

City of Chicago  
**COMMISSION ON HUMAN RELATIONS**

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**ADJUDICATION DIVISION**

**2009 Activity**  
**Concerning Discrimination Cases**  
filed under the  
**Chicago Human Rights Ordinance**  
and  
**Chicago Fair Housing Ordinance**



Chicago Commission on Human Relations  
740 N. Sedgwick, Third Floor, Chicago, IL 60654  
312.744.4111 (voice) - 312.744.1088 (TTY) - 312.744.1081 (fax)

City of Chicago  
Richard M. Daley, Mayor

Commission on Human Relations  
Dana V. Starks, Chair & Commissioner



## Adjudication of Discrimination Complaints

The Enabling Ordinance of 1990 gave the reorganized Commission on Human Relations the responsibility to enforce the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. This authority is exercised through the Adjudication Division. The work of the Division is:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance.
- To facilitate the settlement of cases, where possible.
- To determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance.
- To order remedies if the complainant proves at a hearing that discrimination has occurred.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney's fees and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. It does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

### Adjudication on the Web

See the Commission on Human Relations web site at [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations) for more information about Chicago's discrimination ordinances and their enforcement, including –

- The Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- The Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- A *Board Rulings Digest* summarizing decisions about violations and remedies ordered
- A complaint form and other frequently-used forms for complainants and respondents
- A *Guide to Discrimination Complaints* in English and Spanish
- Information and forms to help complainants prepare, file, and prove a complaint
- Information and forms to help respondents respond to a complaint
- Information about other discrimination laws and enforcement agencies

## What is Discrimination?

In general, to prevail in a discrimination case under the City of Chicago ordinances, a complainant must be able to prove by a preponderance of the evidence that:

- The complainant was subjected to *adverse treatment* by a covered individual, business, or government entity (the respondent).
- This conduct was based on the complainant's status in one or more of these *protected categories*:

Race	Sex	Age
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Discharge Status
Religion	Parental Status	

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complainant filed the complaint within *180 days* of the alleged discriminatory action.
- The complainant was treated differently *because of* his or her protected status, and not for other legitimate, non-discriminatory reasons.

### Filing a Discrimination Complaint

Adjudication intake staff are available during announced business hours to answer inquiries about filing a complaint under the Chicago Human Rights Ordinance or Chicago Fair Housing Ordinance. Those interested should telephone 312/344-4111 for current information. Intake staff assist the public with preparation of complaints on a walk-in basis or provide forms for self-preparation of complaints and filing by mail. There is no filing fee.

A complaint form, along with additional information about the ordinances and the adjudication process, can also be found on the Commission's web site: [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations).

## How Cases Proceed

People who believe they have been subjected to discrimination as defined in the City of Chicago ordinances may file written complaints with the Commission following a prescribed form. After a complaint is filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

The Commission will offer the parties the opportunity to try to settle the case before the investigation is completed. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but may write up the agreed terms of settlement for the parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. Investigation usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

Commission senior staff then determine whether or not there is substantial evidence of discrimination. A finding of "substantial evidence" does not mean the complainant has won the case, only that there is enough evidence of a violation for the case to go forward. If the Commission finds that there is not substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. Again, the parties may attempt to settle the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of attorneys with experience in civil rights litigation. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. The Commission does not prosecute the case or represent the complainant at this hearing. It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners makes the final determination as to whether the complainant has proved that the respondent has violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the complainant's attorney fees. Commission final orders awarding or denying relief have the force of law, can be appealed to the state court on a common law *certiorari* petition, and are enforceable by obtaining a

state court judgment.

## Annual Summary of Adjudication Division Activity

	Housing	Employment	Public Accommodation	TOTAL
COMPLAINTS FILED	60	115	84	259
Staff-Assisted	32	97	52	181
Self-Prepared	28	18	32	78
CASES FORWARDED TO HEARING STAGE	15	12	35	62
Substantial Evidence	15	11	35	61
Default (at investigation stage)	0	1	0	1
CASES CLOSED	64	108	109	281
Settled	26	24	37	87
Complainant Withdrew Case	8	17	7	32
Complainant Failed to Cooperate	7	5	2	14
Lack of Jurisdiction	3	2	4	9
No Substantial Evidence	19	56	53	128
Ruling After Hearing	1	4	6	11
REQUESTS FOR REVIEW after involuntary dismissal	3	9	9	21
Denied	3	9	8	20
Granted	0	0	1	1

New discrimination complaints filed in 2009 remained at levels similar to those since 2006. The number of completed investigations kept pace—slightly exceeding the number filed during the year—and continued to hold investigator caseloads to manageable levels. The number of delayed investigations (taking more than a year to complete) continued to decline. At the end of 2009, there were only 48 investigations over a year old and they comprised only 23% of the 209 pending investigations compared to 29% at the end of 2008. This percentage is down considerably from the peak of 66% at the end of

2004. Corresponding to the reduction in backlog, the number of investigations completed within 180 days of complaint filing continued strong in 2009 at 115 compared to 91 in the previous year—an increase from 28% to 42% of completed investigations.

