

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

| | | |
|---|---|--------------------------|
| George BLAKEMORE, Complainant |) | |
| |) | |
| v. |) | Case No. 2015PA001 |
| |) | |
| 108 NORTH STATE STREET (CHICAGO) |) | Entered: August 15, 2016 |
| OWNER, LLC ¹ and ALLIED BARTON |) | |
| SECURITY SERVICES, |) | |
| Respondents |) | |

ORDER DENYING MOTION TO RECONSIDER

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 on or about January 12, 2015, Respondent Allied Barton Security Services (“Allied”) (collectively “Respondents”). Blakemore alleged that Respondents violated the Cook County Human Rights Ordinance (“Human Rights Ordinance”) when a security guard 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; County Code of Ordinances (“County Code”), §§ 42-37(A), 42-41(A).

As part of its investigation into Blakemore’s claims, the Commission ordered an Evidentiary Conference in an attempt to resolve factual disputes raised by marked differences in Blakemore’s allegations and the testimony of the Allied security officer allegedly involved in the January 12, 2015 incident. *See* Notice of Evidentiary Conference (May 23, 2016). Two days before the scheduled Evidentiary Conference, Respondents moved to dismiss Blakemore’s complaint on jurisdictional grounds. *Resp. Mot. to Dismiss* (June 22, 2016). Two days later, on June 24, 2016, Blakemore did not appear at the Evidentiary Conference, either in person or through counsel. Respondents and a subpoenaed witness did. Blakemore did not provide any advance notice to the Commission, parties or witnesses that he would not appear.

Subsequently, the Commission granted part of Respondents’ motion to dismiss, ordering the dismissal of Blakemore’s race and disability discrimination claims for lack of jurisdiction. *Order* (July 19, 2016). The Commission then scheduled a second Evidentiary Conference for Friday, August 19, 2016, and warned Blakemore that another failure to appear would result in

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.

the dismissal of his complaint and an award of costs to Respondents, any witnesses who appear and the County. Second Notice of Evidentiary Conference (July 19, 2016). Respondents have now, once again, asked that Blakemore's complaint be dismissed – this time in the form of a request to reconsider the Second Notice of Evidentiary Conference.² Resp. Mot. to Reconsider (Aug. 9, 2016).

The Commission denies Respondents' motion.

Blakemore's failure to appear at the first Evidentiary Conference on June 24, 2016, inconvenienced everyone who did, including counsel for Respondents and the subpoenaed witness. But the Commission's authority to dismiss a complainant's pending complaint in its entirety for failure to cooperate (or default a respondent for the same) is permissive and, in no case, mandatory. CCHR Pro. R. 440.125. By issuing a second Notice of Evidentiary Conference, the Commission, in an exercise of its sound discretion, has decided not to dismiss the complaint of an unrepresented party for a single failure to appear. The Commission can find no precedent in which such leniency – even when legally underserved – was deemed to be unreasonable, arbitrary or capricious on administrative review, nor do Respondents cite to any precedent that would compel that result.

It is the Commission's strong preference to be able to resolve Blakemore's remaining housing status discrimination and retaliation claims on their merits. The orderly completion of the Evidentiary Conference scheduled for later this week is an essential step in that process. For the sake of clarity to all parties, the Evidentiary Conference will proceed as noticed on Friday, August 19, 2016, at 10:00 a.m. at the Cook County Office of Administrative Hearings, 118 N. Clark Street, Suite 1140, Chicago, IL 60602. Parties who fail to appear on that date do so at the risk of dismissal, default and other consequences provided by the rules of this agency.

August 15, 2016

By delegation:



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

² The Commission does not typically reconsider interlocutory orders, including notices of evidentiary conference, prior to the full dismissal of complainant's case at the end of an investigation or as part of the objections to the initial proposed order for those matters that receive an administrative hearing. See CCHR Pro. R. 480.100(B).