



City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, 3rd Floor, Chicago, IL 60654
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

IN THE MATTER OF:

Jillian Sturgies
Complainant,
v.

Target Department Store (Target Corporation)
Respondent.

Case No.: 08-P-57

Date of Ruling: December 16, 2009

Date Mailed: January 7, 2010

TO:

Matthew P. Weems
Law Office of Matthew P. Weems
1652 W. Ogden Ave.
Chicago, IL 60612

Katherine J. Pronk
Johnson & Bell, Ltd.
33 W. Monroe, Suite 2700
Chicago, IL 60603

FINAL ORDER

YOU ARE HEREBY NOTIFIED that, on December 16, 2009, the Chicago Commission on Human Relations issued a ruling in favor of Respondent in the above-captioned matter. The findings of fact and specific terms of the ruling are enclosed. Based on the ruling, this case is hereby **DISMISSED**.

Pursuant to Commission Regulations 100(15) and 250.150, Complainant may seek a review of this Order by filing a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law.

CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner



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FINAL RULING ON LIABILITY

I. Introduction

Complainant, Jillian Sturgies, alleges that Respondent, Target Corporation, discriminated against her due to her race, African-American, on April 13, 2008, by refusing to allow her to bring her dog into a Target department store. Complainant alleges a violation of the Chicago Human Rights Ordinance, Chapter 2-160 of the Chicago Municipal Code and specifically Section 2-160-070 prohibiting discriminatory practices with respect to a public accommodation. Respondent denies any discrimination asserts that no animals other than service animals are allowed in its store pursuant to store policy.

II. Procedural History

Complainant filed her Complaint on July 23, 2008, and Respondent filed a Response to Complaint on August 29, 2008. After an investigation, on December 23, 2008, the Commission mailed to the parties an Order Finding Substantial Evidence of an ordinance violation. On February 3, 2009, the Commission mailed to the parties an Order Appointing Hearing Officer and Commencing Hearing Process.

On February 9, 2009, Respondent filed and served a Notice to Produce seeking documents from Complainant pursuant to Commission Regulation 240.407. This was followed on March 10, 2009, with a Motion to Compel Complainant's Production of Documents. On March 31, 2009, the hearing officer issued an order stating that she had received two documents from Complainant, who at that point was appearing *pro se*; they were a photograph and a bank statement showing financial transactions on the date of the alleged discrimination. The order directed Complainant to send copies of the documents to Respondent and stated that the Motion to Compel would be considered at the pre-hearing conference scheduled for April 16, 2009.

A further order, issued after the pre-hearing conference, noted that Complainant did send copies of the photographs and financial statement to Respondent and also sent a videotape to Respondent; Respondent subsequently agreed that it had received a videotape from Complainant. This order directed that no witnesses other than Complainant would be allowed to testify on her behalf at the administrative hearing due to her failure to identify any witnesses in response to Respondent's Motion to Compel. Finally, the order directed Complainant to file a Pre-Hearing Memorandum on or before May 19, 2009.

On May 19, 2009, Complainant filed her Pre-Hearing Memorandum, in which she stated that at the administrative hearing she would present not only her testimony but also the testimony of two other witnesses. In addition, Complainant filed a discovery request seeking documents

from Respondent. On May 22, 2009, Respondent filed a Motion to Exclude the additional witnesses.

On June 8, 2009, the hearing officer issued an order stating that Complainant would not be allowed to present any witnesses other than herself, as stated in the order of April 16, 2009, and that Respondent would not be required to respond to the discovery requests filed more than two months after the deadline set in the Commission's order of February 3, 2009.

On June 2, 2009, Complainant's counsel filed an appearance. Then on June 8, 2009, counsel filed a handwritten, one-sentence Motion for Continuance or Extension of Time, stating specifically that Complainant sought discovery. On June 9, 2009, Respondent filed objections to this extension request. On June 16, 2009, the hearing officer issued an order denying any extension of time to conduct discovery. On July 31, 2009, Complainant's counsel filed a Motion to Reconsider Motion for Discovery and to Vacate Order Granting Respondent's Motion to Exclude Complainant's Exhibits and Witnesses. Respondent filed objections to this motion on August 3, 2009. On August 3, 2009, the hearing officer issued an order stating that Complainant's motion would be considered at the beginning of the hearing scheduled for August 5, 2009, and advised counsel to be prepared to go forward with the hearing.

