



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.

162 N. Franklin, LLC, d/b/a
Eppy's Deli and Café
Respondents.

Case No.: 08-P-035

Date Mailed: October 1, 2009

TO:

Matthew Weems
Law Office of Matthew Weems
1652 W. Ogden Ave.
Chicago, IL 60612

Eppy's Deli and Café
162 N. Franklin
Chicago, IL 60606

FINAL ORDER ON LIABILITY AND RELIEF

YOU ARE HEREBY NOTIFIED that, on September 16, 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 damages to Complainant in the total amount of \$500 plus interest from May 29, 2008, and to pay to the City of Chicago a fine of \$500.¹ The Commission also awards Complainant his attorney fees and associated costs. Finally, the Commission ORDERS Respondent to comply with the order for injunctive relief set forth in the ruling.

Pursuant to Commission Regulations 100(15) and 250.150, parties 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.

Pursuant to Reg. 240.630, Complainant may now file with the Commission and serve on the

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 and interest 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.

Interest on damages is calculated pursuant to Reg. 240.700, at the bank prime loan rate, as published by the Board of Governors of the Federal Reserve System in its publication entitled "Federal Reserve Statistical Release H.15 (519) Selected Interest Rates." The interest rate used shall be adjusted quarterly from the date of violation based on the rates in the Federal Reserve Statistical Release. Interest shall be calculated on a daily basis starting from the date of the violation and shall be compounded annually.

other parties and the hearing officer a petition for attorney fees and/or costs, supported by argument and affidavit. The petition must be served and filed on or before **October 21, 2009**. Any response to the petition must be filed with the Commission and served on Respondent and the hearing officer on or before **November 4, 2009**. Replies will be permitted only on leave of 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.

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



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Respondents.

Case No.: 08-P-35

Date of Ruling: September 16, 2009

FINAL RULING ON LIABILITY AND RELIEF

I. PROCEDURAL HISTORY

On June 3, 2008, Complainant Anthony Cotten, filed this Complaint alleging discrimination based on disability. Cotten alleged that he is a person with a disability who utilizes a wheelchair for mobility. He alleged that he was denied access to the Respondent restaurant, Eppy's Deli and Café, because the front entrance contained several stairs. (Complaint ¶3). He asserts a violation of the Chicago Human Rights Ordinance, specifically 2-160-070, Chicago Municipal Code.

No Verified Response to the Complaint was ever filed as required by Commission Regulation 210.200 in effect at the time of filing. On November 3, 2008, the Commission mailed to Respondent a Notice of Potential Default. Respondent did not respond to this Notice. Therefore, on December 18, 2008, the Commission issued an Order of Default against Respondent. The case was set for an administrative hearing to be held on May 22, 2009. Complainant appeared and testified at the administrative hearing held on May 22, 2009. Respondent did not appear.

II. FINDINGS OF FACT

1. Complainant, Anthony Cotten, is an adult with a disability who utilizes a wheelchair for mobility due to T-12 paraplegia. (T. 5).
2. On May 29, 2008, Cotten stopped in front of Eppy's Deli and Café, the Respondent restaurant, to get something to eat. (T. 6) He found that he was unable to get into the restaurant due to one high step in front of the building's entrance (visible in the photograph introduced into evidence as Ex. #3) and four stairs inside the front door (visible in the photograph introduced into evidence as Ex. #2). Cotten opened the door to see if he could find a bell inside the door to obtain assistance. He could not. (T. 6)
3. After he was unable to find a bell or any signage, Cotten decided to leave without obtaining service. He went next door to Harry's Hot Dog Place instead. (T. 12)

III. CONCLUSIONS OF LAW

Because the Commission entered an Order of Default, it now finds that Respondent has admitted the allegations of the Complaint and waived any challenges to the Complaint's sufficiency. Reg. 235.320; *Godard v. McConnell*, CCHR No. 97-H-64 (Jan. 17, 2001); *Horn v. A-Aero 24 Hour Locksmith et al*, CCHR No. 99-PA-32 (July 19, 2000). Complainant is entitled to a liability finding in his favor and an award of relief so long as he establishes a *prima facie* case of discrimination. Reg. 215.240; *Barnett v. T.E.M.R. Realty et al.*, CCHR No. 97-H-31 (Dec. 6, 2000).

The Chicago Human Rights Ordinance (CHRO) 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.

Part 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....

With respect to disability discrimination, Reg. 520.105 states:

No person that 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.