## Discrimination Bases Claimed in Complaints Filed

PROTECTED CLASSES	Housing	%	Employment	%	Public Accomodation	%	Total Claims	%
Race	15	25%	51	44%	42	50%	108	42%
Color	2	3%	3	4%	7	8%	12	5%
National Origin	3	5%	34	30%	8	10%	45	17%
Ancestry	1	2%	17	15%	4	5%	22	8%
Religion	3	5%	2	2%	1	1%	6	2%
Sex	5	8%	41	36%	9	11%	55	21%
Sexual Orientation	3	5%	7	6%	3	4%	13	5%
Gender Identity	1	2%	2	2%	2	2%	5	2%
Marital Status	2	3%	0	0%	0	0%	2	1%
Parental Status	4	7%	3	3%	0	0%	7	3%
Age	5	8%	28	9%	7	8%	40	15%
Disability	14	23%	17	24%	29	35%	60	23%
Source of Income	40	67%	4	3%	3	4%	47	18%
Military Discharge	0	0%	0	0%	1	1%	1	.4%
Retaliation	0 <sup>1</sup>	0%	8	7%	5	6%	13	5%
TOTAL COMPLAINTS	60		115		84		259	

*The percentage figures in the chart above show the percentage of complaints containing a claim of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged.*

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<sup>1</sup>Retaliation is prohibited in the Chicago Human Rights Ordinance but not in the Chicago Fair Housing Ordinance. Therefore, retaliation claims in housing discrimination cases are dismissed without investigation.

*Thus the number of claims usually exceeds the number of complaints.*

In 2009, 44% of new complaints alleged employment discrimination, 32% alleged public accommodation discrimination, and 23% alleged housing discrimination. Race remained the most frequently named discrimination basis overall (42% of complaints) and in the employment and public accommodation areas. In housing, source of income remained the most frequently named basis, and most of these claims involved refusal to rent to the holder of a Section 8 housing voucher—a type of discrimination prohibited only by the Chicago Fair Housing Ordinance among the civil rights laws applicable in the City of Chicago.

Increased complaint activity was noticeable in three areas in 2009. First, claims of national origin discrimination rose in number and proportion. This discrimination basis was named in 45 complaints compared to only 18 in 2008. The increase occurred primarily in the employment area, where national origin was named in 30% of new complaints compared to 10% in 2008. There was a similar increase in claims of ancestry discrimination in employment—15% of new complaints compared to 5% in 2008.

Second, sex discrimination claims rose in all areas in 2009—from 12% to 21% of new complaints. This discrimination basis was named in 36% of new employment discrimination complaints compared to 27% in 2008, in 11% of new public accommodation discrimination complaints compared to 2% in 2008, and in 8% of new housing discrimination complaints compared to 4% in 2008.

Age discrimination was a third area of increased complaint activity in 2009. An age discrimination claim appeared in 40 new complaints (15%) in 2009 compared to only 10 (4%) in 2008. This increase occurred primarily in the areas of housing (no complaints in 2008 to 8% of new housing discrimination complaints in 2009) and public accommodations (in 1% of new complaints in 2008 compared to 8% in 2009).

Sexual orientation discrimination claims continued to fall slightly as a proportion of total new complaints, to 5% (13 complaints) compared to 7% (18 complaints) in 2008, while gender identity discrimination claims held steady.

Disability discrimination claims declined overall from 33% to 23% of new complaints, due primarily to a drop in new claims of lack of wheelchair accessibility of public accommodations.

After race at 44%, the most frequently named basis in employment discrimination complaints remained sex, rising to 36%. However, national origin moved up to third place at 30% and disability dropped to fourth place at 24%. Ancestry discrimination was next at 15% and sexual orientation after that at 14%. Age discrimination claims remained steady in the employment area at 9%. Combinations of these claims often appear in employment discrimination complaints.

After source of income, race at 25% and disability at 23% were the most frequently named bases in new housing discrimination complaints in 2009, echoing prior-year proportions. As noted, age and sex discrimination claims increased somewhat to 8% each, while filings held steady in other areas.

