



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:

Ofelia Montelongo  
**Complainant,**  
v.

Hassan Azarpira  
**Respondents.**

**Case No.:** 09-H-23

**Date of Ruling:** February 15, 2012

**Date Mailed:** February 22, 2012

**TO:**

Salvador J. Lopez  
Legal Assistance Foundation of Metropolitan Chicago  
120 S. LaSalle St., Suite 900  
Chicago, IL 60603-3425

Hassan Azarpira  
Peachtree Nursery  
3811 W. Fullerton Ave.  
Chicago, IL 60647

**FINAL ORDER ON RELIEF AND ATTORNEY FEES**

YOU ARE HEREBY NOTIFIED that, on February 15, 2012, the Chicago Commission on Human Relations issued a ruling in favor of Complainant in the above-captioned matter, ordering relief based on a previous finding that Respondent violated the Chicago Fair Housing Ordinance. The findings of fact and specific terms of the ruling are enclosed. Based on the ruling, the Commission orders Respondent:

1. To pay to Complainant compensatory and punitive damages in the amount of \$6,250, plus interest on that amount from June 15, 2009, in accordance with Commission Regulation 240.700.
2. To pay to Complainant's attorney of record attorney fees and associated costs in the amount of \$7,386.25.
3. To pay a fine to the City of Chicago in the amount of \$500.<sup>1</sup>

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<sup>1</sup>**COMPLIANCE INFORMATION:** Parties must comply with a final order after administrative hearing no later than 28 days from the date of mailing of the later of a Board of Commissioners' final order on liability or any final order on attorney fees and costs, unless another date is specified. See Reg. 250.210. Enforcement procedures for failure to comply are stated in Reg. 250.220.

**Payments of damages and interest** are to be made directly to Complainant, in care of Complainant's attorney of record if applicable. **Payments of attorney fees and costs** are to be made to Complainant's attorney of record. **Payments of fines** are to be made by check or money order payable to City of Chicago, delivered to the Commission at the above address, to the attention of the Deputy Commissioner for Adjudication and including a reference to this case name and number.

**Interest on damages** is calculated pursuant to Reg. 240.700, at the bank prime loan rate, as published by the Board of Governors of the Federal Reserve System in its publication entitled "Federal Reserve Statistical Release H.15 (519) Selected Interest Rates." The interest rate used shall be adjusted quarterly from the date of violation based on the rates in the Federal Reserve Statistical Release. Interest shall be calculated on a daily basis starting from the date of the violation and shall be compounded annually.

Pursuant to Commission Regulations 100(15) and 250.150, a party may obtain 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 at this time. Respondent must comply with this Final Order no later than 28 days from the date of mailing of the order. Reg. 250.210.

CHICAGO COMMISSION ON HUMAN RELATIONS

**City of Chicago**  
**COMMISSION ON HUMAN RELATIONS**  
740 N. Sedgwick, 3rd Floor, Chicago, IL 60654  
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IN THE MATTER OF:

Ofelia Montelongo  
**Complainant,**

v.

Hassan Azarpira  
**Respondent.**

**Case No.:** 09-H-23

**Date of Ruling:** February 16, 2012

**FINAL RULING ON RELIEF AND ATTORNEY FEES**

**I. PROCEDURAL HISTORY**

On June 24, 2009, Ofelia Montelongo filed a Complaint with the Commission on Human Relations alleging that Respondent, Hassan Azarpira, violated the Chicago Fair Housing Ordinance, Chapter 5-8 of the Chicago Municipal Code, by refusing to rent a housing unit he owned to her, based on disability and parental status. Mr. Azarpira filed a response to the Complaint on October 13, 2009. After completing its investigation, on April 22, 2010, the Commission entered a finding of substantial evidence of disability discrimination. At the same time, the Commission found no substantial evidence of parental status discrimination and dismissed that claim.

On June 8, 2010, the Commission issued an Order Appointing Hearing Officer and Commencing Hearing Process, which scheduled a pre-hearing conference for August 3, 2010. Complainant appeared for the pre-hearing conference but Respondent Azarpira did not appear. As a result, the hearing officer issued an order on August 6, 2010, which notified Respondent that he was subject to a possible order of default and other sanctions for failure to appear for the pre-hearing conference, ordered Respondent to file and serve an explanation providing good cause for the absence on or before August 27, 2010, ordered Respondent to produce the documents requested in Complainant's timely Request for Production of Documents by the same deadline, ordered the parties to file their pre-hearing memoranda on or before September 23, 2010, and set an administrative hearing date of October 14, 2010.

Respondent failed to file any explanation of his absence from the pre-hearing conference. Nor did he file proof of service of the documents requested by Complainant. Nor did he file a Pre-Hearing Memorandum. Complainant sought and received an extension of time to file her Pre-Hearing Memorandum and subsequently filed it with proof of service on Respondent. Complainant appeared for the administrative hearing on October 14, 2010, but Respondent did not. Accordingly, the administrative hearing proceeded pursuant to an order of default entered by the hearing officer pursuant to CCHR Regs. 235.310 and 240.398, with Complainant allowed to present the evidence supporting her *prima facie* case and her requested remedies, as provided by CCHR Reg. 320.

On January 31, 2010, the hearing officer issued recommended findings of fact and a recommended decision concluding that Complainant had not established a *prima facie* case of disability discrimination by Respondent. However, upon review of the hearing officer's

recommendations, the Board of Commissioners found that, based on the finding of fact, Complainant had proved her *prima facie* case. Thus the Commission entered a finding of liability on March 16, 2011, remanding the case to the hearing officer for a recommended ruling as to the remedies (relief) to be ordered.

On remand, the hearing officer on July 8, 2011, ordered Complainant to file and serve her petition for attorney fees and costs so that the recommended and final rulings on relief could encompass all elements of relief. The order notified Respondent of the opportunity and deadline to respond to Complainant's petition, and Complainant was given a deadline to reply to any response.

Complainant filed a Petition for Attorney Fees and Costs with proof of service on August 5, 2011. Respondent did not exercise his right to file a response. On December 29, 2011, the hearing officer issued her Recommended Ruling on Relief and Attorney Fees. The Recommended Ruling notified both parties of the opportunity to file and serve objections to the Recommended Ruling within 28 days of the date of issuance, that is, on or before January 26, 2012. Complainant did not submit any objections. On January 23, 2012, the Commission and hearing officer received by facsimile a one-sentence letter from Respondent requesting an extension of time to obtain counsel. There was no evidence of service on Complainant. On January 31, 2012, the hearing officer issued an order denying Respondent any extension of time.

## **II. REMEDIES**

Upon determining that a violation of the Chicago Fair Housing Ordinance or the Chicago Human Rights Ordinance has occurred, the Commission may award relief as set forth in § 2-120-510(l) of the Chicago Municipal Code:

{T}o order such relief as may be appropriate under the circumstances determined in the hearing. Relief may include but is not limited to an order: to cease the illegal conduct complained of; to pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant; to hire, reinstate or upgrade the complainant with or without back pay or to provide such fringe benefits as the complainant may have been denied; to admit the complainant to a public accommodation; to extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of the respondent; to pay to the complainant all or a portion of the costs, including reasonable attorney fees, expert witness fees, witness fees and duplicating costs incurred in pursuing the complaint before the commission or at any stage of judicial review; to take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and back pay from the date of the civil rights violation. These remedies shall be cumulative, and in addition to any fines imposed for violation of provisions of Chapter 2-160 and Chapter 5-8.

### **A. Emotional Distress Damages**

It is well established that the compensatory damages which may be awarded by the Commission may include damages for the embarrassment, humiliation, and emotional distress caused by the discrimination. *Nash & Demby v. Sallas Realty et al.*, CCHR No. 92-H-128, (May 17, 1995), citing *Gould v. Rozdilsky*, CCHR No. 92-FHO-25-5610 (May 4, 1992). Such damages may be inferred from the circumstances of the case as well as proved by testimony. *Id.*;

see also *Campbell v. Brown and Dearborn Parkway*, CCHR No. 92-FHO-18-5630 (Dec. 16, 1992); *Hoskins v. Campbell*, CCHR No. 01-H-101 (Apr. 6, 2003); *Marable v. Walker*, 704 F.2d 1219, 1220 (11 Cir. 1983); and *Gore v. Turner*, 563 F.2d 159, 164 (5 Cir. 1977).

