

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2010 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
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City of Chicago
Richard M. Daley, Mayor

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Adjudication of Discrimination Complaints

The authority to enforce the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance 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 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 for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of 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 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 complaint was filed 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.

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 a 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.

A Compliance Committee of Commission senior staff then determines 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 no 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.

Summary of Filing and Adjudication Activity

The table below summarizes complaint filing and adjudication activity during 2010 in the four categories of discrimination complaints accepted under the City's ordinances. The 2010 figures are compared to those for 2009.

Case Activity Summary	Housing 2010 / 2009		Employment 2010 / 2009		Public Accommodation 2010 / 2009		Credit 2010 / 2009		TOTAL 2010 / 2009	
COMPLAINTS FILED	52	60	123	115	121	84	3	0	299	259
Staff-Assisted	42	32	84	97	76	52			202	181
Self-Prepared	10	28	39	18	45	32	3	0	97	78
CASES FORWARDED TO HEARING STAGE	11	15	12	12	14	35			37	62
Substantial Evidence	11	15	12	11	14	35			37	61
Default (at investigation stage)	0	0	0	1	0	0			0	1
CASES CLOSED	51	64	114	108	115	109	2	0	282	281
Settled	15	26	24	24	36	37	1		76	87
Complainant Withdrew Case	9	8	25	17	24	7	1		59	32
Complainant Failed to Cooperate	1	7	13	5	6	2			20	14
Lack of Jurisdiction	2	3	0	2	2	4			4	9
No Substantial Evidence	23	19	45	56	42	53			110	128
Ruling After Hearing	1	1	7	4	5	6			13	11
REQUESTS FOR REVIEW after involuntary dismissal	6	3	6	9	11	9			23	21
Denied	5	3	5	9	9	8			19	20
Granted	1	0	1	0	2	1			4	1

Discrimination Bases Claimed in New Complaints

The percentage figures in the table below show the percentage of *complaints* filed in 2010 which contained 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. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	2	4%	62	50%	72	60%	2	67%	138	46%
Color	1	2%	6	5%	12	10%	1	33%	20	7%
National Origin	2	4%	16	13%	2	2%			20	7%
Ancestry	3	6%	8	6%					11	4%
Religion	2	4%	4	3%	1	1%			7	2%
Sex	6	12%	34	28%	9	7%	1	33%	50	17%
Sexual Orientation	1	2%	14	11%	31	26%	2	67%	48	16%
Gender Identity			1	1%	11	9%			12	4%
Marital Status	6	12%	3	2%					9	3%
Parental Status	10	19%	10	8%	1	1%			21	7%
Age	4	8%	23	19%	1	1%			28	9%
Disability	15	29%	14	11%	19	16%			47	16%
Source of Income	19	37%	1	1%	1	1%	1	33%	22	7%
Military Discharge										
Retaliation	n/a	n/a	7	6%	3	2%			10	3%
TOTAL COMPLAINTS	52		123		121		3		299	

Trends in Discrimination Claims

In 2010, 41% of new complaints concerned employment, 41% concerned public accommodations, 17% concerned housing, and 1% concerned credit transactions. New discrimination complaints filed in 2010 rose 15% over 2009, primarily in the public accommodation category.

Race remained the most frequently named discrimination basis overall (46% of complaints) and in the employment and public accommodation areas at 50% and 60% respectively. However, only two new housing discrimination complaints filed in 2010 were based on race. National origin and ancestry discrimination claims in employment and public accommodations returned to their more typical 2008 levels in 2010 after an increase in 2009. National origin was named as a basis in 13% of new employment discrimination complaints and 7% of all new complaints. Ancestry was named in 6% of employment discrimination complaints and 4% of new complaints overall.

New sex discrimination claims were only slightly below the higher level seen in 2009, appearing in 28% of employment discrimination complaints and 17% of all new complaints in 2010. Sexual harassment and pregnancy were frequent aspects of these claims. Age discrimination claims fell back slightly from the higher levels of 2009 but remained at twice the overall level of 2008. Age was named as a basis in 19% of employment discrimination complaints and 9% of all new complaints in 2010.