## Substantial Evidence Determinations

During 2009, 62 complaints proceeded to the administrative hearing stage, representing 23% of dispositions of the investigation stage. In only one of these cases was the respondent held in default for failing to answer the complaint as ordered, accomplishing a goal of the 2008 amended procedural

regulations to reduce the number of defaults at the investigation stage and instead encourage respondents to participate in investigations through more flexible technical requirements. The other 61 complaints proceeded to hearing because the Commission found substantial evidence of discrimination after a full investigation. A finding of substantial evidence means there is sufficient evidence, if believed, to support a finding that an ordinance violation occurred. A substantial evidence finding allows the case to go forward to an administrative hearing and Board of Commissioners ruling if the case does not settle. These substantial evidence findings compare with 128 cases in which the Commission found no substantial evidence of discrimination in 2009, after completing an investigation of the allegations of the complaint. Thus about 32% of completed full investigations resulted in a substantial evidence finding, a proportion similar to 2008 and continuing to reflect an increased proportion of substantial evidence findings compared to earlier years.

The data in the table below breaks down by primary coverage area those complaints in which a determination of either “substantial evidence” or “no substantial evidence” of discrimination (or retaliation) was made after a full investigation.

	Housing	Employment	Public Accommodation	TOTAL
Substantial Evidence	15	11	35	61
No Substantial Evidence	19	56	53	128
<b>TOTAL COMPLETED FULL INVESTIGATIONS</b>	<b>34</b>	<b>67</b>	<b>88</b>	<b>189</b>

The total number of complaints going forward to the hearing stage dropped back a bit from the high level of 73 in 2008, although it continues to reflect the higher number and proportion of pending cases in the hearing and Board ruling process since in 2006. The chart below illustrates this trend along with the reduction in backlogged investigations over recent years.

	2005	2006	2007	2008	2009
Pending Complaints (at year-end)	737	514	356	284	259
In Investigation Stage	703	464	303	224	209
In Hearing Stage	34	50	53	60	50
New Complaints	357	220	272	247	259
Complaints Forwarded to Hearing	45	67	56	73	62

## Settlements

A substantial percentage of discrimination cases conclude by settlement between the parties, typically 30-35%. Settlement may occur either prior to completion of a full investigation or during the adjudication stage of a case that has advanced to hearing based on a finding of substantial evidence or a default.

Complainants as a group obtain a great deal more monetary and other relief through settlements than through rulings issued after administrative hearings. In 2009, for example, 31% of closed cases were resolved by settlement compared to 1.5% (4 cases) concluded with liability findings and orders for relief after a hearing.

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission makes no determination as to whether a violation occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, mediators, and hearing officers do encourage and facilitate settlement.

Individual settlement terms vary and, because many cases settle privately between the parties, the Commission often does not know the terms of settlements including their monetary value to complainants. In the interest of promoting settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed to the contrary as part of the settlement terms.

## Rulings After Administrative Hearings

In 2009, the Board of Commissioners issued 18 rulings after administrative hearings were held on discrimination complaints, a record annual number. The rulings are summarized below. Eleven rulings were in favor of complainants and seven were in favor of respondents. Administrative hearings are held before an independent hearing officer, who assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers. If a prevailing complainant was represented by an attorney, a second ruling is issued determining the amount of the complainant's attorney fees and associated costs which the respondent will be ordered to pay. See the Commission's *Board Rulings Digest* for a description of all Board of Commissioners rulings after administrative hearings.

### Employment Discrimination Rulings

*Miller v. Stony Sub et al.*, CCHR No. 05-E-150 (Jan. 21, 2009)

Discrimination Claimed: Sex

The Board found no ordinance violation where Complainant, a female minor represented by her mother, claimed she was sexually harassed and constructively discharged from employment. Complainant failed to establish that she was in an employment relationship as defined in the Human Right Ordinance.

*Van Dyck v. Old Time Tap*, CCHR No. 04-E-103 (Apr. 15, 2009)

Discrimination Claimed: Disability

The Board found no disability discrimination where a fill-in bartender failed to establish that she was fired because of a disability or perceived disability. The Board determined that Complainant did not establish that she had an actual disability or that the bar owner perceived her to have a disability, and noted that she also did not establish differential treatment.

