

RULES GOVERNING
PRACTICE AND PROCEDURE
BEFORE THE
SKOKIE HUMAN RELATIONS COMMISSION
RELATING TO

AN ORDINANCE PROHIBITING CERTAIN PRACTICES OF DISCRIMINATION
IN THE SALE, LEASE, RENTAL OR FINANCING OF HOUSING ACCOMMODA-
TIONS BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN OR
ANCESTRY BY REAL ESTATE BROKERS AND REAL ESTATE SALESMEN -
VO #67-10-G-254 (AS AMENDED BY VO #68-12-G-354)

AND

AN ORDINANCE PROHIBITING CERTAIN PRACTICES OF DISCRIMINATION
IN THE SALE, RENTAL, LEASE OR FINANCING OF HOUSING ACCOMMODA-
TIONS BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN OR
ANCESTRY BY OWNERS AND OTHER PERSONS - VO #68-12-G-353.

RULES GOVERNING PRACTICE AND PROCEDURE BEFORE
THE SKOKIE HUMAN RELATIONS COMMISSION

RULE 1 -- DEFINITIONS

When used in these rules:

- A. The term "Anti-Discrimination Ordinance" shall mean VO #67-10-G-254, as amended by VO #68-12-G-353, and VO #68-12-G-354.
- B. The term "Commission" shall mean the Skokie Human Relations Commission.
- C. The term "Chairman" shall mean the duly appointed Chairman of the Commission, or in his absence or inability to serve, the Co-Chairman, or in his absence, the acting Chairman.
- D. The term "Director of Human Resources" shall mean the administrative director of the Commission or, in his absence or inability to serve, the acting director, both acting for and on behalf of the Commission.
- E. The term "Investigator" shall mean the person assigned to investigate the complaint on file before the Commission.
- F. The term "Hearing Examiner" shall mean one or more members of the Commission or any attorney duly licensed by the State of Illinois designated by the Commission to conduct a hearing.
- G. The term "Unlawful Housing Practice" shall mean one or more acts prohibited by the Anti-Discrimination Ordinance.
- H. The term "Complainant" shall mean any person who files a complaint with the Commission.
- I. The term "Respondent(s)" shall mean any person, group of persons, corporation or organization accused by a complainant of having committed an "unlawful housing practice".
- J. The term "Party" or "Parties" shall mean either the complainant or the respondent or both.
- K. The term "Complaint" shall mean a sworn statement filed on the form provided for this purpose by the Commission, and as amended under these rules.
- L. The term "Conciliation Conference" shall mean the same as "Conciliation Hearing".
- M. The term "Public Hearing" shall mean the same as "full hearing" on the complaint.
- N. The term "mail" shall mean certified mail with return receipt requested unless otherwise specified herein.

RULE 2 -- COMPLAINT

A. WHO MAY FILE

Any person claiming to be aggrieved by an unlawful housing practice, may file a complaint with the Commission.

B. FORM

The complaint shall be in the form hereto attached or the equivalent thereof.

C. CONTENT

A complaint shall contain the following:

1. The full name, address (and telephone number, if any) of the complainant.
2. The full name, address (and telephone number, if known) of the respondent(s).
3. The alleged unlawful housing practice and a plain and concise statement of the particulars thereof.
4. The date or dates of the alleged unlawful housing practice, and if the alleged unlawful housing practice is of a continuing nature the dates between which said continuing acts of discrimination are alleged to have occurred.
5. Names and addresses of witnesses to said alleged unlawful housing practice.

D. PLACE OF FILING

A complaint shall be filed with the Commission at its office by personal delivery or ordinary mail.

E. TIME OF FILING

A complaint must be filed within 75 days from the date of the alleged occurrence of the unlawful housing practice, and the respondent shall be informed promptly by mail of such filing and sent a copy of the complaint by mail. The date of filing shall be the date of the postmark if the complaint is mailed, and the date of delivery if the complaint is personally delivered to the Commission office.

If the alleged unlawful housing practice is of a continuing nature, the date of the occurrence of said unlawful housing practice shall be deemed to be any date subsequent to the commencement of the unlawful housing practice up to and including the date upon which the unlawful housing practice shall have ceased.