Sexual orientation discrimination claims rose in 2010 after some decline in the years since the State of Illinois added a prohibition of sexual orientation discrimination to its Human Rights Act. Employment discrimination claims based on sexual orientation doubled from seven to fourteen and were found in 11% of new employment discrimination complaints.

Disability discrimination claims continued to decline from earlier high levels, appearing in 16% of new complaints in 2010 compared to 23% in 2009 and 33% in 2008. Disability was cited as a basis in 11% of new employment discrimination complaints and 29% of new housing discrimination complaints in 2010, showing that discrimination based on disability remains an strong area of concern among complaint filers.

In the housing area, source of income remained the most frequently named basis, and most of these claims involve refusal to rent to the holder of a “Section 8” housing choice voucher—a type of discrimination prohibited only by the Chicago Fair Housing Ordinance among the civil rights laws applicable in Chicago. However, the number of new source of income discrimination claims reached only half the level of 2009, while the number of parental status and marital status discrimination claims in the housing area more than doubled from 2009 levels.

Parental status discrimination claims in the employment area rose from three such claims in 2009 to ten in 2010. A contributing factor may have been the news media’s attention to the Commission’s finding of parental status discrimination and award of significant damages in *Lockwood v. Professional Neurological Services, Ltd.*, CCHR No. 06-E-89 (June 17, 2009).

As in previous years, complaints are often based on a combination of these protected classifications, especially in housing and employment cases.

Substantial Evidence Findings

During 2010, 37 complaints proceeded to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 14% of 272 dispositions of cases at the investigation stage and 25% of the 147 full investigations completed with a formal decision as to whether there was substantial evidence. Another 125 cases were settled or dismissed for other reasons before a determination regarding substantial evidence was reached.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. In order to obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

The breakdown of completed full investigations by case type and result appears in the table below, with the 2009 figures presented for comparison:

Findings after Full Investigations	Housing 2010 / 2009		Employment 2010 / 2009		Public Accommodation 2010 / 2009		TOTAL 2010/2009	
Substantial Evidence	11	15	12	11	14	35	37	61
No Substantial Evidence	23	19	45	56	42	53	110	128
TOTAL COMPLETED FULL INVESTIGATIONS	34	34	57	67	56	88	147	189

The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication. Between 2006 and 2009 a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

Stages of Complaints	2005	2006	2007	2008	2009	2010
Pending Complaints (at year-end)	737	514	356	284	259	256
In Investigation Stage	703	464	303	224	209	220
In Hearing Stage	34	50	53	60	50	36
New Complaints	357	220	272	247	259	299
Complaints Forwarded to Hearing	45	67	56	73	62	37

Settlement of Complaints

A substantial percentage of discrimination complaints close due to settlement between the parties. Settlement may occur either prior to completion of a full investigation or after a case has advanced to the hearing process. Complainants as a group obtain much more monetary and other relief through settlements than through Board rulings after administrative hearings. To illustrate, in 2010 a total of 76 or 27% of closed cases were resolved by settlement compared to 3% (9 cases) concluded with liability findings and orders of relief after a hearing. This compares with 31% resolved by settlement and 1.5% (4 cases) by liability findings and relief in 2009.

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not determine whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle their dispute and are prepared to facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential. In 2010, the Commission held 29 such settlement conferences. About half resulted in a settlement closure—the typical proportion over time.

Individual settlement terms vary and, because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know their terms including the monetary value to complainants. To encourage 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 2010, the Board of Commissioners issued 19 written rulings after public administrative hearings on discrimination complaints. The 2010 rulings are summarized below.

Administrative hearings are held before independent hearing officers appointed by the Commission from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the complainant's attorney fees and related costs which the respondent will be ordered to pay.

These Board rulings are written legal opinions which explain the basis for each decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings.

