **v.** Addiction Sports Bar & Lounge (Formisono, Inc.) **Respondent.**	**Case No.:** 08-P-68 **Date of Ruling:** October 21, 2009

FINAL RULING ON LIABILITY AND RELIEF

I. INTRODUCTION

On August 21, 2008, Complainant, Anthony Cotten, filed this Complaint alleging discrimination on the basis of his disability. Cotten asserted that he a paraplegic who utilizes a wheelchair for mobility, and was denied access to the Respondent sports bar because the front entrance was not wheelchair accessible. He asserts a violation of the Chicago Human Rights Ordinance, Chapter 2-160 of the Chicago Municipal Code.

After an investigation and finding of substantial evidence, an administrative hearing was held on July 17, 2009. Despite having participated during the discovery phase of the litigation of the case, Respondent did not appear at the hearing. Although the hearing officer did not enter an order of default as permitted by Reg. 240.398, he did proceed with the hearing and allowed Complainant to put on his case. A Motion to Vacate the hearing was subsequently filed by Respondent but was denied by the hearing officer. The hearing officer issued his recommended ruling on liability and relief August 11, 2009. Respondent filed timely objections on August 31, 2009, and Complainant on September 8, 2009.

II. RESPONDENT'S ABSENCE FROM HEARING

In its Objection to Recommended Decision, Respondent requests review of the hearing officer's denial of its Motion to Vacate Hearing and Order. In that motion, Respondent had explained that "by an inadvertent act or omission on the part of the Defendant's attorney, the Administrative Hearing date of July 17, 2009 hearing date either did not get put on the Defendant's attorneys calendar, or it was inadvertently deleted from the Defendant's attorneys calendar." [sic.] (Motion to Vacate Hearing and Order, p. 2) Respondent further argued that Complainant had failed to serve copies of his pre-marked trial exhibits on Respondent in a timely manner as ordered by the hearing officer, and that "justice will be better served" if Respondent were able to present its position at a hearing.

In denying the motion, the hearing officer determined that Respondent did not establish good cause for the absence sufficient to justify vacating the administrative hearing and holding another hearing. The hearing officer noted that nothing elevates Respondent's explanation of the absence beyond "I forgot." Further, the hearing officer did not find that Complainant's failure to serve copies of his trial exhibits on Respondent's attorney until the day before the hearing (and two days late) changes the result because (1) receipt of that service should have reminded

Respondent's attorney of the upcoming hearing, and (2) Respondent could have raised the issue of untimely service at the hearing had it attended. Finally, the hearing officer determined, "It would place the Complainant at a disadvantage if a Respondent was to be allowed to sit back, let the Complainant put on a case and then, having the advantage of considering the prior testimony, be allowed to start the process anew."[1]

In its objection, Respondent's counsel further states that its asserted calendaring error was "a very rare occurrence" and counsel has been unable to discover why it happened. Counsel argues that he made the Motion to Vacate immediately upon realizing he had missed the hearing date.[2] Finally, counsel argues that everyone should have their day in court, that it would not be inconvenient to reopen the hearing because the testimony as given could stand subject only to cross-examination and the presentation of Respondent's case, and because Respondent has a defense, such that "justice will be better served if it is able to present its position at a hearing." Respondent cites no legal authority in support of its position in either the Motion to Vacate the request to review the denial of the motion.

Complainant included a response to Respondent's objection in his own objection to the recommended ruling; however, because Complainant did not seek and the hearing officer did not grant leave to respond, Complainant's arguments have not been considered.

The Board of Commissioners finds no basis to reverse the order of the hearing officer denying Respondent's motion to vacate and reopen the administrative hearing. As the hearing officer noted in his order, in some instances mistake, inadvertence, or attorney neglect may form a basis for a good cause finding which avoids sanctions for failure to comply with a Commission order. However, in this instance, the hearing officer did not accept that Respondent's counsel was excusably unaware of the ordered hearing date of July 17, 2009, given that he had participated in discovery—answering document requests as late as July 29, 2009—and participated in a final pre-hearing conference at which the hearing date was agreed to, after which he received an order confirming the hearing date.[3]

Administrative hearings in particular are scheduled proceedings which parties are expected to attend prepared to proceed. It was not improper for the hearing officer to proceed on the scheduled hearing date and decline to give the absent Respondent the advantage of another chance to present evidence.

III. APPLICABLE LEGAL STANDARDS

The Chicago Human Rights Ordinance prohibits discrimination based on disability (along with other protected classes) concerning the full use of a public accommodation. Section 2-160-070 of the CHRO states:

> No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's...disability.

