

SHERWIN WILLENS

BEFORE THE  
HUMAN RELATIONS COMMISSION  
SKOKIE, ILLINOIS

In Re:

MR. and MRS. SEYMOUR SWABY,  
Complainants,

- vs -

MISS UNADINE BROWN,  
Respondent.

REPORT OF HEARING EXAMINER

To: The Human Relations Commission of the Village of Skokie

From: Sherwin Willens, Hearing Examiner

Ladies and Gentlemen of the Commission:

After hearing all of the evidence presented to the Commission at its hearing into the complaint of Mr. and Mrs. Seymour Swaby against Miss Unadine Brown, I recommend to the Commission the following finding of facts and recommendations for adoption by the Commission.

Findings of Fact:

1. On May 16 and 17, 1970, Miss Unadine Brown, respondent, was co-owner of the property at 9108 Lawler, Skokie, Illinois. The other co-owner was Miss Betty Whetsell.
2. Respondent placed an ad in the classified section of the Chicago Tribune offering for rent an apartment in the building at 9108 Lawler, Skokie, Illinois. The ad appeared on Saturday, May 16, 1970.
3. One of the complainants, Mrs. Swaby, called LO 1-8088, the telephone number listed in the ad, and arranged to view the apartment on May 16, 1970, in the afternoon. Mr. and Mrs. Swaby are a black couple with two children.
4. When Mrs. Swaby arrived at the building at 9108 Lawler, Skokie, Illinois, she was met by Betty Whetsell who showed her through the apartment. Miss Whetsell, although not a respondent, is a co-owner of the property and, as such, is the partner and agent of the respondent, Unadine Brown.
5. Mrs. Swaby, after viewing the apartment, told Miss Whetsell that she would like to rent the apartment immediately. Miss Whetsell told Mrs. Swaby that there were other appointments which had been made to show the apartment on the following day, May 17, 1970. Mrs. Swaby left her telephone number with Miss Whetsell and Miss Whetsell told Mrs. Swaby that she would call her after she had shown the apartment to the other appointments.
6. Miss Whetsell did not give an application to Mrs. Swaby to fill out for the apartment. Nor did Miss Whetsell ask Mrs. Swaby any of the questions normally asked by a landlord of a new tenant concerning employment, prior tenancies, etc.

7. On Sunday evening, May 17, 1970, Mrs. Swaby called the home of Miss Brown and was told by Miss Whetsell that the apartment had been rented and that a deposit had been made by a Thomas Wolf. Mr. Wolf was not subpoenaed by the respondent and did not testify at the hearing.

8. Mrs. Jan Krause testified that she called the respondent's home on Sunday evening, May 17, 1970, at 7:30 p.m., and spoke to the respondent. Respondent told Mrs. Krause that the apartment was still available and made an appointment with Mrs. Krause to show the apartment to her on Tuesday, May 19, 1970, at about 4:30 p.m. Mrs. Krause called respondent after Mrs. Swaby had been told that the apartment was rented.

9. On May 19, 1970, Miss Brown admitted to Harold Goldmeier, Director of Human Resources of the Village of Skokie, that the apartment had not been rented.

10. No evidence or rebuttal was presented on behalf of the respondent.

#### Conclusion:

Based upon the evidence presented to the Human Relations Commission of the Village of Skokie on July 7, 1970, it is my conclusion that the respondent, Unadine Brown, has engaged in an unlawful housing practice in violation of Section 10-51, Paragraph C, of the Skokie Village Code, 68-12-G-353, in that she represented to the complainant, Mrs. Seymour Swaby, that a housing accommodation was not available for lease or occupancy when, in fact, it was available; and, that the sole reason for such representation was the color of the skin of the complainants.

#### Recommendation:

I recommend that the Human Relations Commission of the Village of Skokie ask the Village Manager of the Village of Skokie to direct the Corporation Counsel to:

1. Apply to the Circuit Court of Cook County for a permanent injunction restraining the respondent from violating the provisions of Section 10-51, Paragraph C, of the Skokie Village Code, 68-12-G-353; and
2. Apply to the Circuit Court of Cook County for an order requiring respondent to lease the apartment at 9108 Lawler, Skokie, Illinois, to the complainants.

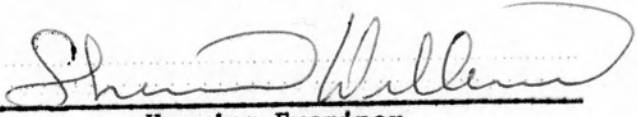
I do not recommend that the Human Relations Commission ask the Village Manager to direct the Corporation Counsel to seek a fine from the respondent pursuant to Section 10-57 of the Skokie Village Code, 68-12-G-353, for the following reasons:

1. The Fair Housing Ordinance of the Village of Skokie is conciliatory in its tone. It seeks to bring people - landlord/tenant, seller/buyer - together to solve by persuasion one of the most complex problems of our community and nation.

2. The Rules and Regulations of the Human Relations Commission proscribe disclosure of the filing of a complaint, or what transpires during the course of investigation, or what transpires during the course of conciliation. While I refused to allow in evidence newspaper accounts of the complaint in this matter, it was my personal feeling that the spirit of the Fair Housing Ordinance and Rules and Regulations of the Commission had been breached by statements to the press by the Director of Human Resources during the investigation and pendency of the complaint. Conciliation was thereby rendered impossible.

I urge the Commission to inform the Village Manager that in the future, complaints under the Fair Housing Ordinance are not to be made public until after notice of a public hearing. Further, employees of the Village and of the Commission, including members of the Commission, should be cautioned about public disclosure and discussion of matters pending before the Commission.

Respectfully submitted,

  
Sherrill Miller  
Hearing Examiner

Dated: July 20, 1970

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