The administrative hearing was held on August 5, 2009. At the hearing, Complainant "waived" any further arguments regarding discovery. Tr. 5.¹ Complainant appeared with only one witness other than herself, the witness that had been specifically mentioned by the hearing officer in the order of April 16, 2009, which barred Complainant from offering testimony from that witness at the hearing. The hearing officer again refused to allow Complainant to offer the proffered testimony, noting that Complainant had repeatedly failed to comply with Commission regulations both before and after she obtained counsel. Tr. 13.

At the hearing, Complainant argued that she had not received copies of the documents Respondent proposed to offer into evidence. The hearing officer noted that Complainant had not sought production of documents within the Commission's time frame but that the documents should have been attached to Respondent's pre-hearing memorandum. Tr. 18. The documents were as follows:

- Exhibit A Respondent's Guide to Helping Guests with Disabilities (specifically the half-description entitled "Service Animals").
- Exhibit B Respondent's half-page policy on service animals available online.
- Exhibit C Photographs of signs stating that only service animals are permitted.

After argument by counsel, the hearing officer reviewed the documents and gave Complainant's counsel several hours to review Respondent's proposed documents prior to proceeding with the hearing. Tr. 26. Respondent's sole witness testified about Target's policies and signage from her personal experience, and Complainant's counsel cross-examined this witness regarding her testimony. Tr. 86-87, 93-94. At the close of the hearing, counsel for both parties requested and were allowed to submit post-hearing briefs. Tr. 108. Both parties submitted post-hearing briefs. On October 23, 2009, the hearing officer issued her Recommended Ruling. Neither party filed objections to it.

¹ "Tr. X" refers to pages in the transcript of the administrative hearing held on August 5, 2009.

III. Findings of Fact²

1. Complainant is an African-American female. C, Tr. 34.
2. On April 13, 2008, Complainant went to the Target store located at Clark and Roosevelt in Chicago, Illinois. C 2, Tr. 35. She entered the store with her small dog in a carrying case.
3. As Complainant entered the Target store, a Target security guard, who was Caucasian or Hispanic, stopped her and told her that dogs were not allowed in the store. C 4, Tr. 35. The security guard did not ask her if the dog was a support animal. Tr. 35. The security guard told her in a normal tone that no dogs were allowed and did not mention Complainant's race. Tr. 50. Complainant did not see any signs on the door saying dogs were not allowed.
4. Complainant took her dog back to the car and left it there while she shopped. C 5, Tr. 35. When she returned to the store without the dog, Complainant asked the security guard what the store's policy on dogs was; she was told they were not allowed. Tr. 35. She made a small purchase of personal items, toothpaste and household products, on that date, as evidenced by the statement from her bank. C, Tr. 52, Exh. D.
5. While at the Target store on April 13, 2008, Complainant asked other security guards what the Target store's policy was on bringing animals into the store. All said animals were not allowed in the store. C 6, Tr. 35. Complainant did not ask to speak to the store manager and did not file a complaint about the incident. Tr. 53. Complainant alleged in her Complaint and in her Pre-Hearing Memorandum of May 19, 2009, that on April 13, 2008, she observed two Caucasian female shoppers with their dogs and told security guards about these women. C 7. No testimony or documentary evidence of the two Caucasian female shoppers with dogs was offered into evidence at the hearing.
6. Complainant had seen other customers taking dogs into the Target store at other times and had been told by "family members and friends" that they had seen dogs in the store. Tr. 38.
7. On April 24, 2008, Complainant returned to the same Target store with a video camera. Tr. 36-37. She saw a Caucasian woman walking around the store with a small dog in her purse. Tr. 37. She followed the woman throughout the store for 40-45 minutes. Tr. 37. She saw the woman walk past the security guard at the entrance to the store. Tr. 39. Complainant said she thought it was "not possible" that security guards did not see the dog carried by the Caucasian woman. Tr. 44. No security guards approached the Caucasian woman during the time she spent in the store. C 10, Tr. 40. The woman did not appear to Complainant to be disabled.

² Findings of fact that originate from the allegations of the Complaint will be labeled "C" to denote Complain. Findings of fact that originate from the testimony at the administrative hearing will be labeled "Tr [page number]" to denote the transcript of the hearing.