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[1] The only documents admitted into evidence were two photographs of the business entrance. At most, these photographs show that there were stairs at the entrance which were a barrier to a person using a wheelchair, a fact amply established by Complainant's testimony without photographs. (Tr. 12-13)

[2] The hearing was held on July 17, 2009. The Motion to Vacate was received at the Commission on July 29, 2009.

[3] In addition to the extensive prior notice of the upcoming hearing, at the hearing officer's direction on the hearing day, Commission staff attempted to telephone the office of Respondent's counsel between 1:00 and 1:32 p.m. at the number available in the record, but no one answered the phone. (Tr. 4)

Subpart 500 of the Commission's Regulations further defines the obligations of persons who control a public accommodation. Reg. 520.110 defines the "full use" requirement:

> Full use...means that all parts of the premises open for public use shall be available to persons who are members of a Protected Class...at all times and under the same conditions as the premises are available to all other persons....

The CHRO and corresponding regulations attempt to balance the requirement of providing full use of a public accommodation to persons with disabilities with the practical realities of making that possible. Thus Reg. 520.105 states:

> No person who owns, leases, rents, operates, manages or in any manner controls a public accommodation shall fail to fully accommodate a person with a disability unless such person can prove that the facilities or services cannot be made fully accessible without undue hardship. In such a case, the owner, lessor, renter, operator, manager or other person in control must reasonably accommodate persons with disabilities unless such person in control can prove that he or she cannot reasonably accommodate the person with a disability without undue hardship.

Reg. 520.120 provides a definition of "reasonable accommodation" as applied to a public accommodation:

> Reasonable accommodation...means...accommodations...which provide persons with a disability access to the same services, in the same manner as are provided to persons without a disability.

Reg. 520.130 defines what is necessarily for a public accommodation to prove that it is an undue hardship to provide either full use or reasonable accommodation to a person with a disability:

> Undue hardship will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the nature of the public accommodation.
>
> (a) there must be objective evidence of financial costs, administrative changes, or projected costs or changes which would result from accommodating the needs of persons with disabilities.

To prove his *prima facie* case here, Complainant must show that he (1) is a person with a disability within the meaning of the CHRO; (2) is a qualified individual in that he satisfied all non-discriminatory standards for service; and (3) did not have full use of Addiction Sports Bar and Lounge as other customers did. *Maat v. String-A-Strand*, CCHR No. 05-P-05 at 4 (Feb. 20, 2008), citing *Doering v. Zum Deutchen Eck*, CCHR No. 94-PA-35 (Sept. 14, 1995, as reissued Sept. 29, 1995). An individual may be deprived of the full use of a facility where he or she cannot readily enter the front entrance in a wheelchair because of the existence of a barrier. *Maat v. String-A-Strand, supra* at 5.

If Complainant meets these standards, the burden is then on Respondent to prove by a preponderance of the evidence that providing full use of its public accommodation would cause undue hardship. See Commission Regulation 520.105 and *Maat v. El Novillo Steak House,*

CCHR No. 05-P-31 at 3 (Aug. 16, 2006). However, even if that initial showing is made, Respondent must also establish that (1) it reasonably accommodated the individual with the disability or (2) it could not reasonably accommodate the individual with a disability without undue hardship. *Id.*

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Complainant, Anthony Cotten, stated in his sworn Complaint that he is an adult with a disability who utilizes a wheelchair for mobility due to T-12 paraplegia. (Complaint, ¶1) Although Complainant's counsel stated in opening argument that Cotten "is a paraplegic and he's confined to a wheelchair for mobility," (T. 7), counsel's remarks are not evidence. Complainant was never asked nor did he testify that he was disabled and confined to a wheelchair. Nevertheless, Cotten testified that "he could not navigate up these stairs." (T. 12) Additionally, Complainant testified that his friend asked an employee of Respondent whether "they had an accessible way for me to get in, a ramp or something for me to come in." (T. 14) Finally, the Commission is able to take judicial notice of other litigation, *Radaszewski ex rel. Radaszewski v. Garner*, 346 Ill.App.3d 696 (2nd Dist 2003). In *Cotten v. Eat-a-Pita*, CCHR Case No. 07-P-108 (May 20, 2009) this Commission found that "Cotten is a paraplegic, having suffered a spinal cord injury in 1991 that has left him with permanent disability." From these facts, the Commission finds that Cotten is a person with a disability within the meaning of the Chicago Human Rights Ordinance.