F. AMENDMENT TO COMPLAINT

A complaint, or any part thereof, may be fairly and reasonably amended as a matter of right by the Commission or by the complainant prior to the issuance of a notice of public hearing and thereafter at the discretion of the Hearing Examiner.

Such right to amend shall include the correction of any clerical errors, and the substitution and addition of the names of respondents due to errors in their designation or omissions made in the original complaint.

The amended complaint must be signed and sworn to under oath.

G. WITHDRAWAL OF COMPLAINT

A complaint, or any part thereof, may, upon notice to the respondent, be withdrawn by the complainant prior to the issuance of a notice of public hearing only with the written consent of the Commission, and thereafter only with the written consent of the Hearing Examiner.

RULE 3 -- COMMISSION COMPLAINT

A. INITIATION

Whenever the Commission has, through good cause shown and, when after appropriate investigation and good cause shown, the Commission has reason to believe that any person has committed an unlawful housing practice, the Commission may at a regular or special meeting having a quorum present, initiate a complaint on its own motion.

B. FORM

A Commission complaint shall be prepared on a form which shall not require notarization, shall be signed by the Chairman and shall include the content set forth in Rule 2-C with the exception of Item 1.

RULE 4 -- INVESTIGATION

A. After the filing of a complaint the director of human resources shall order prompt investigation of the complaint by an investigator and shall promptly notify the Chairman of the filing of the complaint.

B. PROBABLE CAUSE

The findings of the investigation shall be reported to the Commission within 45 days and the Commission shall determine if it has jurisdiction and if probable cause exists for the allegations made in the complaint.

C. DISMISSAL

If the Commission shall determine, either on the face of the complaint or after investigation, that the respondent has not engaged in any unlawful housing practices, it shall state its findings of fact in writing, dismiss the complaint and notify the parties by mail.

D. RECONSIDERATION BY THE COMMISSION

A complainant may apply to the Commission for a reconsideration of a dismissal of his complaint. Such application must be in writing, state specifically the grounds upon which it is based and be filed in the office of the Commission within 15 days from the date of the mailing of the notice of dismissal. The Commission may order the complaint reinstated for procedure under these rules without prejudice to the parties within 10 days after receipt of such application for reconsideration.

RULE 5 -- CONCILIATION

A. CONCILIATION CONFERENCE

After the Commission determines that probable cause exists for the allegations made in the complaint, one or more members of the Commission or any attorney duly licensed by the State of Illinois designated by the Chairman of the Commission to conduct a hearing, shall undertake a conciliation conference with the parties in order to resolve the complaint by all proper methods of conciliation and persuasion. Such conference shall be convened within ten days after written notice is issued by the Commission to all parties by registered or certified mail.

B. NON-DISCLOSURE

The members of the Commission or its staff shall not disclose the filing of a complaint nor what transpires during the course of investigation nor what transpires during the course of conciliation, except as such disclosures are deemed essential to said investigations and endeavors at conciliation. Nothing in this paragraph shall be construed to prevent the Commission from disclosing dismissal notices and conciliation agreements, including its reasons therefor.

C. SETTLEMENT

If the Commission is successful in resolving the complaint by means of a conciliation conference, the member of the Commission or any attorney duly licensed by the State of Illinois designated by the Chairman of the Commission to conduct a hearing, shall mark the file accordingly, and have the terms of settlement prepared and agreed to in writing by the parties.

RULE 6 -- NOTICE OF PUBLIC HEARING

After a finding of probable cause to support the allegations of the complaint and in case of failure to eliminate the alleged unfair housing practice by conciliation, within 60 days from the date the complaint was filed, the director of human relations shall promptly cause to be issued and served in the name of the Commission a written notice of public hearing, together with a copy of the complaint. The notice shall state the time and place of hearing, inform the respondent that he may file a written verified answer to the complaint, and that it shall be deemed an admission of the allegations of the complaint if he neither answers nor appears. Said notice of public hearing and a copy of the complaint shall be sent by mail, or personally served on all parties at least 15 days before the date of the hearing. If any attorney has previously filed a written appearance or has otherwise appeared of record on behalf of the respondent (and his appearance has not been withdrawn of record), a copy of the notice of hearing and complaint shall also be furnished to said attorney.