8. Complainant offered into evidence a photograph she took on April 24, 2008. Tr. 44. The photograph showed a woman with dark hair who carried both a Target bag and a very large bag with a small white dog; the woman was near the check-out counter. Tr. 55, Exh. B. The woman's face is not visible; it is no possible to determine the race of the woman from this photo. Complainant stated that the customer could have been Asian or Hispanic. Tr. 55. Complainant said that the woman's dog would have fit within the bag she was carrying. Tr. 56.
9. Complainant's videos shows the customer with the dog in her bag walking out of the store. Tr. 46-49, Exh. C and D. the race of the customer is not clear upon review of the video. The videos, each less than a minute in length, show the woman checking out of the store near an entrance; Complainant took no other videos of the woman. Tr. 48, 54-55, Exh. C and D.
10. Complainant did not speak to the manager on April 28, 2008. Tr. 56. Complainant did speak to security guards to tell them she had seen a Caucasian woman walking around the store with her dog and asked them about their policy on dogs in the store. Tr. 56. None of the security guards said the woman could keep her dog with her because she was Caucasian. Tr. 57.
11. Complainant said she has never seen a non-Caucasian with a dog in the Target store.
12. Other than this Complaint filed with the Commission, Complainant never filed a complaint with Respondent about the incident. Tr. 59. Complainant was never told she could not bring a dog into the Target store because of her race.
13. Complainant thought it was very unfair that the Caucasian woman could keep her dog in the store; she felt she was discriminated against. Tr. 41. Complainant was very concerned about having to leave her dog in the car on April 13, 2008. Tr. 63. She lost sleep over the incident. Tr. 63-64. She did not go to a doctor over the incident. Tr. 63.
14. Complainant asserted in her Pre-Hearing Memorandum that she "sustained damages in the form of her small dog catching various viruses directly related to having been left inside the car on a cold day in April 2008" and claimed damages in the amount of \$1,675. Complainant also stated in her Pre-Hearing Memorandum that she and "her small dog were both traumatized by the incident. Complainant's small dog has been sickly since the date of the incident." Pre-Hearing Memorandum, May 19, 2009, p. 2. No testimony or documentary evidence of the dog's trauma or illness was offered into evidence at the hearing.
15. Complainant is a "dedicated" shopper at the Target store in question. Tr. 39-40. She shops at the Target store 2 to 3 times a week. Tr. 40. She had never attempted to bring a dog into the Target store before April 13, 2008. Her dog was a puppy and this was her first dog. Tr. 65.
16. Respondent's store manager testified that the store has signs at every door to the Target store that state as follows: "Only service animals permitted." Tr. 79, Exh. C. Signs were in place at all entrances including the entrance used by Complainant in April 2008. Tr. 79.

17. Respondent has a policy that only service animals are permitted in the store. Tr. 75. According to Respondent's store manager, if a customer enters the store with an animal, the policy is that the security guard is to ask if the animal is a service animal. Tr. 75. If the customer says it is not a service animal, the customer is asked to leave the animal outside. Tr. 75. The security guards are trained not to ask about a customer's disability. Tr. 75. The no-animals policy is for the health and hygiene of all customers. Tr. 75.
18. Target employees are trained about the policy on animals when they are hired. Tr. 76. The policy manual given to employees states, "You may ask the guest if his or her animal is a service animal. If the guest indicates it is a service animal, you should not inquire about the nature of the guest's disability. If the animal is not a service animal, we are not required to allow it in the store." Exh. A, p. 7. This policy is also available online to all employees. Exh. B. The employees are trained to enforce the no-animals rule in a non-discriminatory manner.
19. There is always a security guard at the entrances and exits of the store. Tr. 80-81. One security guard is on the floor in plain clothes; sometimes shifts overlap so two security guards are present. Tr. 81, 95. The floor security guard also monitors 150 security cameras in the store; the security cameras are often not monitored while the guard is on the floor. Tr. 97. Currently, 80 percent of the employees in this store are African-American, 10 percent are Hispanic, and the remainder are Caucasian/other. Tr. 74-75.
20. On the dates in question, two of the security employees present were African-American, three were Hispanic, and one was Caucasian. Tr. 102. None of the security employees present on the dates in question have ever been accused of any discrimination; one of the security employees has been written up for attendance issues. Tr. 100-101.
21. The store manager testified that Target customers are 65 percent Caucasian, 18 percent African-American, 5 percent Asian, and the remainder Caucasian [sic]. Tr. 100.
22. There are two to three incidents a week in which someone tries to bring a dog into the store in a case. Tr. 81-82. The store manager does not think the security guards see all the dogs that are carried in. Tr. 83.
23. The Target store can be very busy, especially on weekends. On Saturdays and Sundays, the store averages 6,000 customers per day. Tr. 83. On Mondays through Fridays, the store averages between 4,000 and 5,000 transactions per day. Tr. 84. There are four doors on the Clark side entrance and six on the Roosevelt side entrance. Tr. 94. There is one guard at the Clark Street side and one guard at the Roosevelt side at all times. Tr. 94.
24. The store manager reviewed the incident reports when she received notice of the Complaint filed by Complainant at the Commission; she found no record of any incident. Tr. 84, 89. She has received no verbal or written complaints from customers about the no-animals policy being enforced in a discriminatory manner. Tr. 85. Incident reports would not be required to be written when a guest was told to leave an animal outside. Tr. 91.

