

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

Carl BASS, Complainant)	
)	
)	Case No. 2015PA006
v.)	
)	
TRANSWESTERN PROPERTY)	Entered: April 13, 2015
MANAGEMENT, CITIGROUP, ABM)	
SECURITY and TACO BELL, Respondents)	
)	

ORDER OF DISMISSAL

Complainant Carl Bass (“Bass”) filed the above-captioned complaint with the Cook County Commission on Human Rights (“Commission”) against Transwestern Property Management, Citigroup, ABM Security and Taco Bell (collectively, “Respondents”). After reviewing the allegations in Bass’s lengthy complaint,¹ the Commission now dismisses.

As Bass was counseled before filing this complaint, the Commission does not have jurisdiction over allegations of sexual orientation discrimination involving access to public accommodations within the City of Chicago. Bass’s attempt to create jurisdiction in this Commission through the addition of insufficiently pled retaliation and aiding and abetting claims is unavailing.

BACKGROUND

Although the Commission does not reach the merits of the allegations, they are briefly summarized here: Bass’s complaint alleges that in mid-April 2014, Bass approached an employee of the Taco Bell located in the food court of a mixed-use building located at 500 W. Madison Street in downtown Chicago to take Bass on a tour of his old neighborhood. Bass loaned the Taco Bell employee money on several occasions in connection with this anticipated trip, and the Taco Bell employee either cancelled plans with Bass or failed to pick up Bass for their scheduled outing on several occasions.

One explanation that the Taco Bell employee supposedly offered to Bass for his recurrent unavailability was a second job at a convenience store in the suburbs. On August 9, 2014, Bass called that convenience store looking for the Taco Bell employee. Bass allegedly learned that the Taco Bell employee had been fired. Bass called the manager of the 500 West Madison food court Taco Bell to share this information. According to Bass’s complaint, Bass also gave the

¹ Bass’s multi-page complaint is largely devoid of page or paragraph numbers, hindering the ability of the Commission to cite to specific portions of the Complaint in this Order.

manager of the Taco Bell a message for the Taco Bell employee's mother, expressing Bass's disappointment in her son for failing to keep his plans with Bass.

Nonetheless, additional attempts by Bass to arrange for a trip to his old neighborhood with the Taco Bell employee followed. These attempts were followed by more occasions on which Bass believed that he and the Taco Bell employee had agreed on a date and a pick up location only for Bass to be stranded waiting for the Taco Bell employee who never arrived. Bass also called the convenience store where the Taco Bell employee had worked at least four more times in an unexplained attempt to understand why the Taco Bell employee had been fired.

These interactions built towards the August 25, 2014 confrontation between Bass and a representative of ABM Security that forms the basis of Bass's unlawful discrimination complaint. At 11:45 p.m. on August 25, 2014, ABM Security asked Bass to leave the 500 West Madison food court and gave Bass what he characterizes as a lifetime ban from re-entering. According to Bass, ABM Security was acting on the Taco Bell employee's false allegation that Bass was stalking him. Bass's complaint goes on to describe at length his subsequent and ongoing attempts to contact ABM Security, Taco Bell and Transwestern Property Management to obtain a reversal of this decision.

DISCUSSION

The 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 on the basis of unlawful discrimination." Cook County Code of Ordinances ("County Code"), § 42-37(a). Sexual orientation is among the unlawful bases for discrimination under the Human Rights Ordinance. *Id.* at § 42-31 (defining "unlawful discrimination").

The public accommodation at issue in this case is the food court in the Citigroup Center located at 500 West Madison Street in Chicago, Illinois. Even under the most generous reading of this *pro se* complaint, there is nothing to suggest that Citigroup owns, leases, rents, operates, manages or in any other manner controls the food court in the building that colloquially bears its name. The Commission takes judicial notice of the fact that 500 West Madison is, in fact, not owned by any of the named Respondents. *See* 500 West Madison, "Profile – 500 West Madison," online at <http://www.500westmadison.com/property-profile/> (visited March 31, 2015) (KSB purchased the Citigroup Center in December 2013).

