

COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington Street, Suite 3040
Chicago, Illinois 60602

George BLAKEMORE, Complainant)	
)	
)	Case No. 2015PA001
v.)	
)	Entered: July 19, 2016
108 NORTH STATE STREET (CHICAGO))	
OWNER, LLC ¹ and ALLIED BARTON)	
SECURITY SERVICES,)	
Respondents)	

ORDER DISMISSING IN PART

On January 22, 2015, Complainant George Blakemore (“Blakemore”) filed the above-captioned matter with the Cook County Commission on Human Rights (“Commission”) against Respondent 108 North State Street (Chicago) Owner, LLC (“Owner”) and Owner’s on-premises security contractor at Block 37, Respondent Allied Barton Security Services (“Allied”). Blakemore alleges in his complaint that agents of the Respondents ejected him from a public restroom at Block 37 on January 12, 2015, because of his race (African American), perceived disability (mental illness), perceived housing status (homeless) and/or in retaliation for making a prior discrimination complaint against an Allied security officer. *See* Compl. ¶¶ I.B, D, G, H. Owner and Allied deny these allegations. *See* Owner Resp. ¶¶ I.A-I; Allied Resp. ¶¶ I.A-I. The Commission’s investigation into this complaint is ongoing.

However, on June 22, 2016, Allied moved to dismiss Blakemore’s complaint in its entirety on jurisdictional grounds, noting that the events that are the subject of the Commission’s investigation, even as Blakemore alleged them, occurred entirely within the City of Chicago. *See* Allied Mot. to Dismiss, ¶ 3. The Commission’s Procedural Rules afford parties 14 days to respond to a motion to dismiss. CCHR Pro. R. 420.170(B). The Commission has not received any response from Blakemore to Allied’s Motion to Dismiss.

The Commission now grants Allied’s Motion to Dimiss, in part.

DISCUSSION

The Cook County Human Rights Ordinance prohibits any “person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in Cook County” from “discriminat[ing] concerning the full use of such public accommodation by any individual

¹ The complaint names “Block 37” as a respondent. The caption has been changed to reflect the legal entity that owns the building commonly known as Block 37.

on the basis of unlawful discrimination.” Cook County Code of Ordinances (“County Code”), § 42-37(a). Race, disability and housing status are among the unlawful bases for discrimination under the Cook County Human Rights Ordinance. *Id.* at § 42-31 (defining “unlawful discrimination”). The Cook County Human Rights Ordinance also prohibits retaliation “against any person because that person in good faith has opposed that which the person reasonably believed to be unlawful discrimination . . . or has made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under” the Cook County Human Rights Ordinance. *Id.* at § 42-41(a).

As drafted by the Cook County Board of Commissioners, however, the Commission does not have the authority to remedy all claims of unlawful race, disability and housing status discrimination in the full use of a public accommodation or any act of retaliation occurring anywhere in Cook County. Instead, the Cook County Human Rights Ordinance provides that:

If a municipal ordinance regulates conduct, which is prohibited under this article and provides remedies, this article shall not apply within that municipal jurisdiction with respect to such conduct.

Id. at § 42-33(b). That is to say, the Commission defers to the jurisdiction of a municipal human rights agency within Cook County that is as, or more, protective as the Cook County Human Rights Ordinance with respect to a particular claim.

Here, as Allied correctly notes² and Blakemore is well aware,³ Section 2-160-070 of the City of Chicago’s Human Rights Ordinance, enforced by the Chicago Commission on Human Relations, provides a remedy for race and disability discrimination in the use of a public accommodation, like Block 37, located within the City of Chicago. If these were the sole bases for Blakemore’s claim of unlawful discrimination, this Commission would dismiss Blakemore’s pending claim. The City of Chicago’s Human Rights Ordinance, however, does not prohibit, or provide remedies for, discrimination on the basis of perceived housing status. The Commission declines Allied’s invitation to treat allegations of discrimination against the homeless as discrimination on the basis of a person’s source of income, and retains jurisdiction over Blakemore’s allegation that the Respondents violated section 42-37(a) of the County’s Human Rights Ordinance on this basis.

² Allied Mot. to Dismiss, ¶ 4.

³ See, e.g., *Blakemore v. Circuit Court of Cook County, et. al*, 2015PA005 (CCHRC Mar. 23, 2015) (dismissing public accommodation claim on grounds that the Commission does not have jurisdiction over discrimination at public accommodations in the City of Chicago); *Blakemore v. Kinko’s*, 2002PA011 (CCHRC July 14, 2003) (same); *Blakemore v. Chicago Comm’n on Human Relations*, 2001PA019, -020 (CCHRC Aug. 21, 2002) (same); *Blakemore v. Metropolitan Pier & Exposition Authority*, 2001PA006 (July 12, 2001) (same); *Blakemore v. Metropolitan Water Reclamation District*, 2001PA004 (Mar. 14, 2001) (same).

Allied also argues that the Commission is the wrong forum for Blakemore's retaliation claim. *See* Allied Mot. to Dismiss, ¶¶ 3-4. The Chicago Commission on Human Relations provides remedies for individuals who are retaliated against "because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under" the City's Human Rights Ordinance. Chicago Ord. 2-160-100. Although the Commission has not completed its investigation into the matters alleged here, no party has produced any evidence that Blakemore filed a formal charge against Allied with the Chicago Commission on Human Relations in August 2014.

The County's protection against retaliation also protects participation in an investigation or hearing conducted by a local human rights agency, but goes a step beyond that of the City. The County's Human Rights Ordinance also protects *opposition* to discrimination even when it falls short of the filing a formal legal charges. *See* County Code, § 42-41(a). Information provided by Allied to the Commission indicates that Blakemore visited Allied's 500 N. Michigan Avenue location on or about September 11, 2014, to complain about the conduct of two security officers at Block 37. Email from J. Metzger to K. Conway, re: Complaint – George Blakemore (September 11, 2014). In the absence of evidence of a formal charge at the Chicago Commission on Human Relations, this suggests that the August 2014 complaint referenced in Blakemore's charge to this Commission (Compl. ¶ I.D) was opposition to what Blakemore perceived to be unlawful discrimination by Allied rather than participation in a matter under the City of Chicago's Human Rights Ordinance. As such the Commission will retain jurisdiction over Blakemore's allegation that the Respondents violated section 42-41(a) of the County's Human Rights Ordinance.

CONCLUSION

For the foregoing reasons, the Commission orders that Complaint No. 2015PA001 be **DISMISSED IN PART** for **LACK OF JURISDICTION**. The Commission will retain jurisdiction over the alleged violation of section 42-37(a) of the Cook County Human Rights Ordinance to the extent that it is based on housing status discrimination. The Commission will retain jurisdiction over the alleged violation of section 42-41(a) of the Cook County Human Rights Ordinance to the extent that it is based on opposition to perceived discrimination. The Commission retains the right to revisit its jurisdiction as additional facts become known through the course of its investigation. In accordance with CCHR Pro. R. 480.100(A), any party may file a request for reconsideration with the Commission within 30 days of the date of this order.

July 19, 2016

By delegation:



Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights