

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**

69 West Washington, Suite 3040  
Chicago, Illinois 60602

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George BLAKEMORE, Complainant	)	Case No. 2013PA004
	)	
v.	)	Entered: December 23, 2013
	)	
STARBUCKS COFFEE COMPANY,	)	
Respondent	)	

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**ORDER**

Complainant George Blakemore (“Blakemore”) brought this action on December 13, 2013, against Respondent Starbucks Coffee Company (“Starbucks”), for unlawful public accommodation discrimination on the basis of race and housing status in violation of Section 42-37(a) of the Cook County Code of Ordinances (“County Code”). Blakemore alleges that he was denied full and equal enjoyment of a public accommodation when, while using a store washroom, a Starbucks employee knocked on the door, told him to leave and asked him if he intended to buy anything. *See* Compl., ¶¶ II, III. The Commission now dismisses Blakemore’s complaint because its investigation shows a lack of substantial evidence to support a violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”).

**Background**

For the purposes of rendering this order, the Commission assumes the facts to be as Blakemore alleges them:

Blakemore states that on or about July 20, 2013, at 4 a.m., he visited a Starbucks store located in the Old Town neighborhood of Chicago. *See* Compl., ¶¶ I, II. During this visit, Blakemore entered the store’s restroom. *Id.* at ¶ III.A. Blakemore alleges that after two or three minutes of using the restroom, an unnamed Starbucks employee knocked on the door, told Blakemore to get out on the assumption that Blakemore was homeless and asked Blakemore if he was going to buy anything. *Id.* at ¶ III.B. After Blakemore exited the restroom, an altercation ensued between Blakemore and the Starbucks employee, and the Starbucks employee threatened to call the police. *Id.* at ¶ III.C-D. Blakemore assured the Starbuck employee that there was no need to call the police and that Blakemore intended to make a purchase. *Id.* at ¶ III.D. True to his word, according to Blakemore, he did, in fact, walk to the store counter, make a purchase, and then drank his coffee while observing other similarly dressed Starbucks customers using the store’s restroom for an unspecified amount of time. *Id.* at ¶ III.E-F.

**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 “withhold[ing], deny[ing], curtail[ing], limit[ing], or discriminat[ing] concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.” County Code, § 42-37(a). The Human Rights Ordinance defines “unlawful discrimination” to include, *inter alia*, discrimination on the basis of race and housing status. *Id.* at § 42-31.

The Commission presumes for the purposes of rendering this order that a Starbucks store located within Cook County is a public accommodation covered by the Human Rights Ordinance. But because this particular location is also in Chicago, a municipality within Cook County with its own human rights ordinance, the Commission must consider whether it has jurisdiction over Blakemore’s claims. The Human Rights Ordinance states that “[i]f 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). Because Chicago’s human rights ordinance prohibits race-based discrimination in the use of a public accommodation and allows recourse to the Chicago Commission on Human Relations to seek remedies, this Commission does not have jurisdiction over the race-discrimination portion of Blakemore’s claim. *See Blakemore v. Walgreens*, 2013PA005 (CCHRC Sept. 10, 2013).

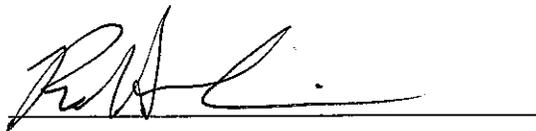
With respect to Blakemore’s remaining claim of housing status-discrimination, he has failed to establish a *prima facie* case of discrimination. In order to establish a *prima facie* case of discrimination in the use of a public accommodation, the complainant must show that he or she was not allowed to use the public accommodation at issue or that the respondent limited his or her use to an actionable extent. *See Collins v. St. Francis Hospital*, 2012PA004, \*4 (CCHRC Dec. 5, 2013). This is not what Blakemore alleges. Whatever disagreement Blakemore may have had with the Starbucks employee in the restroom, there is no allegation that Blakemore was removed from the premises because Starbucks believed that he was homeless. *See Morris v. Wal-Mart Stores, Inc.*, 2012PA003, \*2 (CCHRC Oct. 17, 2013) (noting that the prompt restoration of a customer’s full use of a public accommodation vitiates any claim that may arise under the Human Rights Ordinance from its earlier limitation). Instead, in his complaint, Blakemore says that he used the restroom, purchased coffee and drank it at the Starbucks location. As such, even if Starbucks could not rebut any of Blakemore’s allegations, the Commission would still lack substantial evidence of a violation of the Human Rights Ordinance.

### **Conclusion**

For the foregoing reasons, the Commission orders that complaint 2013PA004 be DISMISSED for LACK OF SUBSTANTIAL EVIDENCE of a violation of the Human Rights Ordinance. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of this order.

December 23, 2013

By delegation:

A handwritten signature in black ink, appearing to read 'R. Hakim', is written over a solid horizontal line.

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