

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

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George BLAKEMORE, Complainant	)	
	)	
	)	Case No. 2015PA001
v.	)	
	)	Entered: May 23, 2016
108 NORTH STATE STREET (CHICAGO)	)	
OWNER, LLC <sup>1</sup> and ALLIED BARTON	)	
SECURITY SERVICES,	)	
Respondents	)	

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**NOTICE OF EVIDENTIARY CONFERENCE**

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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”).

Blakemore, who identifies as African American in his complaint, alleges that on January 12, 2015, he was using a public restroom at Block 37 with two other African American men. Compl. ¶ I.A. Blakemore claims that an unnamed security guard entered the restroom, announced that the water was being shut off, and instructed everyone to exit. *Id.* at ¶ I.B. The complaint further alleges that the security guard believed and stated that Blakemore and the other two unnamed men who exited the restroom at the security guard’s direction were homeless. *See id.* at ¶¶ I.B-C. Finally, the complaint states that a confrontation between Blakemore and the security guard ensued outside of the restroom because the security guard recognized Blakemore as someone who had filed a complaint with Allied against him several months prior. *Id.* at ¶ I.D. During this confrontation, Blakemore says that the security guard called Blakemore crazy, and Blakemore refused to leave the sitting area immediately outside the restrooms. *Id.* at ¶¶ I.D-E. According to the complaint, the security guard called the police, who allowed Blakemore to stay on premises, where he observed others walking in and out of the men’s restroom. *See id.* at ¶¶ I.F-I. Beyond admitting that Blakemore used a public restroom at Block 37 on January 12, 2015, and was allowed to remain in the seating area outside of these restrooms for some time thereafter, Owner and Allied deny the allegations in Blakemore’s complaint. *See* Owner Resp. ¶¶ I.A-I; Allied Resp. ¶¶ I.A-I.

The Commission has undertaken an investigation into Blakemore’s complaint to determine whether there is substantial evidence to support a finding that Owner and/or Allied

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<sup>1</sup> 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.

violated the Cook County Human Rights Ordinance (“Human Rights Ordinance”) by unlawfully discriminating in access to a public accommodation on the basis of race, disability or housing status or by retaliating against Blakemore for seeking to vindicate rights protected by the Human Rights Ordinance. *See* County Code of Ordinances (“County Code”), §§ 42-37(A), 42-41(A). The Commission has been able to identify former Allied Security Officer Kevin Harris (“Harris”) as the unnamed security guard Blakemore interacted with on January 12, 2015. Allied Pos. Stmt., p. 2. The investigation has otherwise limited by the apparent absence of non-testimonial evidence of the events of January 12, 2015, and the inability of any party to identify and provide contact information for any witnesses to the day’s events beyond Blakemore and Harris.<sup>2</sup> Blakemore and Harris offer deeply conflicting accounts:

Blakemore expanded on the allegations in his complaint by stating that he was in one of the stalls of the restroom when Harris entered and instructed everyone to leave. Cp. Q. Resp. 1.A. Blakemore claims that he could see both Harris and the other individuals in the restroom at all times because the stall door was open. *See id.* at 1.A-E. Blakemore states that the other individuals in the restroom were fully clothed and using the sink to wash their hands. *Id.* at 2. Blakemore further stated that Harris called him homeless. *Id.* at 7.

Harris told a very different story in his interview with a Commission investigator. Harris asserted that he went to the restroom after receiving a radio code for a disruptive or belligerent patron. K. Harris Interview (Jan. 19, 2016). When Harris entered the restroom, he claims that he saw only one individual. *Id.* This individual, however, was naked from the waist down filling a glass of water at the sink and rinsing himself off over an overflowing toilet in one of the stalls. *Id.* Importantly, Harris asserts that this individual was not Blakemore and that this individual was the only person who Harris was aware of in the restroom. *Id.* Harris claims that he asked the half-naked person to leave the restroom so the cleaning crew could take care of the toilet. *Id.* Harris told the Commission investigator that Blakemore then emerged from behind a closed stall door and confronted Harris. *Id.* Harris says that he explained to Blakemore that he had not been talking to Blakemore, but that Blakemore left the restroom anyway. *Id.* Ten to fifteen minutes later after the first gentleman had finished dressing, Harris also left the restroom. *Id.* When he did, Harris saw Blakemore and members of the Chicago Police Department waiting in the atrium outside of the restroom. *Id.* The police escorted the man who had been undressed in the restroom off the premises. *Id.* Harris claims that he apologized to Blakemore if he made Blakemore think that he was talking to him and says that the police officer also told Blakemore that the incident in the restroom was not about him. *Id.* Harris claims that he and Blakemore