RULE 7 -- ANSWER

A. TIME OF FILING

The party against whom a complaint is filed and upon whom a written notice of hearing and copy of such complaint has been served, may file a written answer under oath within 14 days from the date of service of such notice of hearing. (All references herein to "answer" shall be construed to mean a sworn answer together with any amendments thereof.)

B. PLACE AND MANNER OF FILING

The original and three copies of the answer shall be filed at the office of the Commission. A copy of the answer shall be mailed by the respondent to the complainant by registered or certified mail. The filing at the office of the Commission shall be by personal delivery or by registered or certified mail.

C. EXTENSION OF TIME FOR FILING

Upon application, the Commission may for good cause shown extend the time within which the answer may be filed.

D. FORM

1. The answer shall contain the address of the respondent and if he is represented by an attorney, the name and address of said attorney.
2. The answer shall contain a specific denial or admission of each and every allegation of the complaint, and a statement of any matter constituting a defense.

E. AMENDMENT OF ANSWER

The respondent shall have the power reasonably and fairly to amend his answer. The respondent's power to amend his answer may be exercised as a matter of right at any time prior to the date scheduled for the public hearing and, thereafter, in the discretion of the Hearing Examiner, on application duly made therefor. Triplicate copies of an amended answer must be filed with the Commission. A copy of the amended answer must also be served upon the complainant by mail.

F. AMENDMENT OF ANSWER UPON AMENDMENT OF COMPLAINT

In any case where a complaint has been amended, the respondent shall have an opportunity to amend his answer within such period as may be fixed by the Hearing Examiner.

G. PROCEDURE WITHOUT ANSWER

The Commission may proceed, regardless of whether the respondent files an answer within the time provided herein, to hold a hearing at the time and place specified in the notice of hearing, and make its findings of fact and enter its order upon the testimony taken at the hearing.

RULE 8 -- PUBLIC HEARING

A. CONDUCT OF HEARING

1. POWERS AND DUTIES OF THE HEARING EXAMINER

The Hearing Examiner shall have full authority to control the procedure of all hearings, to rule upon all motions and objections, and to admit or exclude testimony or other evidence and shall not be bound by the strict rules of evidence prevailing in courts of law or equity.

2. PROCEDURE

The case in support of the complaint shall be presented to the Hearing Examiner by any person whom the Commission may designate. The evidence shall be under oath or affirmation and shall be recorded.

The investigator shall not participate in the hearings except as a witness nor shall he participate in the deliberations of the Commission in such complaint. No presiding or deciding officer shall have taken any administrative part in the action pending or be engaged in the performance of investigating functions for the agency including the presentation of the case in support of the complaint.

3. RIGHTS OF PARTIES AT HEARING

All parties to a hearing may be represented by counsel and call, examine and cross examine witnesses. All parties may offer papers, documents or other evidence for inclusion in the record of the proceedings.

The admissibility of all matters presented shall be subject to the ruling of the Hearing Examiner.

4. CONSENT ORDER

The complainant and respondent may upon their joint written consent, approved by the Hearing Examiner, waive the hearing and agree to and enter into a consent order without the necessity of holding a hearing or the requirement herein of making any other finding of fact.

5. STIPULATIONS

Stipulations may be introduced into evidence if signed by the persons to be bound thereby or by their attorneys-at-law.

6. MOTIONS AND OBJECTIONS

Motions made during a hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the recorded report of the hearing.

7. ORAL ARGUMENTS AND BRIEFS

The Hearing Examiner shall permit the parties to submit oral arguments before him (to be included in the recorded report of the hearing) and to file briefs within such time limits as the Hearing Examiner may determine.

8. WAIVER OF OBJECTIONS

Any objection not duly urged before the Hearing Examiner shall be deemed waived unless the failure or neglect to urge such objection shall be excused for cause by the Hearing Examiner.

9. JOINDER OF PROCEEDINGS

The Commission may consolidate two or more proceedings wherever it finds that good cause exists and that the rights of the parties are not prejudiced thereby.