These regulations mean that a public accommodation must *fully* accommodate a person with a disability unless the public accommodation shows that full accommodation would cause an undue hardship. In that instance, the public accommodation must still *reasonably* accommodate a person with a disability unless it shows that no reasonable accommodation is possible without undue hardship. *Doering v. Zum Deutchen Eck*, CCHR No. 94-PA-35 (Sept. 14, 1995); *Massingale v. Ford City Mall et al.*, CCHR No. 99-PA-11 (Sept. 14, 2000).

To prove a *prima facie* case, Complainant must show that (1) he has a disability within the meaning of the CHRO, (2) he is a qualified individual in that he satisfied all non-discriminatory standards for service, and (3) he did not have full use of the facility, as other customers did. *Doering, supra*.

Once a *prima facie* case of failure to accommodate is made, a respondent has the burden of persuasion to show that the proposed accommodations would cause undue hardship. *Dawson v. YWCA*, CCHR No. 93-E-128 (Jan. 19, 1994) citing *Santiago v. Bickerdike Apts.*, CCHR No. 91-FHO-54-5639 (May 26, 1992) at 22.

Complainant has met his burden to present a *prima facie* case by evidence showing that he was unable to access the Respondent restaurant due to the presence of stairs, and there was no alternative means of service offered or available. In light of the Order of Default, the evidence adduced at the hearing establishes that Respondent violated the Chicago Human Rights Ordinance.

IV. REMEDIES

a. Emotional Distress Damages

Complainant has sought emotional distress damages in the amount of \$1,000 for having been denied access to Respondent's restaurant because of his disability.¹ (Complainant's Pre-Hearing Memorandum at 1). Complainant's testimony about the extent of his emotional distress was sparse at best. It was Complainant's counsel who suggested through leading questions that Complainant was "angry" and "frustrated" by being unable to have a meal at Eppy's. Complainant did testify of his own accord, "I felt humiliated because I wasn't able to get access. It made me feel like a second-class citizen." (T. 12)

After a brief recess to consult with his counsel, Complainant testified that he had sought psychiatric counseling from Dr. Victoria Airhart, which he contends was related to having experienced discrimination based on his disability, "particularly at Eppy's." (T. 14). However, Complainant admitted that he had been seeing Dr. Airhart since 1998 and he was unable to identify a particular date after his Eppy's encounter when he felt the need to seek Dr. Airhart's assistance – other than to say "maybe June or July, something like that." (T. 16)

Lastly, Complainant, with further directed prodding from his counsel, opined that a lot of times he does not want to go out (presumably to eat) because so many places are inaccessible. He did not, however, link his experience at Eppy's to any specific reaction affecting his social life.

The lack of detailed damages testimony is not necessarily fatal to Complainant's claim for emotional distress damages, especially in a case like this one where he has been completely denied access due to his disability. As the hearing officer pointed out in his recommended ruling, even where sparse testimony of emotional distress has been cited, the Commission has awarded damages of \$1,000 in several public accommodation discrimination cases where a complainant was denied service. See, e.g., *Carter v. C V Snack Shop*, CCHR No. 98-PA-3 (Nov. 18, 1998); *Efstathiou v. Café Kallisto*, CCHR No. 95-PA-1 (May 21, 1997) (where the complainant testified he was "very upset" by the respondent's conduct); *Macklin v. F&R Concrete et al.*, CCHR No. 95-PA-035 (Nov. 21, 1996) (where the complainant testified he was "very" upset by the respondent's conduct); and *Jenkins v. Artists' Restaurant*, CCHR No. 90-PA-14 (Aug. 14, 1991) (where the complainant was "angry" and "humiliated" when forced to leave the restaurant). However, as the hearing officer noted, the complainants in these cases were able to show emotional distress that lasted for some period of time.

In this case, the hearing officer found that in contrast to the decisions cited above, Complainant testified to his alleged damages with little if any emotion, requiring the prodding of his counsel to articulate in any way how his inability to gain entrance to Eppy's affected him. The Commission agrees with the hearing officer that emotional distress damages must be proved.

¹ Neither the Complaint nor Complainant's pre-hearing memorandum sought punitive damages. Therefore, no such award will be granted.

They cannot merely be assumed and there is no strict formula for the amount of such damages to be awarded. The hearing officer recommended that, in the absence of any convincing testimony linking this particular violation of the Chicago Human Rights Ordinance to an actual injury to Complainant, he should receive only nominal damages, and he recommended an award of \$100 for emotional distress.