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<sup>2</sup> Blakemore has not identified either of the two men who were allegedly with him in the Block 37 restroom on January 12, 2015, nor could he name the police officers who supposedly mediated his conflict with Harris. Cp. Q. Resp. 9. Allied, which claims that there was only one other individual in the restroom with Blakemore, identified him as “Blue,” a homeless individual who frequently Block 37, but despite repeated efforts by Commission investigators, Allied has not been able to provide the Commission with contact information for Blue. Allied Pos. Stmt., p. 3.

shook hands and specifically denies ever calling Blakemore crazy during the interaction. *Id.* Harris also indicated that he did not believe that Blakemore was homeless.<sup>3</sup> *Id.*

In accordance with Section 440.110(B) of the Commission's Procedural Rules, the Commission now orders an Evidentiary Conference to resolve the following factual disputes:

1. Was Harris aware of Blakemore's presence:
  - a. When Harris entered the restroom on January 12, 2015, to remove a disruptive or belligerent patron?
  - b. When Harris requested any person(s) to leave the restroom on January 12, 2015?
2. Was Harris speaking to Blakemore when he requested that Blakemore and/or some other individual leave the restroom on January 12, 2015?
3. Did Harris call Blakemore crazy or otherwise have a belief that Blakemore suffered from a mental disability on January 12, 2015?
4. Did Harris call Blakemore homeless or otherwise have a belief that Blakemore was homeless on January 12, 2015?
5. Did Harris complain to Blakemore on January 12, 2015 about a prior complaint that Blakemore made against Harris or otherwise recognize Blakemore as someone who had filed a complaint against him?

The Evidentiary Conference will be held on **Friday, June 24, 2016**, at **10 a.m.**, at the Cook County Office of Administrative Hearings, 118 N. Clark Street, Suite 1140, Chicago, Illinois 60602. The Commission orders that the following witnesses appear to testify at the Evidentiary Conference:

Kevin Harris<sup>4</sup>

George Blakemore<sup>5</sup>

At this Evidentiary Conference, the parties (or their legal representatives of record) should be prepared to elicit testimony from either or both witnesses to assist the Hearing Officer assigned

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<sup>3</sup> Harris claims that he thought Blakemore was an attorney. K. Harris Interview (Jan. 19, 2016). Harris said he recognized Blakemore as someone he had seen in Block 37 on previous occasions being well dressed and walking towards the Daley Center. *Id.*

<sup>4</sup> The Commission issued the attached subpoena to compel Harris's appearance and testimony at the Evidentiary Conference.

<sup>5</sup> This Notice serves as the request that Blakemore appear and testify at the Evidentiary Conference. As a party to this litigation, the Commission's Procedural Rules impose an obligation to cooperate in all aspects of the investigation of his claim. *See* CCHR Pro. R. 440.125.

to this Evidentiary Conference to make findings of fact with respect to the factual disputes set out in this notice. Pursuant to Section 440.110(B)(3) of the Commission's Procedural Rules, after giving proper advance notice of at least five business days to the Commission and to any other parties, a party may also present at the Evidentiary Conference any other witnesses who can offer evidence that is relevant to the factual disputes set out in this notice (or other nontestimonial evidence that is similarly relevant). Pursuant to Section 440.135(A) of the Commission's Procedural Rules, the investigative file in this matter is available to the parties for inspection at the Commission's 69 W. Washington Office upon 48 hours-notice at any time prior to the Evidentiary Conference.

The Hearing Officer assigned to this case is:

Patrick Driscoll  
Office of Administrative Hearings  
118 N. Clark Street, Suite 1140  
Chicago, Illinois 60602  
312.603.2120  
Patrick.Driscoll@cookcountyil.gov

The attendance of the parties or their representatives of record is mandatory at the Evidentiary Conference. Failure of the required persons to attend the Evidentiary Conference may result in the dismissal of the complaint, entry of an order of default and the imposition of fines and other penalties by the Commission. For practice and procedure before the Commission in general, please refer to the Commission's Procedural Rules.<sup>6</sup>

If you are not represented by counsel, the Commission recommends that you seek counsel for the purpose of reviewing this Commission Notice and preserving and pursuing your rights under the Human Rights Ordinance.

May 23, 2016

By delegation:



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

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<sup>6</sup> Available online at <http://www.cookcountyil.gov/ordinances-and-regulations/> (visited May 13, 2016).

