

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Winston HERMANSTYNE, Complainant)	
)	
v.)	Case No. 2006PA003
)	
VER PETRO, INC. d/b/a CITGO,)	Entered: May 13, 2014
Respondent)	

ORDER

On April 24, 2006, Complainant Winston Hermanstyne (“Hermanstyne”) filed a complaint against Respondent Ver Petro, Inc. d/b/a Citgo (“Citgo”). Hermanstyne alleged that this gas station, located at 301 Dixie Highway in Chicago Heights, refused to sell him a lottery ticket because of his race in violation of Section 42-37 of the Cook County Human Rights Ordinance (“Human Rights Ordinance”), which prohibits unlawful discrimination in the full use of a public accommodation.

Citgo initially failed to participate in the investigation of Hermanstyne’s complaint by the Cook County Commission on Human Rights (“Commission”). As a result, on April 2, 2007, the Commission entered an order of default against Citgo pursuant to Commission Rule 420.165(D). At a June 12, 2007 hearing to allow Hermanstyne to prove his damages, Citgo made a belated appearance by way of its manager, Kashif Fiaz (“Fiaz”), to contest liability. In the ordinary case Citgo’s 11th hour defense would have been unavailing, but in the interim between that 2007 hearing and the present day, Hermanstyne has simply disappeared.

The Commission’s Procedural Rules state, in relevant part:

Complainants and Respondents have the responsibility to promptly provide the Commission with notice of any change in address or any prolonged absence from their current address so that they can be located when necessary at any time while a Complaint is pending before the Commission. . . . If a Complainant or a Respondent cannot be located or does not adequately respond to reasonable requests by the Commission, the Commission may dismiss the Complaint or default the Respondent as the case may be.

CCHR Pro. R. 440.125.

Here, the Commission has made repeated efforts to contact Hermanstyne. For example, on April 15, 2014, an investigator from the Commission attempted to contact Hermanstyne at the phone number he listed on his complaint. The investigator was informed that Hermanstyne was not reachable at that number. On April 17, 2014, the Commission sent a letter to Hermanstyne at his last known address. This letter requested that Hemranstyne contact the Commission with his current contact information immediately. On April 30, 2014, the United States Postal Service returned this letter to the Commission with a label indicating that it was not deliverable to Hermanstyne as addressed. On May 5, 2014, and again on May 6, 2014, Commission investigators called Hermanstyne's alternative contact person for his complaint. On both occasions, a recording by a mobile phone provider stated that the wireless customer was not available, and no voicemail was active at the alternate contact person's telephone number.

As potentially serious as the allegations in this matter are, the Commission cannot work alone to remedy violations of the Human Rights Ordinance. When complainants cease to participate in the prosecution of their own cases, the Commission has no choice but to dismiss the pending matter. *See, e.g., Panozzo v. Del Mar Builders*, 2010E048 (CCHRC Jan. 13, 2014); *Jenkins v. Staffing Network Holding, LLC*, 2012E001 (CCHRC Jan. 13, 2014). Similarly, here the Commission is unable to locate Hermanstyne using any and all of the contact information he provided, and, as such, cannot proceed further with this matter.

For the foregoing reasons, the Commission orders that complaint 2006PA003 be DISMISSED for FAILURE TO COOPERATE. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

May 13, 2014

By delegation:



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