2. On August 21, 2008, Complainant and a friend attempted to have lunch at Respondent's Addiction Sports Bar. (T. 11) Cotten could not gain access to the interior of the bar and restaurant because of the presence of stairs. (T. 12, Exs. 1 & 2) In response to their inquiry, an employee came out and sat down on the stairs and talked to Complainant. She told him that they didn't have a ramp and told Complainant that she could bring a table and a chair outside. Cotten refused because "it was hot and just the bugs and being outside when you're eating." (T. 14) The employee then took Complainant's order outside and brought him two orders of tacos. Cotten left with the food, went next door to a clothing store named "Self Conscious," and sat down and ate the food there. (T. 15)

3. Complainant has met his burden to prove a *prima facie* case by showing he uses a wheelchair due to disability, sought to enter and eat a meal at Respondent's restaurant and sports bar on the date in question, but was unable to fully utilize Respondent's business due to the presence of stairs.

4. Because Respondent did not appear at the administrative hearing, it presented no evidence to controvert Complainant's *prima facie* case.

5. Respondent filed a general Response to Complaint in which it denied its factual allegations or denied sufficient knowledge to answer. As a statement of position, the Response stated, "We are in full compliance with all building code, restaurant code, and municipal laws. We were very recently inspected by all City inspection departments and we passed all inspections." (Response, p. 3) Respondent later filed a Pre-Hearing Memorandum indicating that it planned to call two witnesses whose testimony was described respectively as "occurrence witness" and "condition of premises." The Pre-Hearing Memorandum indicated that Respondent did not plan to introduce any documents or physical evidence at the hearing. In the space provided for stating an affirmative defense on the Commission's pre-hearing memorandum form, which Respondent utilized, Respondent wrote "Compliance with Building Code." (Respondent's Pre-Hearing Memorandum, p. 3)

6. Undue hardship is an affirmative defense which must be pleaded and then proved by objective evidence. Reg. 240.130 requires each party to file a pre-hearing memorandum unless otherwise ordered, and the regulation specifically provides that a pre-hearing memorandum must include, from each respondent, a statement of any affirmative defenses asserted. Respondent did not notify the Commission or Complainant of any affirmative defense of undue hardship in either its Response to Complaint or its Pre-Hearing Memorandum. Thus Respondent has not asserted or proved any affirmative defense of undue hardship in this case.

6. Compliance with the Chicago Building Code, or passing inspections by the Department of Buildings (or Mayor's Office for People with Disabilities, will not in itself provide a defense to liability for disability discrimination under the Chicago Human Rights Ordinance. These departments of City government do not evaluate certify compliance with the CHRO. The Building Code and the Human Rights Ordinance are two separate ordinances of the City of Chicago with different provisions and different enforcement mechanisms. Respondent must comply with both. Even to the extent that the Building Code may allow a particular physical facility to be less than fully wheelchair accessible (which has not been established for the premises in this case), the Chicago Human Rights Ordinance still requires a public accommodation to provide objective evidence of undue hardship in order to be excused from the obligation to provide full use to people with disabilities. Then even if such undue hardship is proved, the business must provide reasonable accommodations short of full use to the extent that can be accomplished without undue hardship. See, e.g., *Luna v. SLA Uno, Inc., et al.*, CCHR No. 02-PA-70 (Mar. 29, 2005), noting that the Commission proceeds based only on the CHRO, which is not an accessibility code and may not be co-extensive with the Americans with Disabilities Act or other laws. See also Reg. 540, stating that although the Commission looks to the Illinois Accessibility Code or the American National Standards Institute (ANSI) standards for persons with disabilities to determine wither particular proposed accommodations are adequate and appropriate, nevertheless, "the Commission does not adopt the Illinois Environmental Barriers Act, or any other substantive law for purposes of determining whether there has been a violation of the Human Rights Ordinance."

7. Accordingly, Complainant has proved that Respondent violated the Chicago Human Rights Ordinance as alleged in the Complaint.

V. REMEDIES

A. Emotional Distress Damages

Complainant is seeking emotional distress damages of $1,000 for the denial of access to the Respondent's restaurant and sports bar because of his disability. (Complainant's Pre-Hearing Memorandum, p.1) The entirety of his testimony regarding his alleged damages is as follows:

Q. My question is how has this discrimination affected you psychologically, in your opinion?

A. It depressed me that day. It humiliated me. I felt embarrassed. I felt like a second class citizen because the fact that people were also inside enjoying, having lunch, and I couldn't get inside to enjoy this establishment at the time.