In a recent Commission ruling also involving this Complainant, *Cotten v. Eat-A-Pita*, CCHR No. 07-P-108 (May 20, 2009), the Commission considered what should be the emotional distress damages in a similar fact situation where Complainant had passed a restaurant and decided he would like to eat there, but then observed that the only access was by a flight of several stairs. When asked by his counsel how he felt about not being able to access the restaurant, he replied in language very similar to the testimony in the instant case: "I felt humiliated. I felt embarrassed. I felt like a second-class citizen." In awarding \$500 in emotional distress damages, the Commission extensively reviewed its case law regarding emotional distress damages awards for single, brief incidents of discriminatory conduct and reaffirmed the following factors to be considered in determining the amount of such awards, as set forth in *Nash/Demby v. Sallas Realty & Sallas*, CCHR No. 92-H-128 (May 17, 1995): In general, the size of the award is determined by (1) the egregiousness of the respondent's behavior and (2) the complainant's reaction to the discriminatory conduct. More modest awards are appropriate when one or more of the following features are present:

- a. There was negligible or merely conclusory testimony concerning emotional distress.
- b. The discriminatory conduct consisted of discrete acts which took place over a brief period of time.
- c. There were no prolonged effects of the discriminatory conduct.
- d. There was no medical treatment and/or a paucity of physical symptoms.
- e. The discriminatory conduct was not so egregious that one would expect a reasonable person to suffer extensive or ongoing distress.
- f. The complainant was not unusually fragile due to past experiences or a pre-existing condition.
- g. The conduct involved a refusal to rent (or serve or hire) rather than harassment or an attempt to evict (or eject or fire).

In contrast, higher awards are appropriate when one or more of the following features are present:

- a. Detailed testimony reveals specific effects of the discriminatory conduct.
- b. The conduct took place over a prolonged period of time.
- c. The effects of the emotional distress were felt over a prolonged period of time.
- d. The mental distress was accompanied by physical manifestations and/or medical or psychiatric treatment.
- e. The discriminatory conduct was particular egregious, accompanied by face-to-face conduct, slurs or epithets referencing the protected class, and/or actual malice.
- f. The complainant was particularly vulnerable.

In *Cotten v. Eat-A-Pita*, the Commission took into account that there was no evidence that anyone else noticed Complainant trying to access the restaurant, and that he was not subjected to any slurs or epithets related to his disability. The Commission also took into account the brief duration of the incident and the Complainant's minimal testimony merely stating what any wheelchair user who encounters an entry barrier is likely to feel. Although

Complainant's counsel attempted to elicit more evidence to support an award of emotional distress in the instant case, and did elicit general testimony that Complainant had been seeing a psychiatrist for some time on matters having at least some relationship to discrimination experienced because of his disability, the hearing officer was not persuaded that this testimony demonstrated specific distress flowing from the incident at Eppy's, and the Commission agrees. The Commission finds that the extent of emotional distress established by Complainant's testimony does not support more than a nominal award of damages.

Therefore, although the Board of Commissioners increases the amount of the award somewhat from the \$100 recommended by the hearing officer, consistent with its recent decision in *Cotten v. Eat-A-Pita, supra*, it does not believe this evidence supports an award higher than that the one in *Eat-A-Pita*. Therefore, the Commission awards \$500 in emotional distress damages.

b. Interest

Commission Regulation 240.700 provides for pre- and post-judgment interest at the prime rate, adjusted quarterly, and compounded annually starting at the date of the violation. As recommended by the hearing officer, such pre- and post-judgment interest on the emotional distress damages of \$500 is awarded, starting from May 29, 2008.

c. Fine

Commission Regulation 2-160-120 provides that the Commission shall impose a fine between \$100 and \$500 for each offense if a party is found to have violated the CHRO. This Respondent ignored Commission proceedings, resulting in an Order of Default entered against it. The hearing officer recommended the maximum fine and the Commission agrees. Accordingly, Respondent is fined \$500 for its violation of the Chicago Human Rights Ordinance.

d. Injunctive Relief

Complainant requested that Respondent be ordered to make its facility accessible with either a permanent or temporary ramp and to require it to install a bell and signage notifying people with disabilities of the manner in which they can gain access to the restaurant. Injunctive relief is explicitly authorized by Section 2-120-510(I), Chicago Municipal Code. Commission case law also makes it clear that the Commission is authorized to enter injunctive relief to remedy past violations of the CHRO and to prevent future violations. *Maat v. String-A-Strand*, CCHR No. 05-P-5 (Feb. 20, 2008) at 6, citing *Frazier v. Midlakes Management, LLC*, CCHR No. 03-H-41 (Sept. 15, 2003); *Sellers v. Outland*, CCHR No. 02-H-73 (Oct. 15, 2003); and *Leadership Council for Metropolitan Open Communities v. Souchet*, CCHR No. 98-H-107 (Jan. 17, 2001).