In general, the size of an emotional distress damages award is determined by (1) the egregiousness of the respondent's behavior and (2) the complainant's reaction to the discriminatory conduct. The Commission considers factors such as the length of time the complainant has experienced emotional distress, the severity of the mental distress and whether it was accompanied by physical manifestations, and the vulnerability of the complainant. *Houck v. Inner City Horticultural Foundation*, CCHR No. 97-E-93 (Oct. 21, 1998) at 13-4; *Nash and Demby, supra*; and *Steward v. Campbell's Cleaning Svcs. et al.*, CCHR No. 96-E-170 (June 18, 1997). See also the more recent discussion of the applicable standards in *Cotten v. Eat-A-Pita*, CCHR No. 07-P-108 (May 20, 2009).

In addition, "The Commission does not require 'precise' proof of damages for emotional distress. A complainant's testimony standing alone may be sufficient to establish that he or she suffered compensable distress." *Diaz v. Wykurz et al.*, CCHR No. 07-H-28 (Dec. 16, 2009); *Craig v. New Crystal Restaurant*, CCHR No. 92-PA-40 (Oct. 18, 1995). A complainant need not provide medical evidence to support a claim of emotional distress. *Sellers v. Outland*, CCHR No. 02-H-73 (Oct. 15, 2003), aff'd in part and vacated in part on other grounds, Cir. Ct. Cook Co. No. 04 106429 (Sept. 22, 2004) and Ill.App.Ct. No. 1-04-3599 (Sept. 15, 2008). Medical documentation or testimony may add weight to a claim of emotional distress but is not strictly required to sustain a damages award.

Here, Complainant seeks \$15,000 in emotional distress damages, citing *Sercye v. Reppen and Wilson*, CCHR No. 08-H-42 (Oct. 21, 2009), a housing discrimination case in which the Complainant was awarded that amount for discriminatory refusal to rent. Complainant argues that she has suffered emotional distress arising from the discriminatory incident itself, the perceived danger of her new neighborhood, and her inability to seek new employment due to lack of affordable child care services. (Complainant's Pre-Hearing Memorandum).

As the hearing officer noted, Complainant failed to provide any concrete testimony or other evidence of her claimed emotional distress due to being denied rental of the apartment. Complainant testified that learning of the denial did not make her feel good (Tr. 28) and her son, Cesar Montelongo, testified that the experience caused his mother to be "more tired and stressed and sad because of the disappointment...and [because] she's not a big fan of the neighborhood" she now lives in (Tr. 48). Cesar also testified that his brother Ivan "gets a little antsy because he can't go out like he used to" (Tr. 48). Even though Complainant failed to provide more specific evidence of emotional distress, such injury may be proven "by testimony and...presumed to flow from illegal discrimination..." *Campbell, supra*. Thus the very fact that Complainant was denied opportunity to rent an apartment that was still available, and the fact that she was denied this opportunity only after her son Ivan's behavior was observed by the person showing the apartment for Respondent, does lead to an inference supporting some damages for emotional distress. Complainant credibly testified that she had to move to another neighborhood farther away from the affordable childcare resource she had arranged for Ivan (Tr. 33). She also testified that she could not find another apartment she could afford in the area where Respondent's apartment was located, which led her to move to a neighborhood in which feels neither safe nor comfortable with Ivan being outside on his own (Tr. 39-40). Complainant also testified that Ivan gets angry or sad now that he does not have the freedom he once had to go outdoors (Tr. 40). It is reasonable to conclude that all of these factors combined caused Complainant emotional distress. See *Buckner v. Verbon*, CCHR 94-H-83 (May 21, 1997), where

a complainant was awarded \$7,500 for emotional distress where he was forced to live in a high-crime area longer than expected after the respondent failed to rent to him because of his race just one day before move-in, noting that this one-time event with relatively few long-term effects mitigated against a higher award.

The hearing officer recommended an award of \$2,500 for the level of emotional distress Complainant proved in this case. The Commission approves this recommended amount, which parallels the awards in two recent refusal to rent cases where the evidence of emotional distress was similarly general and conclusory: *Diaz v. Wykurz et al.*, CCHR No. 97-H-28 (Dec. 16, 2009) and *Hutchison v. Iftekaruddin*, CCHR No. 08-H-21 (Feb. 17, 2010). By contrast, in *Sercye* the Commission found the evidence of emotional distress to be more concrete and supportive of the larger award. As noted in *Sercye*, hearing officers are uniquely situated to evaluate evidence of emotional distress drawn from a complainant's testimony as well as other testimonial evidence, and such factual determinations will not be overturned by the Board of Commissioners unless they are against the weight of the evidence presented at the hearing. Section 2-120-510(l), Chicago Municipal Code; Reg. 240.610(a); *Wiles v. The Woodlawn Organization et al.*, CCHR No. 96-H-1 (Mar. 17, 1999).

