

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

George BLAKEMORE, Complainant)	
v.)	Case No. 2015PA005
CIRCUIT COURT OF COOK COUNTY;)	Entered: July 10, 2015
COOK COUNTY SHERIFF’S OFFICE;)	
“PRIVATE SECURITY FOR THE)	
RICHARD J. DALEY CENTER;” Ernestine)	
DURHAM; The Honorable Patricia BANKS,)	
Respondents)	

ORDER DENYING REQUEST FOR RECONSIDERATION

Complainant George Blakemore (“Blakemore”) filed this complaint with the Cook County Commission on Human Rights (“Commission”) alleging race and sex discrimination in a public accommodation located in the City of Chicago on February 26, 2015. The complaint alleges discrimination in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”) by the following: the Circuit Court of Cook County (“Circuit Court”), the Cook County Sheriff’s Office (“Sheriff’s Office”), an otherwise unnamed private security firm operating at the Richard J. Daley Center in downtown Chicago (“Private Security”), Ms. Ernestine Durham (“Durham”), and Cook County Circuit Court Judge Patricia Banks (“Judge Banks”) (collectively, “Respondents”). The alleged violations all involve his attendance at a January 22, 2015 free public seminar and reception, offered by the Elder Justice Center of the Circuit Court of Cook County, which took place in downtown Chicago at the Richard J. Daley Center (“Daley Center”). Compl. ¶ I.A.

On March 23, 2015, the Commission dismissed the complaint for lack of jurisdiction. Under section 42-33(b) of the Cook County Code of Ordinances, the Human Rights Ordinance does not apply where, as here, the alleged discriminatory acts occurred in the City of Chicago and the City’s ordinances provide a remedy. On April 22, 2015, Blakemore filed a request for reconsideration, which the Commission now denies.

DISCUSSION

The Commission must deny this request for reconsideration because the request is not properly before it. The Commission’s procedural rules establish a two-step process by which a party to a Commission order can request reconsideration of that order. The first step requires timely filing (*i.e.* any party may obtain review of an order “by filing a Request for Reconsideration with the Commission”), and the second step requires timely service (*i.e.* the party seeking review must “serv[e] copies [of this Request for Reconsideration] on all other parties within 30 days from the date of the Commission’s order”). CCHR Pro. R. 480.100(A).

While Blakemore filed his request for reconsideration of the Commission's March 23, 2015 order of dismissal on the last day that he could do so under Rule 480.100(A), he did not meet his obligation to serve this request (in a timely fashion) on any of the five respondents in this matter. Blakemore's request for reconsideration does not include a certificate of service or any representation that he complied with the service requirements of Rule 480.100(A). Further, on April 29, 2015, Blakemore admitted to Commission staff that he did not serve a copy of his request for reconsideration on any other party.¹

Without notice that the Commission is even considering Blakemore's request for reconsideration of its March 23, 2015 order, respondents have been deprived of the opportunity to be heard on the issue that Blakemore seeks to put before the Commission. The Commission has also been deprived of briefing on this issue. The requirement that a party seeking reconsideration comply with both parts of Rule 480.100(A) is not trivial, and the Commission will not overlook a party's failure to meet his or her responsibilities under this rule.

Though not necessary to this decision, the Commission will, however, briefly address the merits of Blakemore's argument on reconsideration for the sake of further clarifying its jurisdiction.² Acknowledging the general rule of section 42-33(b) that excludes most discrimination cases arising within the borders of the City of Chicago from this Commission's jurisdiction, Blakemore argues that his complaint falls within an exception established by this Commission in *Eischen v. Cook County*, 2000E002 (CCHRC May 4, 2000). Req. to Reconsider, p. 2.

The *Eischen* exception does not apply here. Reading the Commission's decision just below the selective quotation in Blakemore's request for reconsideration, the *Eischen* exception provides that the County Commission "does have authority to investigate complaints of discrimination and harassment filed under the County Ordinance by County employees whose offices are located within the City of Chicago." *Eischen*, 2000E002 at 2 (emphasis supplied). Based on a review of County personnel records, Blakemore is not a County employee.

CONCLUSION

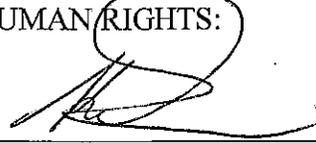
For the foregoing reasons, the Commission DENIES Complainant's REQUEST FOR RECONSIDERATION of its Dismissal of Complaint No. 2015PA005 for Lack of Jurisdiction. In accordance with CCHR Pro. R. 480.115, Complainant may seek administrative review of this decision by petitioning the Chancery Division of the Circuit Court of Cook County for a writ of certiorari.

¹ Commission staff confirmed this to be the case by contacting counsels for the respondents after Blakemore's admission.

² The March 23, 2015 order of dismissal in this matter cites no less than four prior cases filed at the Commission by Blakemore that are also plainly outside of the Commission's jurisdiction. The Commission assumes that Blakemore is not intending to waste the Commission's limited resources, but this habit – whatever its motivation – diverts scarce public resources from the investigation and adjudication of matters that are within the Commission's jurisdiction.

July 10, 2015

COOK COUNTY COMMISSION ON
HUMAN RIGHTS:



Kenneth A. Gunn,
Chairperson