Thirteen of the 2010 rulings were in favor of complainants—seven finding liability and ordering relief plus six determining the amount of attorney fees after an initial liability ruling. Six rulings were in favor of respondents, finding no liability and dismissing the case.

Employment Discrimination Rulings

Lockwood v. Professional Neurological Services, Ltd., CCHR No. 06-E-89 (Jan. 20, 2010)

Parental Status

In 2009, the Board found parental status discrimination in the terms and conditions of employment where an employer discharged a sales representative who was the parent of two children after a single absence from work.

In 2010, the Board ordered payment of Complainant's attorney fees of \$87,655.61 and costs of \$1,662.32. This case is currently under review in the Circuit Court.

Shores v. Charles Nelson d/b/a Black Hawk Plumbing, CCHR No. 07-E-87 (Feb. 17, 2010)

Sexual Harassment

After an order of default, an employee established a *prima facie* case of sexual harassment based on evidence that the company owner exposed himself in her presence, propositioned her, asked her to not come to work for several days when she rebuffed his advances, then ultimately locked her out of the company. The employee failed to prove discrimination based on her religion where the company owner was merely critical of her religion and church activities. The Board awarded damages of \$80,000 as back pay and \$2,000 for emotional distress, and imposed a fine of \$500.

Harper v. Cambridge Systematics, Inc. et al., CCHR No. 04-E-86 (Feb. 17, 2010)

Sexual Harassment

Based on the hearing officer's assessment of witness credibility, the Board found no sexual harassment where an employee failed to prove that her male co-workers grabbed their genitals in her presence in an inappropriate and offensive way and that she was prohibited by management from reporting any such problems. The Board added that, even if these incidents were credible, such conduct was not sufficiently severe or pervasive to have created a hostile work environment.

Ramirez v. Mexicana Airlines and Pliego, CCHR No. 04-E-159 (Mar. 17, 2010)

Sexual Orientation

Based on the hearing officer's assessment of witness credibility as well as lack of sufficient severity or pervasiveness, the Board found no hostile environment based on sexual orientation where a gay employee claimed his supervisor made seven disparaging comments over an eight month period and gave another employee, but not Complainant, tickets to a soccer game. The employee failed to prove he was laid off because of his sexual orientation where he did not show he was known or perceived by the decision-makers to be homosexual and where the employer provided a non-discriminatory explanation why he was selected for layoff.

Johnson v. Anthony Gowder Designs, Inc., CCHR No. 05-E-17 (June 16, 2010)

Age

The Board found that a floral designer failed to prove his age was a factor in the decision to reduce his status from full time to freelance after hip replacement surgery. The owners' explanations that the decision was reluctantly made due to the financial condition of the business and need to reduce costs were found credible and not pretextual, as were their decisions to retain full time staff who had managerial skills. Age-related comments of the business owners were held insufficient to establish age-based animus or show that the employee's age motivated their decisions.

Sian v. Rod's Auto & Transmission Center, CCHR No. 07-E-46 (June 16, 2010)

Disability

The Board found that a maintenance worker failed to prove his employment was terminated due to disability after he was injured on the job. The employee failed to prove the business owner knew or believed he had an ongoing medical condition. The Board found credible the owner's explanation that the employee failed to return to work or call in for two weeks, and the employee did not prove that others were not discharged under these circumstances. The owner proved he was downsizing due to loss of business and did not replace the employee.

Flores v. A Taste of Heaven et al., CCHR No. 06-E-32 (Aug. 18, 2010)

Age, National Origin, Sex

After an order of default, a Mexican-American kitchen employee proved a *prima facie* case that the restaurant owner harassed and discharged her based on age, sex, and national origin when he subjected her to repeated, unwelcome derogatory slurs and insults such as calling her a “stupid Mexican” and “old lady,” then finally discharged her stating, “I don’t need her work because she’s already old. And I don’t like Mexicans. I don’t like Mexicans in my business.” The Board found this conduct sufficiently severe and pervasive to establish a hostile work environment. The Board ordered payment of \$6,750 as back pay, \$20,000 as emotional distress damages, and \$25,000 as punitive damages. It imposed fines of \$250 each against the business and the owner individually. Earlier in this case, the Board issued an interlocutory ruling affirming that the hearing officer was not required to step down based on Respondents’ claim that he was prejudiced against them.