## **B. Punitive Damages**

In her Pre-Hearing Memorandum, Complainant sought punitive damages of \$3,000. The hearing officer recommended an award in this amount and the Commission approves it.

Punitive damages are appropriate when a respondent's action is shown to be a product of evil motives or intent or when it involves a reckless or callous indifference to the protected rights of others. *Houck v. Inner City Horticultural Foundation, supra.*, quoting *Smith v. Wade*, 461 U.S. 30, 56 (1983), a case under 42 U.S.C. §1983. See also *Blacher v. Eugene Washington Youth & Family Svcs.*, CCHR No. 95-E-261 (Aug. 19, 1998), stating, "The purpose of an award of punitive damages in these kinds of cases is 'to punish [the respondent] for his outrageous conduct and to deter him and others like him from similar conduct in the future.'" See also *Restatement (Second) of Torts* §908(1) (1979).

In determining the amount of punitive damages to be awarded, the 'size and profitability [of respondent] are factors that normally should be considered. *Soria v. Kern*, CCHR No. 95-H-13 (July 18, 1996) at 17, quoting *Ordon v. Al-Rahman Animal Hospital*, CCHR No. 92-E-139 (July 22, 1993) at 18. However, "neither Complainants nor the Commission have the burden of proving Respondent's net worth for purposes of...deciding on a specific punitive damages award." *Soria, supra* at 17, quoting *Collins & Ali v. Magdenovski*, CCHR No. 91-H-70 (Sept. 16, 1992) at 13. Further, "If Respondent fails to produce credible evidence mitigating against the assessment of punitive damages, the penalty may be imposed without consideration of his/her financial circumstances." *Soria, supra* at 17.

In considering how much to award in punitive damages where they are appropriate, the Commission also looks to a respondent's history of discrimination, any attempts to cover up the conduct, and the respondent's attitude towards the adjudication process including whether the respondent disregarded the Commission's procedures. *Brennan v. Zeeman*, CCHR No. 00-H-5 (Feb. 19, 2003), quoting *Huff v. American Mgmt. & Rental Svc.*, CCHR No. 97-H-187 (Jan. 20, 1999).

In this case, Complainant credibly testified that she expressed an intention to rent the apartment to Respondent's representative, Elvia, and the transaction appeared to be moving

forward. But after Elvia observed the behavior of Complainant's autistic son, Complainant was told the apartment was no longer available. Yet Cesar Montelongo credibly testified that when he subsequently inquired about renting the apartment, he was told it was still available. This evidence supports a finding that Respondent willfully denied Complainant the opportunity to rent the available apartment solely because of her son's disability and in reckless disregard of Complainant's rights. As such, the Commission agrees with the hearing officer that punitive damages are warranted as a punishment and future deterrent of such denial of a prospective tenant's rights. The Commission also takes into account Respondent's disregard of Commission proceedings after the substantial evidence finding.

### C. Out-of-Pocket Losses

The Commission has long held that a complainant may recover damages for out-of-pocket losses even without written documentation of such damages as long as the complainant can testify to the amount of damages with certainty. *Horn v. A-Aero 24 Hour Locksmith Service et al*, CCHR No. 99-PA-032 (July 19, 2000); *Williams v. O'Neal*, CCHR No. 96-H-73 (June 8, 1997); *Soria v. Kern*, CCHR No. 95-H-13 (July 17, 1996); *Hussian v. Decker*, CCHR No. 93-H-13 (Nov. 15, 1995); *Khoshaba v. Kontalonis*, CCHR No. 92-H-171 (Mar. 16, 1994). Such out-of-pocket damages may include expenses related to the prosecution of a complaint before the Commission. *Horn v. A-Aero 24 Hour Locksmith Service et al.*, *supra*. However, compensatory damages for out-of-pocket losses (or emotional distress) should not be awarded when they cannot be shown to have been caused by the discriminatory conduct or foreseeable to the respondents. *Pudelek & Weinmann v. Bridgeview Garden Condo. Assn. et al*, CCHR No. 99-H-39/53 (Apr. 18, 2001).