10. CONTINUATION OF HEARING

At the discretion of the Hearing Examiner, hearings may be continued from day to day, or adjourned to a later date or to a different place by announcement thereof at the hearing or by appropriate notice.

11. DEPOSITIONS

Upon application of any party for a deposition, the Hearing Examiner may cause it to be taken by a Commission member or other person designated by him and upon such terms and conditions as the Hearing Examiner determines to be proper. Such depositions may be taken of witnesses residing either within or without the state.

12. WRITTEN TRANSCRIPT OF THE RECORD

The written transcript of the record upon the hearing before the Commission shall consist of a statement that a conciliation conference has taken place, the notice of hearing, the complaint, the answer, the recorded transcript of the testimony taken at the hearings, the exhibits and depositions in evidence, written motions, stipulations, oral arguments and the findings and orders of the Hearing Examiner and the Commission.

The transcript shall be available for inspection in the office of the Commission, but anyone desiring a duplicate thereof may be charged the cost therefor.

13. EXCLUSIONS OF EVIDENCE OF ENDEAVORS AT CONCILIATION

No testimony or evidence shall be given or received at any hearing relating to endeavors at conciliation.

14. JUDICIAL NOTICE

The Hearing Examiner may take notice of any fact which may be judicially noticed by the courts, in addition to general, technical or scientific facts within his specialized knowledge.

15. IMPROPER CONDUCT

The Hearing Examiner may exclude from the hearing or from further participation in the proceedings any person except a party or his attorney whose conduct before the Hearing Examiner, in his opinion, is such as to interfere with or obstruct the orderly course of procedure. The Commission may also petition any court of competent jurisdiction for a court order requiring compliance with the ruling of the Hearing Examiner.

B. REOPENING OF PROCEEDINGS

1. A complainant or respondent may, for good cause shown, and upon notice to the other party, apply for the reopening of a previously closed proceeding, provided that such application be made within 20 days from the prior closing of any such matter.
2. The Commission may, for good cause shown, and of its own accord, reopen any matter previously closed by it upon notice of such reopening being given to all parties, provided that such reopening occurs within 20 days from the prior closing.

RULE 9 -- FINDINGS AND RECOMMENDATIONS

- A. The Hearing Examiner shall report his recommended findings to the Commission. If, upon all the evidence, the Commission shall decide that the respondent has not engaged in any unlawful housing practice, it shall, within 60 days from the date the notice of full hearing was issued, state its finding of fact in writing and shall order the complaint dismissed, and shall issue and cause to be sent to the complainant and respondent by registered or certified mail, a copy of the order of dismissal entered by it.
- B. If, upon all the evidence, the Commission shall decide that the respondent has engaged in an unlawful housing practice, the Commission shall, within 60 days from the date the notice of full hearing was issued, state in writing its findings of fact, and shall issue and cause to be sent by registered or certified mail to the complainant and respondent, a copy of its findings of fact and of its recommendations.

1. ACTIONS AGAINST BROKERS & SALESMEN

Pursuant to Section 6, paragraphs C and D, of the Anti-Discrimination Ordinance, VO #67-10-G-254 (as amended), the Commission may, in the case of a broker or salesman, at the conclusion of its proceedings and as part of its report, recommend to the Village Manager the suspension or revocation of the respondent's broker's license if found guilty of an unlawful housing practice.

Upon receipt by the Commission of an order from the Village Manager, such order shall be made a part of the record and a copy of that order shall be served upon the respondent by registered or certified mail. An appeal from such order may be taken in accordance with the provision of said Section 6 of the Anti-Discrimination Ordinance (VO #67-10-G-254, as amended).