Day v. Chicago Transit Authority et al., CCHR No. 05-E-115 (Oct. 20, 2010)

Sexual Orientation

The Board found sexual orientation discrimination where an employee’s supervisor subjected him to a hostile work environment after determining he is gay and CTA took inadequate corrective action after the employee reported the harassment under established policies. Among other conduct, the supervisor berated and heckled Complainant in front of other employees declaring, “God told Adam to walk with Eve and not Steve” and “all homosexuals will go to hell.” She showed photos of men “on the down-low,” demanding to know whether Complainant knew them, and led other employees in ridiculing Complainant through comments and gestures. The Board awarded \$10,360 in out-of-pocket damages for medical and related expenses and emotional distress damages of \$75,000. Punitive damages of \$6,000 were assessed against the supervisor only. CTA was ordered to train its staff about laws and internal policies prohibiting discrimination with a focus on workplace harassment based on sexual orientation. CTA and the supervisor were each fined \$500.

Mendez v. El Rey del Taco & Burrito, CCHR No. 09-E-16 (Oct. 20, 2010)

Race, Ancestry

The Board found no discrimination based on race or ancestry against a Puerto Rican woman who failed to prove she was treated differently when she attempted to apply for a posted waitress position. When Complainant went to the restaurant to apply, she was told there were no written applications and she should leave her name and phone number. The evidence did not establish that another woman she observed at the restaurant was completing an application form for the position. The testimony of the restaurant’s owner and the waitresses on duty credibly established that written job applications were not used and none were available. Instead, staff were instructed to take an applicant’s name and number if the owner was not present.

Public Accommodation Discrimination Rulings

Cotten v. Addiction Sports Bar & Lounge, CCHR No. 08-P-68 (Feb. 17, 2010)

Disability

In 2009, the Board found disability discrimination and ordered relief where a restaurant entrance was not wheelchair accessible due to steps and the Respondent failed to prove it was an undue hardship to provide an accessible entrance. In 2010, the Board ordered payment of Complainant’s attorney fees of \$2,156.25 and costs of \$52.58.

Cotten v. La Luce Restaurant, Inc., CCHR No. 08-P-34 (Apr. 21, 2010)

Disability

The Board found disability discrimination where a wheelchair user could not enter a restaurant due to a step, the only alternative offered was for staff to lift his wheelchair over the barrier, and the restaurant did not present sufficient evidence to prove undue hardship. The Board awarded emotional distress damages of \$800, imposed a fine of \$500, and ordered the business to take action to become accessible to wheelchair users and document any undue hardship if unable to be fully accessible.

On October 20, 2010, the Board ordered payment of Complainant’s attorney fees of \$2,915. The case is under Circuit Court review.

Warren and Elbert v. Lofton & Lofton Management d/b/a McDonald's, et.al., CCHR No. 07-P-62/63/92 (May 19, 2010)
Sexual Orientation, Gender Identity

In 2008, the Board found sexual orientation and gender identity discrimination and ordered relief where a restaurant's security guard harassed gay and transgender customers by ridiculing their appearance and sexual orientation. In 2010, the Board ordered payment of Complainants' attorney fees of \$9,750 and costs of \$846.50.

Cotten v. CCI Industries, Inc., CCHR No. 07-P-109 (May 19, 2010)

Disability

In 2009, the Board found disability discrimination and ordered relief where the entrance to a retail showroom was not wheelchair accessible and Respondent failed to prove it was an undue hardship to provide an accessible entrance. In 2010, the Board ordered payment of Complainant's attorney fees of \$4541.25 and costs of \$7.36.