Excerpts from the Commission's Procedural Rules

Section 440.110      **Fact-Finding or Evidentiary Conference**

The Commission may order the parties to attend either a Fact-Finding Conference or an Evidentiary Conference.

(A)    Fact-Finding Conference:

These conferences may be ordered in an attempt to clarify disputed issues of fact or to obtain relevant evidence. The Commission may order the parties to provide written submissions, including affidavits, which would further clarify any disputed issues of fact or to provide additional evidence which would assist the Commission in making an Evidence Determination. A Fact-Finding Conference will be led by the Commission investigator assigned to a case.

(B)    Evidentiary Conference:

- (1)    These conferences may be ordered to resolve simple factual disputes arising from conflicting testimonial evidence by parties and/or witnesses that is potentially determinative as to whether there is substantial evidence of a violation of the Human Rights Ordinance. The Commission may order the parties and/or witnesses to provide in-person, sworn testimony on the disputed fact before a Hearing Officer who will make a determination as to the credibility of any testifying party or witness with respect to the disputed fact. An order of an Evidentiary Conference will provide the parties with notice of the disputed issue of fact and the identity of the testifying parties and/or witnesses. Additional witnesses may be added by the parties as provided in subsection (3). An Evidentiary Conference will be led by a Hearing Officer assigned by the Commission.
- (2)    The Hearing Officer assigned by the Commission to an Evidentiary Conference cannot:
  - a.    Be a person who was otherwise involved in the investigation of the case that is the subject of the Evidentiary Conference; or
  - b.    Be designated by the Commission as the Hearing Officer for the case that is the subject of the Evidentiary Conference if that case proceeds to an Administrative Hearing under Subpart 460 of these Rules.
- (3)    At an Evidentiary Conference, the testifying parties and/or witnesses will be examined by the Hearing Officer. The parties to the case, or their attorneys or representatives of record, will then have the opportunity to examine and cross-examine any party or witness testifying at an Evidentiary Conference. The parties to the case, or their attorneys or representatives of record, may also present any additional witnesses or documentary evidence to the Hearing Officer

that the parties believe will assist the Hearing Officer in resolving the disputed issue of fact. A party must provide advance notice of any such additional evidence to the Commission and the other party at least five (5) business days before the Evidentiary Conference. The Evidentiary Conference is limited to hearing evidence relevant to resolving the dispute of fact identified in the order of an Evidentiary Conference.

- (4) Within 21 days of the Evidentiary Conference, the Hearing Officer will present in writing any findings of fact, including any determinations of testimonial credibility, to the Commission investigator assigned to the case that is the subject of the Evidentiary Conference. The Hearing Officer's findings shall be considered an additional piece of evidence for inclusion in the investigation report. Such findings shall be used only for purposes of making an evidentiary determination and shall not be considered binding in any Administrative Hearing or other subsequent hearing.

(C) Right to Representation:

A party may be represented at a Fact Finding Conference or an Evidentiary Conference by one or more persons who may or may not be attorneys. Once a conference has been ordered, if a party fails to attend, and such failure is not excused, the party shall be subject to the same penalties as those set forth in Section 440.145(B)(5).

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Section 440.135 Access to Files by Parties

- (A) A party or the party's attorney or representative of record may review documents in the Commission investigation file at any time after the Commission has served notice of an Evidence Determination; except where the Commission has ordered an Evidentiary Conference pursuant to Rule 440.110(B), in which case, a party or the party's attorney or representative of record may review documents in the Commission investigation file before an Evidentiary Conference even when such conference occurs before the Commission has served notice of an Evidentiary Determination. In all cases, a party must provide the Commission with at least 48 hours' notice of the party's intent to inspect the file.
- (B) Notwithstanding Subsection (A) above, the Commission shall not allow parties to inspect internal memoranda, work papers, notes, or other materials generated by Commission staff or agents in the course of an investigation, which reflect the deliberative process, mental impressions, or legal theories or recommendations of the staff or agents of the Commission. In addition, parties shall not be allowed to inspect materials or documents otherwise protected from disclosure by applicable state or federal law.

- (1) If the Commission deems it necessary, or if a party files a written motion setting forth good cause, the Commission may require a party seeking access to the files to enter into a protective order limiting the use of information from the files to an Administrative Hearing only, and prohibiting any other disclosure of information from the files.
- (2) The Commission may acknowledge publicly the existence of a Complaint, including the case number, the identities of the parties, the type of case, and the stage of proceedings at which it is pending, unless the Commission deems it necessary to withhold this information for good cause. A party may request, in writing, that the Commission not include the party's name in any public acknowledgment. The party must state the reasons for any such request.