*Alexander v. 1212 Restaurant Group et al.*, CCHR No. 00-E-110 (Apr. 15, 2009)

Sexual Orientation Discrimination

The Board awarded attorney fees of \$83,781.31 and costs of \$691.75 after reducing the attorney fee award by 15 per cent to adjust for an unsuccessful claim. Previously, in *Alexander v. 1212 Restaurant Group et al.*, CCHR No. 00-E-110 (Oct. 16, 2008), the Board had found discrimination based on perceived sexual orientation where the Respondent company's majority owner and employees harassed Complainant for being gay by continuing derogatory comments. But the Board found that Complainant did not establish race and sexual orientation discrimination in connection with the termination of his employment. The Board awarded emotional distress

damages of \$35,000 and punitive damages of \$140,000 against Respondents jointly and severally, and imposed a fine of \$500 against each of three Respondents. The Circuit Court of Cook County has affirmed the Commission's rulings on review in *1212 Restaurant Group et al. v. City of Chicago et al.*, Cir. Ct. Cook Co. No. 09 CH 16337 (Feb. 19, 2010)

*Lockwood v. Professional Neurological Services, Ltd.*, CCHR No. 06-E-89 (June 17, 2009)

#### Parental Status Discrimination

The Board found parental status discrimination where an employer discharged a sales representative who was a mother of two children after single absence, finding that employees with children were treated less favorably than those without children in several respects including leniency about absences, that Complainant was meeting the employer's legitimate expectations, and that she was replaced by employees who had no children. The Board awarded \$78,601.25 in back pay and lost commissions, emotional distress damages of \$35,000, punitive damages of \$100,000, and a \$500 fine for each of three discriminatory actions. . On January 20, 2010, the Board also awarded attorney fees of \$87,655.61 and costs of \$1,662.32. The rulings are under review in the Circuit Court of Cook County.

*Glowacz v. Angelastri*, CCHR No. 06-E-70 (Dec. 16, 2009)

#### Discrimination Claimed: Age

The Board found no age discrimination against a 56-year-old store clerk who was laid off, in that a younger employee was also laid off, Respondent showed cost reductions were needed due to declining business, and other employees but not Complainant were willing to work less than full time.

## Public Accommodation Discrimination Rulings

*Williams v. Bally Total Fitness*, CCHR No. 06-P-48 (Jan. 21, 2009)

#### Discrimination Claimed: Race

The Board found no race discrimination where cleaning personnel at a health club allegedly refused to unlock the door and allow Complainant to leave after closing. Complainant's testimony was found not credible because his hearing testimony contradicted the sworn complaint and because of his demeanor while testifying. The Board imposed a fine of \$500 against Complainant for false testimony.

*Cotten v. Eat-A-Pita*, CCHR No. 07-P-108 (May 20, 2009)

#### Disability Discrimination

The Board found disability discrimination where a wheelchair user sought to enter a restaurant to eat lunch but could not do so due to the presence of stairs, and the Respondent failed to prove that it was an undue hardship to be fully accessible. The Board awarded emotional distress damages of \$500, imposed a fine of \$500, and ordered the business to take steps to become accessible to wheelchair users and to document any undue hardship if unable to be fully accessible.

- *Cotten v. Eat-A-Pita*, CCHR No. 07-P-108 (Sept. 16, 2009)

The Board awarded attorney fees of \$2,135 and costs in the amount of \$52.31.

*Warren and Elbert v. Lofton & Lofton Management d/b/a McDonald's, et.al.*, CCHR No. 07-P-62/63/92 (July 24, 2009)

#### Sexual Orientation and Gender Identity Discrimination

The Board found sexual orientation and gender identity discrimination where a restaurant security guard (found in default) audibly discussed and ridiculed the attire and sexual orientation of three customers. The Board found the restaurant owner vicariously liable for the security guard's actions where an agency relationship was proved and his actions were foreseeable. The manager on duty was not found liable because she did not endorse or participate in the discriminatory conduct. The Board awarded emotional distress damages to each Complainant of \$3,500, \$1,500, and \$1,000 respectively, plus punitive damages of \$1,500, \$1,500, and \$1,000 respectively, and imposed fines of \$500 against the guard and \$100 against the business. Attorney fees are pending.

*Anguiano v. Abdi*, CCHR No. 07-P-30 (Sept. 16, 2009)

#### Discrimination Claimed: Race and Age

The Board found no race and age discrimination where, in the course of an argument during a cab ride, the driver

called Complainant “old,” “unable to get a job,” and “unable to support himself,” because in the context of both sides exchanging personal insults, the statements were not sufficiently separating or belittling to create a hostile environment. Complainant’s statements that the cab driver insulted him for being Mexican were found not credible.