IV. Conclusions of Law

1. Section 2-160-070 of the Chicago Human Rights Ordinance prohibits discrimination with respect to a public accommodation on the basis of race and other protected categories. Respondent is a covered public accommodation pursuant to Section 2-160-070 because it is a business in the City of Chicago that sells, provides, or offers products and services to the general public.
2. Complainant could prove discrimination under the direct or indirect method. See, e.g., *Horn v. A-Aero 24 Hour Locksmith et al.*, CCHR No. 99-PA-32 (July 19, 2000).
3. Complainant provided no proof of discrimination under the direct evidence method.
4. Under the indirect method of proof, Complainant has the burden to prove "by a preponderance of the evidence that sufficient facts exist to imply discrimination in the absence of a credible, nondiscriminatory explanation for the Respondent's actions." *Sohn and Cohen v. Costello and Horwich*, CCHR No. 91-PA-0019 (Oct. 20, 1993). The elements of a *prima facie* case under the indirect method are as follows: (1) that the complainant was a member of a protected class, (2) that the complainant sought to use the public accommodation at a time when it was open and available to the public, (3) that the complainant met all legitimate, non-discriminatory criteria for access to the public accommodation, and (4) that the complainant was denied full use of the public accommodation or that others not of her protected class were treated more favorably.
5. Complainant did not establish a *prima facie* case of discrimination. She did establish that she was a member of a protected class and that she sought to use a public accommodation when it was open to the public. She did not establish that, when denied access with her dog, she met all legitimate non-discriminatory criteria for access or that she was denied full use of the public accommodation because she was not allowed to shop with her pet dog.
6. Even if Complainant had established a *prima facie* case, Respondent articulated a legitimate non-discriminatory reason for its action in telling Complainant she could not bring her dog into the store. See *Sohn and Cohen, supra*. Specifically, Respondent articulated that its employees followed an appropriate policy of not allowing pets into the store (service animals excepted), even though the employees missed owners bringing some pets in. This shifted the burden of proof to Complainant to prove that the reason offered by Respondent was pretextual. *Id.* Complainant did not meet her burden of proving that Respondent's articulated reason was pretextual.

IV. Discussion

Section 2-160-070 of the Chicago Human Rights Ordinance states in pertinent part:

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race....

A complainant has the initial burden of establishing a *prima facie* case of discrimination in violation of the ordinance. *Williams v. Bally Total Fitness Corp.*, CCHR No. 05-P-94 (May 16, 2007). A complainant may establish a *prima facie* case by two methods, direct evidence of

the discriminatory intent or the indirect method based on inference drawn from the facts proven in the case.

Under the direct evidence method, a complainant who is a member of a protected class may meet her burden by establishing with credible evidence that the respondent directly stated or otherwise indicated that the complainant was being refused service or offered different service due to being a member of a protected class. See *Williams*, supra.; see also *Blakemore v. Kinko's*, CCHR No. 01-P-77 (Dec. 6, 2001). Complainant offered no direct evidence of discriminatory intent. To the contrary, she testified that no security guard or employee of Respondent explicitly said she could not enter the store with her dog due to her race. There were no other statements or actions by Respondent, taken together or separately, on which to base a direct evidence finding that the reason she was not allowed in the store with her dog was her race. See *Lockett v. Chicago Dept. of Aviation*, CCHR No. 97-E-115 (Oct. 18, 2000).