Cotten v. Arnold's Restaurant, CCHR No. 08-P-24, (Aug. 18, 2010)

Disability

The Board found disability discrimination where a restaurant's restrooms were not accessible to a wheelchair user who ordered food, due to narrow entrance doors. Undue hardship was not proved and no alternative accommodation or prior notice was provided. The Board awarded emotional distress damages of \$500, imposed a fine of \$250, and ordered injunctive relief to make the premises wheelchair accessible to the extent possible without undue hardship. Attorney fees are pending.

Stephens v. L & P Foods et al., CCHR No. 08-P-43 (Dec. 15, 2010)

Race, Parental Status

The Board found no race or parental status discrimination against an African-American woman whose minor daughter was barred from a store's showroom. The store consistently applied its posted policy prohibiting children under 18 from entering the showroom unless small enough to be placed in a shopping cart and providing seating for children near the entrance under supervision of security officers. A no-children policy in these circumstances does not discriminate against parents with children. Complainant's white friend was allowed into the showroom with her daughter because she had placed her in a shopping cart; the store's customers were predominantly African-American; and Respondents' testimony that Complainant was offered the shopping cart option but refused was found credible.

Housing Discrimination Rulings

Hutchison v. Iftekaruddin, CCHR No. 08-H-21 (Feb. 17, 2010)

Source of Income

The Board found source of income discrimination where a landlord told Complainant's representative that he would not rent to her because of "bad experiences with Section 8" and the hearing officer found the landlord's other explanations not credible. The Board awarded Complainant \$2,500 in emotional distress damages plus \$1,500 in punitive damages, and imposed a fine of \$500.

On June 16, 2010, Respondent was ordered to pay Complainant's attorney fees of 8114.06 and costs of \$30.

Rankin v. 6954 N. Sheridan, Inc., DLG Management, et al., CCHR No. 08-H-49 (Aug. 18, 2010)

Source of Income

The Board found that a property manager refused to rent an apartment to a Section 8 voucher holder, stating that the owner did not accept Section 8 recipients in the building. The building owner, management company, and rental agent were all held liable for source of income discrimination. The Board awarded out-of-pocket damages of \$850 to cover higher heating costs in the apartment Complainant eventually found, \$1,500 in emotional distress damages, and \$3,000 in punitive damages at \$1,000 per Respondent. As injunctive relief, the Board ordered that non-discrimination notices be placed in future rental housing advertisements of the management company. Each of the three Respondents was fined \$500.

Hearing Stage Activity

After two years with an unusually high number of cases in the hearing process following a substantial evidence finding, the Commission completed the adjudication of 50 such cases. Thus at the end of 2010, this docket had reached a more manageable level of 36 complaints pending at the hearing stage, compared with 50 at the end of 2009. Five of these cases were scheduled for a settlement conference with one of the Commission's independent mediators after a substantial evidence finding but preliminary to appointment of a hearing officer. Another 31 complaints were either in the hearing process or awaiting decision after a hearing.

During 2010, the Commission held 94 scheduled proceedings in cases at the hearing stage, including 20 administrative hearings, 45 pre-hearing conferences, and 29 settlement conferences. As noted above, 19 Board of Commissioners rulings were issued adjudicating these cases after an administrative hearing.

Status of Investigation Backlog

The Commission has been concerned for some years about the length of time it has taken to complete the investigation of complaints. Backlogged investigations reached a peak in 2004. From 2005 through 2009, the Commission steadily reduced 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.

In 2010, the Commission completed investigations at rates comparable to 2009. However, due to an increase in new complaint filings, the average investigator caseload rose slightly from 26 to 28 cases, with the number of investigations over a year old also rising from 48 to 62. The Commission will monitor this situation closely in 2011, in an effort to avoid another buildup of backlogged investigations. However, at this point, most complaints are being investigated and resolved much more promptly than in past years. In 2010, a majority (53%) of investigation dispositions were reached within 180 days of the filing of the complaint and 78% were reached within one year of filing. Although 26% of pending investigations were over a year old entering 2011, this figure still reflects sustained improvement over the last several years.