Complainant acknowledges that the loss of her job was not a direct consequence of Respondent's failure to rent the apartment to her. She does, however, seek damages for the two weeks she had to take off from work to find another affordable apartment. In *Castro v. Georgeopoulos*, CCHR No. 91-H-6 (Dec. 18, 1991), a complainant was awarded damages for out-of-pocket losses due to work missed seeking alternative housing, which would not have been missed had the discriminatory refusal to rent not occurred. Here, based on Complainant's clear testimony that her annual salary at the time was \$18,000, or \$750 bi-weekly, the hearing officer recommended a damages award of \$750 for the two weeks it took to find another affordable apartment. The Commission approves and adopts this recommendation.

As to other claims for out-of-pocket losses, the Commission agrees with the hearing officer that they are not sufficiently supported by the evidence and must be denied. As to claimed childcare expenses, Complainant testified that she had made arrangements for a woman named Sylvia to provide childcare for Ivan in the neighborhood where Respondent's apartment was located. She testified that Sylvia and Ivan were comfortable with one another and she agreed to pay Sylvia \$50 or \$60 weekly to care for Ivan (Tr. 35). Complainant testified that after she was forced to rent elsewhere, childcare services for Ivan ranged between \$10 and \$25 per hour, which she could not afford (Tr. 35-36; see also Complainant's Group Ex. 4). Complainant asserts that she should be awarded \$4,000 for out-of-pocket expenses for the cost of summer childcare. She testified, however, that she postponed her job search over Ivan's summer break and cared for him herself. This evidence does not establish that Complainant incurred any actual monetary losses (Tr. 38). Complainant fails to clearly identify the childcare expenses actually incurred to look for a job during the summer while caring for Ivan, stating only that caring for him prohibited her from looking for a job (Tr. 38). Thus she has not testified with certainty to costs incurred for childcare due to being denied the opportunity to rent Respondent's apartment.

Complainant also seeks \$1,250 for moving expenses, but again failed to offer testimony or supporting evidence that adequately documents her moving costs. In Complainant's Pre-Hearing Memorandum, she states on page 7 that she "was forced to rent a U-HAUL truck for the move to her current apartment since it is three miles away from her original residence." However, neither a receipt for the truck rental nor any other specific supporting testimony was provided to document this expense with certainty.

Further, Complainant testified that she threw out and gave away some of her old furnishings that did not fit into her new apartment, although they would have fit into the apartment she wanted to rent from Respondent (Tr. 39). Yet Complainant failed to offer any testimony or other evidence as to the value of the lost furnishings. In *McCutchen v. Robinson*, CCHR No. 95-H-84 (May 20, 1998), Complainant was similarly not awarded damages for the cost of a bedroom set she would have taken to the new home she was discriminatorily refused but could not take to the alternative housing she had to rent, where she could not show the cost of this furniture.

Accordingly, the Commission approves and awards only \$750 of the requested damages for out-of-pocket losses.

#### **D. Interest on Damages**

Section 2-120-510(l), Chicago Municipal Code, allows an additional award of interest on damages ordered to remedy violations of the Chicago Fair Housing Ordinance or the Chicago Human Rights Ordinance. Pursuant to CCHR Reg. 240.700, the Commission routinely awards pre- and post-judgment interest at the prime rate, adjusted quarterly from the date of violation, and compounded annually. Accordingly, the Commission awards pre- and post-judgment interest on all damages awarded in this case, starting from June 15, 2009, the date Complainant was untruthfully told the apartment was no longer available to rent.

#### **E. Fine**

Section 5-8-130 of the Chicago Fair Housing Ordinance provides that any covered party found in violation shall be punished by a fine not exceeding \$500 per violation. The hearing officer recommended a fine of \$200 against Respondent. The Commission modifies the amount and imposes the maximum fine of \$500, which the Commission finds warranted in light of its finding that Respondent acted in willful disregard of Complainant's rights including that Respondent lied to Complainant when stating that the apartment was already rented.

#### **F. Attorney Fees and Costs**

Section 2-120-510(l) of the Chicago Municipal Code allows the Commission to order a respondent to pay all or part of a prevailing complainant's reasonable attorney fees and associated costs. Indeed, the Commission has routinely found that prevailing complainants are entitled to such an order, and the hearing officer recommends it in this case. *Hall v. Becovic*, CCHR No. 94-H-39 (Jan. 10, 1996), *aff'd Becovic v. City of Chicago et al.*, 296 Ill. App. 3d 236, 694 N.E.2d 1044 (1st Dist. 1998); *Soria v. Kern, supra* at 19.