In cases where a complainant cannot provide direct evidence of discriminatory intent, the complainant must rely on inferences drawn from the actions or statements of the respondent. The Commission has adopted for this purpose the *McDonnell Douglas* test formulated by the U.S. Supreme Court in *McDonnell Douglas v. Green*, 411 U.S. 792, 93 S.Ct. 1817 (1973). Under this test, the complainant must first establish a *prima facie* case of discrimination, as previously described. This shifts the burden to the respondent to articulate a legitimate, non-discriminatory basis for the actions alleged to be discriminatory. *Mahaffey v. University of Chicago Hospitals*, CCHR No. 93-E-221 (July 22, 1998). If such a basis is articulated, then the burden shifts back to the complainant to establish that the articulated basis is pretextual. See *Williams*, supra, as well as *Perez v. Kmart Auto Service et al.*, CCHR No. 95-PA-19/28 (Nov. 20, 1996), and *Chimpoulis and Richardson v. J & O Corp. et al.*, CCHR No. 97-E-123/127 (Sept. 20, 2000).

The hearing officer found that, even accepting as credible all of the evidence Complainant offered, Complainant did not prove that her full use and enjoyment of the Target store were withheld, denied, curtailed, or limited in any way because she was required to comply with the no-dogs policy, or that customers who are not African-American are treated more favorably by being allowed to bring their dogs into the store while African-American customers are not. Complainant shopped in the store before and after April 13, 2008, and indeed shopped after she was told she could not bring her dog into the store on April 13, 2008. Her exhibit of her debit card statement showed that she was able to purchase items on that date. Despite the fact that she was "concerned" about leaving her dog in her car and claimed this experience caused her to lose sleep, she nevertheless did leave the puppy in the car and returned to shop. There was no evidence that the Target store held itself out as a shopping experience for the general public and their pets. In fact, testimony offered by Respondent and found credible by the hearing officer shows that all entrances to the Target store had signs stating that only service animals were allowed.

Nor did Complainant prove that store customers who are not African-American were treated more favorably. To establish that another customer was treated more favorably due to race, Complainant would have to prove that the store or its employees *knew* the other customer was in violation of the no-animals policy but did not require the customer to keep her dog outside. Complainant did not testify that she saw any other customers with dogs in the store on April 13, 2008, the day she was told she could not bring her dog in. All of her testimony regarding another specific customer (an only one such customer) was about what she saw on April 24, 2008, when she returned to the store with a video camera. Complainant was not sure of the race of the other customer she observed and photographed. She did not testify that she saw a

security guard observe or confront the other customer, or that she saw a Target employee near the other customer except while the customer was checking out. Instead she speculates that the security guards “must” have seen the other woman and her dog. Complainant’s speculation and vague references to seeing other customers with dogs at other times than the date of the alleged violation do not rise to a level of proof.³

Even if Complainant’s proffered evidence were sufficient to establish a *prima facie* case that she was subjected to materially different terms and conditions of service compared to non-African-Americans who were similarly situated, Respondent established a legitimate non-discriminatory basis for its actions. Respondent established by credible testimony by the store manager that it has a no-animals policy except for service animals. Respondent further established that all store entrances have at least one sign stating that policy, and that all security personnel are trained about the policy. Respondent explained and acknowledged that despite the policy and the training, people do get into the store with dogs on occasion, and that people are asked 2-3 times a week to take their dogs outside the store. Respondent further established that it has only one security guard per entrance, each with multiple doors, and one or sometimes two plainclothes guards inside the store, while it handles between 4,000 and 6,000 customer transactions per day. With this large store volume compared to a small security staff, it is reasonable to assume and understandable that some little dogs in large bags are overlooked; and Complainant agreed that might have happened in this case. There is nothing illegitimate or pretextual about this explanation on its face.

That one African-American customer was noticed and stopped when she tried to enter with her dog, while one non-African-American customer managed to avoid any intervention is not sufficient evidence to prove that the enforcement of Respondent’s policy is racially-based. Nor does this evidence establish that Complainant was targeted because of her race when observed trying to enter the store with her dog. Given the volume of customers, employees, and transactions in this store, there is nothing pretextual about acknowledging that mistakes are made and some customers manage to avoid the consequences of the no-animals policy.

It is not reasonable to infer, without additional evidence, that such mistakes are racially based. See *Blakemore v. Kinko’s*, CCHR No. 01-P-77 (Dec. 6, 2001). The Commission has recognized that “poor management including failure to set clear policies or enforce them” does not “always equate with discriminatory practices.” *Poole v. Perry & Assoc.*, CCHR No. 02-E-161 (Feb. 15, 2006). Thus Complainant has not proved that Respondent’s proffered explanation is pretextual or that Respondent acted with discriminatory intent in enforcing its no-animals policy.