Q. Anything else?

A. No.[4]

T. 18.

Complainant produced no other testimony or documentary evidence at the hearing regarding his emotional distress arising from the incident.

The hearing officer observed no visual evidence during Complainant's testimony that his brief encounter at Addiction Sports Bar and Lounge had caused Mr. Cotton any distress. He noted that it appeared from Complainant's testimony about the incident that the employee of Addiction, "Elizabeth," was courteous and helpful. She offered to set up an outdoor café table for Complainant, took his food order and brought it outside for him, and apparently tried to be as helpful as was possible under the circumstances.

In a similar matter, *Cotten v. Eppys Deli*, CCHR No. 08-P-35 (June 15, 2009), the Commission awarded Complainant $500 based on his testimony was that he was " angry" and "frustrated" by being unable to have a meal at Eppy's and that "I felt humiliated because I wasn't able to get access. It made me feel like a second-class citizen." *Id.* In *Cotten v. Eat-a-Pita*, CCHR No. 07-P-108 (June 4, 2009) the Commission reviewed the standards for awarding damages in an accessibility case and reduced a recommended award of $1,000 in damages to $500 stating:

> ...given the lack of any personal contact with Respondent's personnel, the very brief duration of the incident, and Complainant's very minimal testimony, which merely states what any wheelchair user who observes an entry barrier is likely to feel, the Commission is not persuaded that Complainant's emotional distress in this instance should be valued at $1,000. The Commission finds that Complainant's experience and his evidence of emotional distress were closer to those of the complainants in the cases...where less than $1,000 was awarded, and so awards $500 as emotional distress damages in this case.

In contrast to *Cotten v. Eat-a-Pita* or *Cotten v. Eppy's Deli*, here Mr. Cotten did have personal contact with employees of the Addiction Sports Bar after his companion went in and asked for help, and Complainant was able to make a purchase. Respondent's staff made substantial effort to mitigate and minimize the inconvenience posed by the acknowledged architectural barrier of the stairs. Complainant rejected the offer of a table set up outside but accepted the opportunity to order food for takeout. Complainant testified that after he purchased his food, he went next door to a friend's business, where he ate lunch and watched television as he expected to do inside Respondent's establishment. He did not testify that the circumstances under which he purchased or ate his lunch were unpleasant in any way.

Complainant has objected to the hearing officer's recommendation of only nominal emotional distress damages as against the weight of the evidence and an abuse of discretion. The Commission has reviewed Complainant's arguments and acknowledges that it has recently awarded him $500 for emotional distress in the two rulings cited above, both of which noted the

[4] Complainant also answered "Yes definitely" to the leading question, "Would it have been nice to watch Sports Center?" [at Addiction] When he left the bar he went immediately to the clothing store where he "[w]atched television and talked to Cliff, who is an employee of Self Conscious." (T. 16)

sparseness of his evidence of emotional distress. The Commission has considered these recent decisions; however, in the particular circumstances of this case, the Commission is not persuaded Complainant has sustained his burden of proving that he was emotionally injured by this Respondent's violation of the CHRO. In such an instance, he is entitled only to nominal damages of $1.00.

Despite the Commission's general precedents which show that it has typically awarded emotional distress damages to complainants if a violation is proved, a complainant is not automatically entitled to such damages but must prove the extent of emotional distress that actually occurred. Here, the hearing officer was not convinced from Complainant's testimony and his demeanor while testifying that he had suffered any measurable emotional distress as a result of the incident. Hearing officers are uniquely situated to evaluate evidence of emotional distress drawn from a complainant's testimony, and the Commission cannot in these circumstances find that this hearing officer's assessment is against the weight of the evidence or an abuse of discretion. The hearing officer proceeded according to Commission precedent regarding the standards for awarding emotional distress damages. He evaluated both the duration and severity of the underlying discriminatory conduct and the effect of that conduct on Complainant, as called for in *Nash/Demby v. Sallas Realty & Sallas*, CCHR No. 92-H-128 (May 17, 1995) and numerous succeeding cases. He took into account the purpose of emotional distress damages, namely to fully compensate a complainant for the suffering caused by the unlawful conduct. *Osswald v. Yvette Wintergarden Restaurant et al.*, CCHR No. 93-E-93 (July 19, 1995).