*Cotten v. 162 N. Franklin, LLC d/b/a Eppy’s Deli and Café*, CCHR No. 08-P-35 (Sept. 16, 2009)

Disability Discrimination

After an order of default, the Board found that a wheelchair user established a *prima facie* case of disability discrimination where he sought to enter a restaurant to eat but could not do so due to the presence of stairs, and no alternative means of service was offered. The Board awarded emotional distress damages of \$500, imposed a fine of \$500, and ordered the business to take steps to become accessible to wheelchair users and to document any undue hardship if unable to be fully accessible.

- *Cotten v. 162 N. Franklin, LLC d/b/a Eppy’s Deli and Café*, CCHR No. 08-P-35 (Dec. 16, 2009)

The Board awarded attorney fees of \$2,520.83 and costs of \$82.61.

*Cotten v. Addiction Sports Bar & Lounge*, CCHR No. 08-P-68 (Oct. 21, 2009)

Disability Discrimination

The Board found disability discrimination where a wheelchair user sought to enter a restaurant to eat lunch but could not do so due to the presence of stairs, and the Respondent failed to prove that it was an undue hardship to be fully accessible. The Board awarded emotional distress damages of \$1, finding that Complainant failed to prove any substantial emotional distress, and imposed a fine of \$500. No injunctive relief was ordered because Respondent no longer operates the business. On Feb. 17, 2010, the Board awarded attorney fees of \$2,156.25 and costs of \$52.58.

*Cotten v. CCI Industries, Inc.*, CCHR No. 07-P-109 (Dec. 16, 2009)

Disability Discrimination

The Board found disability discrimination where a wheelchair user sought to enter a showroom to discuss a possible purchase but could not do so due to a flight of stairs, and no alternative means of service was offered. The Board awarded emotional distress damages of \$1, finding that Complainant failed to prove any substantial emotional distress, imposed a fine of \$100, and ordered the business to take steps to become accessible to wheelchair users and to document any undue hardship if unable to be fully accessible. Attorney fees are pending.

*Cotten v. Lou Mitchell’s*, CCHR No. 06-P-09 (Dec. 16, 2009)

Discrimination Claimed: Disability

The Board found no disability discrimination where a wheelchair user was unable to use a restaurant’s restroom located in a basement with no elevator. Respondent proved it would be an undue hardship to add an accessible restroom on the ground floor because of the financial losses which would result from reduced table space and the likelihood that the only feasible location for the restroom would be unacceptable under City codes.

*Sturgies v. Target Department Store*, CCHR No. 08-P-57 (Dec. 16, 2009)

Discrimination Claimed: Race

The Board found no race discrimination where a security guard told an African-American customer she could not bring her dog into a store. The store proved it enforced a no-animals policy except for service animals. Ambiguous evidence that another customer had a dog in the store was held insufficient to show the store selectively enforced the policy against African-Americans.

## Housing Discrimination Rulings

*Sercye v. Reppen and Wilson*, CCHR No. 08-H-42 (Oct. 21, 2009)

Source of Income Discrimination

The Board found source of income discrimination after two Respondents admitted that they refused to rent to Complainant because she would use a Section 8 voucher. The Board awarded \$15,000 in emotional distress damages and imposed a fine of \$500 against each of Respondent. The Board referred the case to the Department

of Law to report the discrimination finding against the Respondent who is a licensed real estate broker to the Illinois Department of Financial and Professional Regulation as called for in the Fair Housing Ordinance.

*Diaz v. Wykurz and Locasio et.al.*, CCHR No. 07-H-28 (Dec. 16, 2009)

#### Source of Income Discrimination

The Board found source of income discrimination where a co-owner of a building decided and told Complainant she would not accept a Section 8 voucher. The Board found two other owners not vicariously liable because the first owner was not acting as their agent. The Board awarded \$2,500 in emotional distress damages and imposed a fine of \$250. Attorney fees are pending.

## Other Hearing Stage Activity

Post-investigation activity remained at a high level in 2009 although down somewhat by year-end from the record level of 2008. At year-end, the Commission's docket included 8 complaints scheduled for mediation after a substantial evidence finding and 42 complaints in the administrative hearing or Board ruling process, totaling 50 cases pending in post-investigation proceedings.

## Reduction of Investigation Backlog

The Commission has been concerned for some years about the length of time it has taken to complete the full investigation of complaints. In 2009, the Commission continued the progress made since 2005 to reduce the volume and age of pending investigations as well as the size of investigator caseloads. By the end of 2009 the number of pending investigations was reduced to 209 compared to 796 at the end of 2004. The number pending for more than one year was reduced from 528 to 48 over the same five-year period, and the average individual investigator caseload dropped from 72 to 26. This means the Commission entered 2010 with a manageable investigation caseload and new complaints being investigated much more promptly than in past years.