The hearing officer recommended that, within 14 days of entry of the Commission's final order, Respondent be directed to eliminate all physical barriers to access by persons using a wheelchair at the front entrance of Eppy's Deli and Café, with modifications to be in accordance with the Illinois Accessibility Code and the American National Standards Institute standards for persons with disabilities (ANSI.1-1986), and that if a permanent ramp cannot be installed consistent with these standards, then a portable ramp may be used. Further, the hearing officer recommended that Respondent be required to install a doorbell or intercom with an appropriate sign, to enable a wheelchair user to summon an employee to bring the ramp to the door.

The hearing officer further recommended that, within 48 hours of completion of all modifications, Respondent submit to the Commission on Human Relations a certification by an architect licensed by the State of Illinois to the effect that all physical barriers to access to Eppy's Deli and Café by persons in wheelchairs have been made in accordance with the above-mentioned standards.

The Board of Commissioners agrees with the thrust of these recommendations but believes the provisions for injunctive relief should be expanded consistent with the CHRO and Part 500 of the Commission's regulations to clarify the Commission's expectations and facilitate compliance. The Board also believes that extending the compliance deadlines will allow enough time to facilitate compliance and document any undue hardship. See *Cotten v. Eat-A-Pita, supra*, where similar injunctive relief was ordered against a respondent to remedy an inaccessible restaurant entrance.

Respondent may be able to prove it is an undue hardship to install a permanent ramp or make other permanent modifications of the restaurant entrance, or even to utilize a portable ramp. Because Respondent failed to participate in the Commission's adjudication of this Complaint, however, it has not proved by objective evidence any facts whatever which may support a finding of undue hardship. Respondent must now do so if it contends that it cannot make the business fully or reasonably wheelchair-accessible due to undue hardship.

Accordingly, the Commission directs Respondent to take the following actions to remedy its past violation and prevent future violations:

1. **Provide a permanent accessible entrance if able to do so without undue hardship.** If able to do so without undue hardship (as defined in Commission Regulation 520.130), on or before *six months from the date of mailing of this Final Ruling on Liability and Relief*, Respondent must file with the Commission and serve on Complainant (through his attorney of record) documentary evidence that Respondent has made permanent alterations sufficient to make at least one public entrance to the business fully accessible to persons using wheelchairs (pursuant to Commission Regulations 520.105 and 520.110, the applicable standards of the Illinois Accessibility Code, and any other applicable code requirements). The documentary evidence must include a certification signed by Respondent's authorized representative or a qualified professional describing the alterations made, and it may include photographs or drawings. If only one of multiple public entrances is being made accessible, there must be conspicuous signage at any non-accessible entrance directing the public to the accessible one. The accessible entrance must be substantially equivalent to other public entrances.
2. **Provide objective documentary evidence of any undue hardship.** If unable to provide a permanent accessible entrance or any reasonable accommodation due to undue hardship (as defined by Commission Regulation 520.130), on or before *three months from the date of mailing of this Final Ruling on Liability and Relief*, Respondent must file with the Commission and serve on Complainant (through his attorney of record if applicable) at least the following objective documentary evidence of undue hardship:
 - a. If the undue hardship is based on *physical infeasibility* or the *requirements of other applicable laws*, a signed certification of Respondent or a qualified

professional² which sets forth in detail the factual basis for the claimed undue hardship.

b. If the undue hardship is based on *prohibitively high cost*:

- i. A signed certification of a qualified professional describing and itemizing the cost of the *least expensive* physically and legally feasible alterations which would make the entrance fully accessible.
- ii. Adequate documentation of all available financial resources of Respondent, which may include: (a) a photocopy of Respondent's last annual federal tax return filed for the business, or (b) a CPA-certified financial statement completed within the calendar year prior to submission. ***Complainant is ordered not to disclose this financial information to any other person except as necessary to seek enforcement of the relief awarded in this case. Similarly, the Commission shall not disclose this financial information to the public except as necessary to seek enforcement of the relief awarded in this case, or as otherwise required by law.***

3. **Make reasonable accommodations if undue hardship is claimed.** If claiming undue hardship to make the entrance fully accessible by means of permanent alterations to the premises, on or before *three months from the date of mailing of this Final Ruling on Liability and Relief*, Respondent must take the following steps to provide reasonable accommodations (within the meaning of Reg. 520.120):

