

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

Schwana KEITH, Complainant)	
)	
)	Case No. 2014H002
v.)	
)	
Richelle FIORITO and Phillip DAVIS,)	Entered: September 11, 2015
Respondents)	
)	
)	

ORDER OF DISMISSAL

On May 5, 2014, Complainant Schwana Keith (“Keith”) filed a sexual harassment complaint against her landlords, Respondents Richelle Fiorito (“Fiorito”) and Phillip Davis (“Davis”) (collectively “Respondents”). Keith alleges that Davis subjected her to repeated harassment and that Respondents attempted to evict her after she complained about this conduct to Fiorito. Such allegations, if proven to be true, would violate the Cook County Human Rights Ordinance (“Human Rights Ordinance”), however, the Cook County Commission on Human Rights (“Commission”) has been unable to substantiate Keith’s allegation due to her failure to cooperate with its investigation.

Pursuant to the Commission’s Procedural Rules:

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. In addition, Complainants and Respondents are responsible for providing the Commission with necessary information and being available for interviews and conferences upon reasonable notice or request by 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 at their last known addresses.

CCHR Pro. R. 440.125.

Here, the Commission is entirely unable to locate Keith to conduct follow up interviews as part of its ongoing investigation or to get her to participate in a Commission-sponsored mediation or administrative hearing, which would resolve her claim dispositively. On August 18, August 19 and September 4, 2015, the Commission investigator assigned to this matter

telephoned Keith at the telephone number that Keith provided to the Commission. This line does not appear to be disconnected and the Commission investigator left multiple voicemail messages asking Keith to return the call if she wanted to proceed with the investigation. Additionally, on August 19, 2015, the Commission investigator telephoned Keith's alternate contact – her brother Carlson Keith – who said he would relay the same message to Keith. On August 20, 2015 and again on August 27, 2015, the Commission investigator emailed Keith at the only email address she provided to the Commission. This email address appears to be functional, but the Commission's email requesting that Keith contact the Commission before September 11, 2015 or risk dismissal of her pending case has received no response. On August 21, 2015, Commission staff sent a certified letter to the only mailing address Keith provided to the Commission that repeated the message of the Commission's emails. The certified letter was returned, marked "moved left no address, unable to forward."¹ To date, Keith has not responded by post, email, telephone or an in-person visit to any of the Commission's numerous attempts to reach her across a variety of media.

For the foregoing reasons, the Commission now orders that complaint 2014H002 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.

September 11, 2015

By delegation:



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

¹ On August 31, 2015, the Commission investigator telephoned Fiorito in attempt to obtain updated contact information for Keith. Fiorito reported that Keith left the address that Keith had provided to the Commission in December 2014, and had not left Fiorito (or the Commission) with any forwarding information.