The Commission reads the hearing officer's cited federal decisions awarding only $1.00 in nominal damages to plaintiffs with disabilities—*Casna v. City of Loves Park*, --- F.3d ---, 2009 WL 2194706 (7th Cir. July 24, 2009), involving a due process deprivation, and *Briggs v. Marshall*, 93 F.3d 355 (7th Cir. 1996), involving a civil rights claim—as reaffirming the principle that a plaintiff is entitled to more than nominal damages *only* if able to prove that he or she was actually damaged.[5] Although they do not involve claims under the City of Chicago's discrimination ordinances, these cases do offer guidance to the effect that it is not necessary to award damages merely because a complainant has proved the discrimination underlying claim. Within the range of relief available to a prevailing complainant in a case before this Commission, an emotional distress damages award is not intended as a reward for winning a case.

There is no merit to Complainant's argument that the Commission must remand this case to allow him to present additional evidence of emotional distress. As the Commission has noted with respect to Respondent's failure to attend the administrative hearing, the scheduled hearing date was the parties' opportunity to present their evidence, and it was their responsibility to come to the hearing prepared to do so.

B. Injunctive Relief

In *Cotten v. Eat-a-Pita*, CCHR No. 07-P-108 (June 4, 2009), the Commission set forth standards for injunctive relief where a respondent has been found in violation of the CHRO because its premises are not fully accessible to persons in a wheelchair and no undue hardship was proved. However, on April 20, 2009, Respondent notified the parties and hearing officer

[5] Complainant did not seek punitive damages in his Complaint or in his Prehearing Memorandum, nor did he seek any damages for out-of-pocket losses. His last minute effort to orally request punitive damages was denied at the hearing. (T. 6) Reg. 240.130(a)(3) requires a complainant to provide in the pre-hearing memorandum an itemization of the nature and amount of damages sought.

that it closed the Addiction Sports Bar & Lounge and is out of business. Complainant introduced no evidence at the hearing to indicate that these representations are not true. Therefore, the hearing officer recommended a finding that the issue of injunctive relief is moot.

Complainant objects that he is not required to prove the business is still in operation. In general, that is correct. Whether a business is currently in operation does not affect the responsibility of its owners and operators for any discrimination which occurred when it was in operation. However, the Commission finds no basis to discredit Respondent's representation that it has closed the Addiction Sports Bar and Lounge. If Complainant wished to persuade the Commission that injunctive relief is appropriate, in the face of such a representation he needed to present some evidence at the hearing to indicate that either he or other people with disabilities might benefit from an order of injunctive relief against this Respondent. It is within the Commission's discretion not to engage in the futile exercise of ordering injunctive relief under circumstances where it appears meaningless and unenforceable. The Commission agrees with the hearing officer that injunctive relief is neither necessary nor appropriate in this case.

C. Fine

Pursuant to Chicago Municipal Code §5-08-130, the Commission may impose a fine up to $500 if a respondent is found to have violate the CHRO. Accordingly, the hearing officer's recommendation is accepted and the Commission fines Respondent $500 for the violation which occurred on August 21, 2008.

D. Attorney Fees

Section 2-120-510(l), Chicago Municipal Code, allows the Commission to order a respondent to pay a prevailing complainant's reasonable attorney fees and costs. Indeed, the Commission has routinely found that prevailing complainants are entitled to an award of their reasonable attorney fees and costs. See, e.g., *Godard v. McConnell* and *Jenkins v. Artists' Restaurant, supra.* The Commission adopts the hearing officer's recommendation that Respondent pay Complainant's reasonable attorney fees and costs.

Pursuant to Commission Regulation 240.630, Complainant may serve on the hearing officer and Respondent, and file with the Commission, a petition for attorney's fees and/or costs, supported by arguments and affidavits no later than 28 days from the mailing of this Final Ruling on Liability and Relief. The supporting documentation shall include the following:

1. A statement showing the number of hours for which compensation is sought in segments of no more than one-quarter hour, itemized according to the date performed, the work performed, and the individual who performed the work;

2. A statement of the hourly rate customarily charged by each individual for whom compensation is sought;

3. Documentation of costs for which reimbursement is sought.

VI. CONCLUSION

The Commission finds Respondent Formisano, Inc., d/b/a Addiction Sports Bar and Lounge, liable for public accommodation discrimination based on disability in violation of Chapter 2-160 of the Chicago Human Rights Ordinance and orders the following relief:

1. Payment to Complainant of emotional distress damages in the amount of $1.00;

2. Payment to the City of Chicago of a fine of $500;

3. Payment of Complainant's reasonable attorney fees and costs as determined by further order of the Commission pursuant to the procedures outlined above.

CHICAGO COMMISSION ON HUMAN RELATIONS

By: Dana V. Starks, Chair and Commissioner
Entered: October 21, 2009