2. ACTIONS AGAINST OWNERS AND LENDING INSTITUTIONS

- a. Pursuant to Section 8, paragraph (c) of the Anti-Discrimination Ordinance, VO#68-12-G-353, the Commission may, in the case of an owner or lending institution, at the conclusion of its proceedings and as part of its report, recommend to the Village Manager that he take any one or more of the actions as provided for in Section 8, paragraph (c) thereof.
- b. If, during the course of any proceedings prescribed herein, the Commission, on the basis of the evidence before it, concludes that a violation of VO #68-12-G-353 is imminent, it may, pursuant to Section 8 paragraph (d) thereof, relay such evidence to the Village Manager, together with its recommendation that the Corporation Counsel be instructed to seek injunctive relief in any court of competent jurisdiction to prohibit such violation.
- c. In the event an injunction is issued as provided in Section 8 paragraph (d) of VO #68-12-G-353, and a hearing is held by the Commission upon the allegations of the complaint, the following steps shall promptly be taken by the Commission upon a final determination proceedings:

1. Should the Commission enter a finding that the respondent has engaged in an unlawful housing practice, it shall ask the Circuit Court to dismiss the injunction and in its final order shall make a finding of fact whether or not the complaint was brought in good faith.
2. Should the Commission enter a finding that the respondent has engaged in an unlawful housing practice, it will ask the Circuit Court to make the injunction permanent until the orders entered by the Commission against the respondent are carried out and further will ask the court to refund to the complainant the security prescribed by the court for the issuance of the injunction.

RULE 10 -- SUBPOENAS

A. ISSUANCE

The Chairman may issue subpoenas on forms prepared by the Commission at the instance of the Hearing Examiner or upon application to the Hearing Examiner by any party to the proceeding whenever necessary to compel the attendance of witnesses or to require the production papers or any other evidence relating to any matter under investigation or hearing before the Commission.

B. PAYMENT OF FEES

Where a subpoena is issued upon the motion of a party to the proceeding other than the Commission, the customary legal cost of service, witness and mileage fees shall be borne by the party at whose request the subpoena is issued. Where subpoena is issued upon the motion of the Commission the cost of such service and witness and mileage fees shall be borne by the Commission.

C. VACATION OR MODIFICATION

Any witness summoned may petition the Hearing Examiner to vacate or modify a subpoena. The Chairman shall give prompt notice to the party, if any, who requested issuance of the subpoenas. After such investigation as the Hearing Examiner considers appropriate, he may grant the petition in whole or part upon finding that the testimony, or the evidence whose production is required, does not relate to any matter in question, or that a subpoena for the production of evidence is unreasonable and oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested.

D. FAILURE TO COMPLY

Upon failure of any person to comply with the subpoenas issued as herein provided, the Chairman may petition any court of competent jurisdiction to compel the attendance before the Commission of the person subpoenaed and the production of subpoenaed evidence. If any person fails to obey any such court order the Chairman may petition the court to hold such party in contempt of court.

RULE 11 -- AMENDMENT OF RULES

Changes in these rules may be made by the Commission at a regular or special meeting, provided that a quorum is present.

RULE 12 -- AVAILABILITY OF RULES

The rules of the Commission shall be available to the public and may be obtained at the office of the Commission.

RULE 13 -- CONSTRUCTION OF RULES

These rules shall be liberally construed to accomplish the purpose of the Anti-Discrimination Ordinance.

FOR INFORMATION OR ASSISTANCE IN COMPLETING
THIS FORM CALL 673-0500, OFFICE OF DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES.

VILLAGE OF SKOKIE
HUMAN RELATIONS COMMISSION
5127 Oakton Street
Skokie, Illinois 60076
673-0500

Complainant _____

Respondent _____

Date Filed _____
Number _____

I, _____ residing at _____

Tel. No. _____

charge (name) _____

with violating section ____ paragraph ____

of Village Ordinance 67-10-G-254 Real Estate Brokers & Salesmen

68-12-G-353 Owners

68-12-G-354 Business and Industrial Property

prohibiting certain practices of discrimination by real estate brokers

real estate salesmen owners other persons (specify) _____

on or about _____, 19__ because of Race,

Color, Religion, National Origin, Ancestry.

The facts of my complaint are:

(Signature of Complainant)

_____, being duly sworn, deposes and says that he is the
Complainant herein; that he has read the foregoing complaint and knows the
contents thereof; that the same is true of his own knowledge, except to
matters therein stated on information and belief and as to those matters he
believes the same to be true.

Subscribed and sworn to before me
this ____ day of _____, 19__.

Notary Public