And though Bass's complaint of unlawful discrimination is likely also non-meritorious with respect to the remaining three Respondents² – Transwestern Property Management, ABM

² The complaint contains no allegations that raise an inference of sexual orientation discrimination. Bass has not described generalized animus against homosexuals by the Respondents of which Bass happens to be a victim. Instead, Bass's complaint sets out in great detail a highly particularized series of unusually personal interactions between a patron of a fast food establishment and an employee thereof involving the exchange of money, social outings and solicited and unsolicited calls and visits. Without more, it would be unreasonable for a finder of fact to presume that whatever adverse action Respondents may have taken is the result of Bass's membership (or presumed membership) in a protected class and not a direct consequence his actions as Bass has alleged them.

Security and Taco Bell – that is not the basis of this Order. Instead, the County’s 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.

County Code, § 42-33(b).

Section 2-160-070 of the City of Chicago’s Human Rights Ordinance provides a remedy for sexual orientation discrimination in the use of a public accommodation located within the City of Chicago. 500 West Madison and the food court therein are located entirely within the City of Chicago. And so, whatever the merits of Bass’s complaint, the County’s Human Rights Ordinance, by its own express terms, does not apply. *See, e.g., Blakemore v. Walgreens*, 2013PA005 (CCHRC Sept. 10, 2013) (dismissing unlawful discrimination claim in the context of a public accommodation located in the City of Chicago on jurisdictional grounds); *Tortorello v. Oracle Corp.*, 2002E060 (CCHRC July 24, 2002) (dismissing unlawful discrimination claim in the context of an employment relationship in the City of Chicago on jurisdictional grounds); *Sellers v. Outland*, 2002H001 (CCHRC May 6, 2002) (dismissing unlawful discrimination claim in the context of a residential housing transaction in the City of Chicago on jurisdictional grounds).

After being counseled of this fact by the staff of the Commission at intake, Bass filed a complaint that included two additional claims against the Respondents: one for retaliation and the other for aiding and abetting. These are two claims for which the Chicago Commission on Human Relations does not provide a remedy, but neither claim re-establishes jurisdiction in this Commission.

Bass’s retaliation claim is fatally insufficient. Bass’s complaint contains no allegations to support such a claim. Complainants advancing claims under section 42-41(a) of the County Code must allege that they sought to exercise a right protected by the Cook County Human Rights Ordinance and suffered objectively adverse treatment as a result. *See, e.g., Robinson v. CEDA*, 2012E015 (CCHRC July 25, 2014); *Washington v. Cook County*, 2005E065A (CCHRC Sept. 26, 2013); *Pirrone v. Wheeling Indus. Clinic*, 1997E005 (CCHRC Apr. 12, 2001). Bass does not allege that any of the Respondents excluded him from the food court in 500 West Madison because he filed a complaint with the Commission or provided evidence in a Commission matter. Bass does not allege that any of the Respondents excluded him from the food court in 500 West Madison because of his opposition to what Bass believes is a violation of

Further, while the Commission rarely questions the credibility of a complainant at the investigation stage of its process, the Commission is troubled by representations by Bass that it knows to be false. For example, Bass submitted his complaint to the Commission in an envelope containing the following statement: “Executive Director Ranjit Hakim, and Carl Bass have spoken on the phone, and Mr. Hakim wants my complaint to be put on *his desk unopened, so he can read it for himself!!!!*” (emphasis in original). The Commission is in the rare position of being absolutely certain that Director Hakim did not issue an instruction to his staff via a conversation with a potential Commission litigant not to open mail addressed to the Commission. The Commission will presume that there was a miscommunication (or mis-recollection) on Bass’s part and that Bass did not intend to deceive the Commission or any of its staff.

the Cook County Human Rights Ordinance. To the contrary, Bass's complaint alleges that he was excluded from the food court before opposing this exclusion by bringing it to the attention of representatives of Transwestern Property Management, ABM Security and Taco Bell.

As to the aiding and abetting charge, Bass's complaint is insufficient in that it does not identify which Respondent aided and abetted the violation of the Human Rights Ordinance. Ordinarily, the Commission would offer the complainant an opportunity to amend his or her complaint to remedy this deficiency, but such an amendment would be futile in this case because the Commission does not have jurisdiction over Bass's substantive unlawful discrimination claim. As the Commission opined in *Miranda v. Pescatore*, aiding and abetting claims are derivative and cannot stand in the absence of a valid claim for unlawful discrimination under the Cook County Human Rights Ordinance. 2014H001, *8 (CCHRC Oct. 16, 2014).

CONCLUSION

For the foregoing reasons, the Commission orders that Complaint No. 2015PA006 be DISMISSED for LACK OF JURISDICTION. 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.

April 13, 2015

By delegation:



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