Complainant in her post-hearing brief argues that the “missing witness rule” should be invoked because the security guards on duty on April 13, 2009, were not called. Complainant claims the failure to call these witnesses gives rise to a presumption against Respondent based on failure to produce evidence favorable to it, citing *Blakemore v. Dominick’s Finer Foods*, CCHR No. 01-P-51 (Oct. 18, 2006). In that case, the complainant was closely followed by a particular security guard in the store. The Commission found that following the complainant in this manner violated the store’s own security policy, and the respondent offered no “legitimate non-discriminatory reason” for the variance from store policy. In addition, the close surveillance of

³ Complainant’s testimony at the hearing about other customers also differed from what she alleged in her Complaint; see Findings of Fact #5.

the security guard in the *Blakemore* case was found to have interfered with the complainant's full use and enjoyment of the public accommodation "in a material way which was sufficient to constitute harassment under the CHRO and Reg. 520.100." The Commission concluded that "on the facts of this case, Blakemore was subjected to a level of monitoring or surveillance that was in excess of legitimate interests of Dominick's to avert potential shoplifting or vandalism, and sufficient to constitute harassment within the meaning of Reg. 520.100." The Commission in *Blakemore* noted that no witnesses who could support a legitimate, non-discriminatory reason for the individual guard's conduct were called by the respondent to testify and, because of this failure, concluded that the testimony of the individual guard would have been unfavorable.

The present case does not present the same situation as the *Blakemore* case. Here, Respondent's manager provided credible testimony and documentary evidence justifying the actions taken by the guard: that the Target store has a no-animals policy except for service animals and that all staff members are trained in that policy. She also testified that, despite this policy, people do get into the store with dogs and asked to leave. Complainant's testimony was that one guard told her no dogs were allowed and did so in a normal tone of voice, after which she left her dog in her car and was able to enter and make purchases. Complainant presented no testimony that she was harassed or impeded in making purchases; indeed she testified that she had shopped frequently at the store before the incident and continues to shop there regularly. These facts do not present the kind of situation in which the "missing witness rule" is invoked. Respondent present sufficient credible evidence to support its position without the testimony of the security guard who spotted Complainant's dog and told her she could not bring it into the store.

Complainant also argues that Respondent's sole witness, the store manager, is not credible for two reasons: first, that she has an obvious bias due to her employment with Respondent and second, that there were inconsistencies in her testimony. The Commission disagrees. Determining credibility of witnesses is a key function of hearing officers, who have the opportunity to observe the demeanor of those who testify. *Poole, supra*. The hearing officer found the store manager to be a credible and reliable witness, and the Commission finds no basis to disagree with her finding.

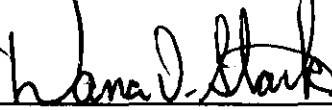
Regarding there store manager's alleged bias, Complainant herself recognized that employment with Respondent is not a sufficient reason to find the manager's testimony incredible. All parties come to hearing with a bias and would like to be successful, including Complainant in this matter. That alone is not a sufficient reason to find the witness not credible.

Further, the "inconsistencies" listed by Complainant in her Post-Hearing brief are not inconsistencies but rather speculations on what the witness probably meant or on how the facts could be interpreted. All of these matters could have been clarified by Complainant's counsel on cross-examination, but were not. The hearing officer and the Commission have reviewed the arguments of Complainant and the transcript of the hearing, and do not find that the statements cited by Complainant as inconsistencies call into question the testimony of the witness. The witness presented her testimony clearly and concisely. Her testimony was found credible by the hearing officer. As provided in Section 2-120-510(l), Chicago Municipal Code, the Commission must and does adopt the findings of fact recommended by a hearing officer if they are not contrary to the evidence presented at the hearing. This hearing officer's findings are consistent with the evidence.

V. Conclusion

Complainant, Jillian Sturgies, has not proved by a preponderance of the evidence that Respondent, Target Corporation, discriminated against her in the use and enjoyment of a public accommodation based on her race. Accordingly, the Commission finds that Respondent has not violated the Chicago Human Rights Ordinance as alleged in the Complaint.

CHICAGO COMMISSION ON HUMAN RELATIONS



By: Dana V. Starks, Chair and Commissioner
Entered: December 16, 2009