As previously noted, in the interest of efficiency the hearing officer allowed Complainant to file her petition for attorney fees and associated costs so the amounts could be determined in conjunction with other relief awarded. In her petition, Complainant seeks \$7,155 in attorney fees and \$131.25 in costs. Complainant attached to her petition an affidavit and itemized statement of



time and charges for her attorney of record, Salvador J. Lopez, Staff Attorney at the Legal Assistance Foundation of Metropolitan Chicago (Complainant's Petition for Attorney Fees and Costs, Exhibits B and C).

In his affidavit, Attorney Lopez summarizes his legal experience and his specific work with Spanish-speaking clients. He states that he has worked as an attorney since March 2009, including the representation of clients in numerous administrative hearings in the Social Security Administration, Chicago Housing Authority, and other administrative tribunals along with court litigation in housing and consumer law matters.

Pursuant to CCHR Reg. 240.360(a)(1), attorneys for not-for-profit legal services organizations such as the Legal Assistance Foundation which do not regularly charge fees may seek compensation based on "the rates prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise." See also *Flores v. A Taste of Heaven et al.*, CCHR No. 06-E-32 (Jan. 19, 2011); *Sullivan-Lackey v. Godinez*, CCHR No. 99-H-89 (Sept. 21, 2005); *Reed v. Strange*, CCHR No. 92-H-139 (Aug. 19, 1998); *Hussain v. Decker*, CCHR No. 93-H-13 (May 15, 1996).

The fee petition does not provide any specific evidence of the applicable prevailing rates for Chicago. However, the Commission has recently approved law firm associate billing rates of \$150 to \$250 per hour in *Lockwood v. Professional Neurological Services, Ltd.*, CCHR No. 06-E-89 (Jan. 20, 2010). The claimed hourly rate of \$225 is within this range and the hearing officer found it reasonable. The Commission agrees that \$225 is a reasonable hourly rate in the Chicago market for an attorney with at least two years of experience which has included a substantial amount of litigation and other legal experience relevant to prosecution of this case.

Similarly, the Commission adopts and approves the hearing officer's recommendation that the itemized hours to be compensated are reasonable. The fee petition with its detailed time log provides sufficient detail to allow determination as to whether the amount of time spent on tasks was reasonable or excessive. *Shontz v. Milosavljevic*, CCHR No. 94-H-1 (May 20, 1998). The expenditure of 31.8 hours is reasonable for the work of Attorney Lopez on the case, as reflected in the itemized record of tasks and the time spent on each as well as the hearing officer's recommendation based on her knowledge of the issues and proceedings in the case. At the hourly rate of \$255, the billing statement supports an award of \$7,155 in attorney fees.

In addition to fees, Complainant requests an award for the associated cost of \$131.25 for Spanish interpreter services provided by Cross Cultural Interpreting Services in connection with the administrative hearing. Complainant submitted an invoice for this service (Complainant's Petition for Attorney Fees and Costs, Exhibit A).<sup>1</sup> The cost of \$131.25 is reasonable if not modest for the interpreter service provided, as reflected in the hearing transcript, and was reasonably incurred in the prosecution of the Complaint before the Commission. No other cost reimbursements were sought. Accordingly, based on the recommendation of the hearing officer the Commission approves the award of costs of \$131.25.

Thus the Commission approves and orders payment of attorney fees of \$7,155 and associated costs of \$131.25, for a total of \$7,286.25.

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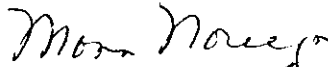
<sup>1</sup> The Commission may engage an interpreter service for an administrative hearing if requested for a party or witness with limited English proficiency, pursuant to the authority provided in CCHR Reg. 240.410. Here, Complainant did not request this service from the Commission but instead hired an interpreter directly.

### III. CONCLUSION

Having found Respondent Hassan Azarpira liable for disability discrimination in violation of the Chicago Human Rights Ordinance, the Commission orders the following relief:

1. Payment to the City of Chicago of a fine of \$500;
2. Payment to Complainant of emotional distress damages of \$2,500, punitive damages of \$3,000, and damages for out-of-pocket losses of \$750, for total damages in the amount of \$6,250;
3. Payment to Complainant of interest on the foregoing damages from the date of violation on June 15, 2009;
4. Payment of Complainant's reasonable attorney fees of \$7,155 and reasonable associated costs of \$131.25, for a total amount of \$7,286.25.

CHICAGO COMMISSION ON HUMAN RELATIONS



By: Mona Noriega, Chair and Commissioner  
Entered: February 15, 2012