- a. File with the Commission and serve on Complainant documentary evidence of the purchase of an adequate *portable ramp* and certification that staff on all shifts are trained to utilize it when requested. If it is not feasible to utilize a portable ramp (for example, if the incline to be ramped is too steep), a signed certification by Respondent's authorized representative or a qualified professional detailing why use of a portable ramp is not feasible must be provided.
- b. Install and maintain a *doorbell or buzzer* at street level which can be utilized by a person in a wheelchair and which is adequate to summon staff to the entrance for the purpose of deploying a portable ramp or providing carryout or other alternative service. The doorbell or buzzer must be accompanied by conspicuous signage indicating that it is a means for people with disabilities to seek assistance.
- c. Maintain *exterior signage* conspicuously displaying a telephone number which may be used to contact staff during business hours to request deployment of a portable ramp, carryout or delivery service, or other alternative service. If service (such as carryout or delivery) is provided to the general public by internet, the signage must also include applicable web site and electronic mail addresses.

² The qualified professional may be an architect. Other sources of technical assistance or referral include the City of Chicago's Mayor's Office for Persons with Disabilities and the Great Lakes ADA Center, also located in Chicago.

- d. Provide other or additional *reasonable accommodations as feasible without undue hardship* to enable a wheelchair user to access the services Respondent provides to the general public in a manner which is as nearly equivalent as possible. Such steps may include carryout or curbside service; other physical changes; or changes in rules, policies, practices or procedures.
 - e. Ensure that Respondent's staff are trained and supervised to respond to the doorbell or buzzer and to provide equivalent service and/or reasonable accommodation consistent with Respondent's plan for compliance with the Chicago Human Rights Ordinance.
 - f. Provide *notice of the reasonable accommodations* being provided in lieu of a permanent accessible entrance by filing with the Commission and serving on Complainant (through Complainant's attorney of record) a detailed written description of Respondent's plan for reasonable accommodations in compliance with the Chicago Human Rights Ordinance, which may include photographs or drawings. The description must be signed by an authorized representative of Respondent or a qualified professional.
 - g. If claiming that it is an undue hardship to provide *any* reasonable accommodation to enable a wheelchair user to utilize the public accommodation in question (pursuant to Reg. 520.105), on or before *three months from the date of mailing of this Final Ruling on Liability and Relief*, Respondent must file with the Commission and serve on Complainant (through complainant's attorney of record if applicable) objective, documentary evidence of the undue hardship as described in Section 2 of this order for injunctive relief and Reg. 510.130.
4. **Extension of time.** Respondent may seek a short extension of time to meet any deadline set with regard to this order for injunctive relief, by filing and serving a motion pursuant to the procedures set forth in Regs 210.310 and 210.320. (The hearing officer need not be served.) The motion must establish good cause for the extension. The Compliance Committee of the Commission shall rule on the motion by mail.
5. **Effective period.** This injunctive relief shall remain in effect for *three years* from the date of mailing of this Final Ruling on Liability and Relief for the purpose of Complainant's seeking enforcement of it (by motion pursuant to Reg. 250.220).

e. Attorney Fees

Section 2-120-510(1), 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.

f. RECOMMENDED ENFORCEMENT

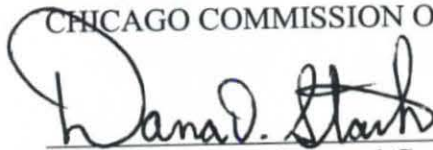
The hearing officer further recommended that, in the event that Respondent fails to comply with the orders for relief in this matter within the time frames established, the Commission should file a complaint in its name with the Department of Business Affairs and Consumer Protection / Local Liquor Control Commission (BACP) seeking the revocation of the Respondent's business license. The Commission agrees that action of this nature is appropriate when a licensed business which has been adjudicated in violation of the Chicago Human Rights Ordinance or Chicago Fair Housing Ordinance fails without good cause to take the actions ordered to remedy the violation.

The Commission does not enter an order implementing the recommendation at this time, viewing it not as a recommended action to be taken by Respondent but rather a recommendation for action by the Commission and the City of Chicago. However, the recommendation will be considered should the Commission determine pursuant to Reg. 250.220 that there are grounds to seek judicial enforcement of all or part of its final orders in this matter.

IV. SUMMARY AND CONCLUSION

The Board of Commissioners finds Respondent 162 N. Franklin, LLC d/b/a Eppy's Deli and Café 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 \$500 plus pre- and post-judgment interest dating from May 29, 2008;
2. Payment to the City of Chicago of a fine of \$500;
3. Compliance with the order for injunctive relief outlined above;
4. 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: September 16, 2009