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August 31, 1967

Mr. Harvey Schwartz
Corporation Counsel
Village of Skokie
5727 Oakton Street
Skokie, Illinois

Dear Harvey:

Enclosed is the substance of my remarks to the Skokie Human Relations Commission last Thursday evening relating to the terms of the proposed ordinance.

1) I thought it desirable to avoid the logical and semantic problems of Paragraph 2b in defining a real estate broker with reference to other ordinances, and I suggested a definition by function to make sure that brokers not licensed by the Village are also subject to the ordinance. On the attached sheet is the provision I recommended inserting in lieu of present Paragraph 2b. The question was asked what enforcement powers the Village would have against "foreign" brokers. At least the Village would have the power to hold a hearing and if charges are substantiated, it would have the right to recommend to the Illinois Department of Registration a revocation or suspension of the State license.

2) In Paragraph 2c the words "housing accommodation" are defined. I pointed out that this term is not used elsewhere in the ordinance, but the words "residential real estate" and "real estate used for residential purposes" are used. Accordingly, I suggested that the term to be defined is "residential real estate".

3) I would insert in the second line of Paragraph 2c following the words "or portion thereof" the words "located within the Village of Skokie", and in the introductory sentence of Section 3 I would delete the words "licensed as such by the Village of Skokie", since that language excludes "foreign" brokers, which is not intended.

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4) The last word in the 5th line of Section 3d should be "of" instead of "or".

5) The last words of Section 4c should be "Board of Trustees" instead of "Village Council".

6) In the first two lines of Section 5 I would insert the word "any" following the words "any manner by" and I would delete the words "the above" preceding the word "ordinance" and substitute in lieu thereof the word "this".

7) I believe that the procedures should be spelled out in more detail in Section 6. Accordingly, I suggested the deletion of the first sentence of Paragraph 6a in its entirety, a renumbering of the balance of that sub-paragraph as sub-paragraph b) and the insertion of a new sub-paragraph a) which I have drafted on the enclosed separate sheet.

8) I might say that I consider the Commission's right or power to investigate from time to time to determine whether the ordinance is being complied with to be an important substantive provision, in that it would enable the Commission to continue doing what I understand it did during operations under the so-called voluntary plan.

9) I would renumber Paragraph 6b as 6c and insert at the end of the first sentence "and in accordance with its rules and regulations".

10) I would renumber sub-paragraph 6c) as 6d) and insert in the 6th line following the words "thus filed" the words "or investigated" and delete from the 7th line "the within" and substitute the word "this".

11) I would renumber Paragraph 6d as 6e and insert in the 4th line following the words "any real estate broker" the words "or real estate salesman", since they are also covered by this ordinance.

I also wanted, Harvey, to comment briefly on some of Don Perille's proposed amendments.

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1) I think it most ill-advised for the rules and regulations and any additions or amendments thereto, to be submitted to the Board of Trustees. As with any commission or administrative agency, the Skokie Commission is in the best position to evaluate its needs and the most convenient procedures to be followed. I think Don is unnecessarily worried about the probability of arbitrary and capricious action so long as the Commission's rules and regulations are in writing and available to the general public. As you know, most other Commissions and agencies promulgate their own rules.

2) Don has evidenced a reluctance for the Commission to have the power to initiate complaints or investigations without the filing of a written complaint by an aggrieved person. I think that this is an absolutely essential right which the Commission must have as an adjunct to its activities and jurisdiction. There may be many cases where people are unwilling to file a written complaint and, as I indicated above, I believe it is essential that the Commission have the right from time to time to determine the degree of compliance with the ordinance as it attempted to do during the course of the last year. Furthermore, I believe that all should know that the Commission need not await the filing of a formal complaint before it can take any action or undertake any investigation whatsoever, if that appears to be necessary or desirable in its opinion.

3) Finally, I must state my unalterable opposition to Don's suggestion that "testing" should be prohibited. It was, after all, testing which brought to the Commission's attention during the last year many, many instances of discriminatory treatment. Obviously, the Commission does not have an administrative staff adequate to thoroughly investigate compliance with the ordinance and I believe that these testers perform an invaluable service for the Commission. In addition, I wonder just how any ordinance can effectively prohibit private citizens from engaging in this type of activity. The only effective prohibition that I can think of, is for the Commission to refuse to consider any case of alleged discrimination where a "tester" has been involved. To me, this would be most ironical and a rejection of the very authority that the Commission was set up to exercise. I believe that before this suggestion is carried any further, it is essential that you,

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Don and others fully understand just exactly what testing consists of. I do not think that there is any good cause for believing that such activities are unfair to any of the real estate people.

I would very much like to attend the committee meeting of the Commission on September 14th, if that is permissible, and I wonder if you may let me know whether I am able to do so. If you would like to discuss any of the above matters further, I will be happy to meet with you and Don at your convenience.

Cordially,



SIDNEY E. MORRISON

SEM:pd

cc: Don Perille
Dr. Herman Block

Enc.