

CHAPTER 24 - HUMAN RELATIONS

SEC. 24.1-1 DECLARATION OF POLICY. It is hereby declared the policy of the Town of Normal to assure full and equal opportunity to all citizens of the Town in the matters of employment, public accommodations, financing and housing free from unlawful discrimination against them because of their race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, disability, or matriculation, and with regard to housing, familial status.

It is further declared to be the policy of the Town of Normal that no person, group of persons or corporation shall attempt to escalate or de-escalate property prices because of any present or prospective change in the race, color, religion, sex, sexual orientation, marital status, familial status, national origin or ancestry, disability, or matriculation of persons in the neighborhood of said property.

It is further declared to be the policy of the Town of Normal, that in a spirit of harmony, the Town Council and its Commission on Human Relations shall endeavor to work with and cooperate with the Board of Realtors, and all other interested persons to the end that the declared purposes of this Division, to-wit: insuring opportunity for all persons to live in decent housing facilities without unlawful discrimination because of race, color, religion, sex, sexual orientation, marital status, familial status, ancestry, disability, national origin, or matriculation, of such persons, can be accomplished in an orderly, lawful and proper fashion. Therefore, in order to effectuate this policy, the following provisions shall prevail.

SEC. 24.1-2 DEFINITIONS. As used in this Division, unless a different meaning clearly appears from the context, the following terms shall have the meaning ascribed in this Section.

- A. Age. Age as used in the Ordinance shall be limited to individuals who are at least forty (40) years of age or over.
- B. Commission. The Town of Normal Human Relations Commission.
- C. Complainant. The aggrieved person who files a formal complaint of unlawful discrimination with the Commission alleging a violation of this Chapter.
- D. Complaint. A written and signed statement alleging one or more unlawful discriminatory acts or practices under this Chapter. A complaint shall be in such detail as to substantially apprise parties of the time, place, and facts with respect to the alleged violation. It shall contain the following:
 - 1. A statement of the facts sufficient to constitute a prima facie case of a civil rights violation, including the date, time, and place thereof;
 - 2. A statement of each specific harm the complainant has suffered as a consequence of the alleged violation;

3. Complainant's signature certifying that the statements set forth in the complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters the complainant certifies complaint that he believes to be true.
- E. Conciliation Agreement. A written agreement among the parties setting forth a resolution of the issues of a complaint.
 - F. Conciliation Conference. A meeting of the parties to a complaint, including the complainant and respondent and their representatives, arranged by the Commission or its designees in a confidential attempt to resolve the complaint through a facilitated process that may result in a conciliation agreement of the parties.
 - G. Contractor. A person who contracts with or proposes to contract with the Town to provide goods and/or service for the current fiscal year or who has contracted with the Town during the last preceding fiscal year.
 - H. Disability. Any physical or mental impairment resulting from or manifested by anatomical, physiological, neurological, or psychological conditions, demonstrable by medically accepted clinical or laboratory diagnostic techniques, and which constitutes or is regarded as constituting a substantial limitation to one or more of a person's major life activities. A disabled person is one who has a physical or mental disability as defined above, has a record of such disability, or is regarded as having such a disability. A person is regarded as being disabled under this definition if such a person, as a result of a disability, requires a support animal, such as a guide dog or hearing dog, to assist them in a major life function.
 - I. Employee. Any and all persons who perform services under the direction and control of and for any employer for compensation, whether in the form of wages, salary, commission, or otherwise, excluding the parents, spouses or children of the employer and excluding independent contractors, although they may be subject to the Ordinance as employers or in any other capacity covered hereunder.
 - J. Employer. Any person within the Town of Normal including but not limited to owners, managers, supervisors, and others who serve a supervisory function who hires or employs any employee, and any person wherever situated who hires or employs any employees whose services are to be partly or wholly performed within the corporate limits of the Town of Normal, but excluding any religious or fraternal corporation, association, society or organization with respect to the hiring or employment of individuals from their membership.
 - K. Employment Agency. Any person regularly undertaking, with or without compensation, to procure employees for any employer, or to procure for employees opportunities to work for an employer or to recruit, refer or place employees.

- L. Familial Status. One or more individuals who have not attained the age of 18 being domiciled with a parent or another person having legal custody of such individual(s); or, the designee of such parent or other person having such custody, with the written permission of such parent or other person. This shall include any person who is pregnant or is in the process of attaining legal custody of any individual who has not attained the age of 18.
- M. Housing Accommodation. Includes any building, structure or portion thereof, within the Town of Normal, which is used or occupied, or is maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings.
- N. Marital Status. The legal status of being married, single, separated, divorced or widowed.
- O. Matriculation. The condition of being enrolled in a college or university or other post secondary educational institution. It is the intent of this provision to give standing and protection only to persons enrolled in a college or university or other post secondary educational institution.
- P. National Origin. The place in which an individual or one of his or her ancestors was born.
- Q. Owner. The person holding title to property, or acting as agent, trustee or in any other form, on behalf of the legal title holder.
- R. Party or Parties. The Complainant and the Respondent in a complaint filed before the Commission.
- S. Person. An individual, partnerships, associates, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustees in bankruptcy, receivers, labor unions, or union labor organizations, and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, any lending institution, the Town of Normal, and any department, unit, officer, or employee of any of the above. Other governmental entities are excluded from this definition.
- T. Preponderance of Evidence. Considering all of the evidence in the case, the Commission is persuaded that the proposition on which a party has the burden of proof is more reasonably true than not. These facts need not be proved “beyond a reasonable doubt,” as in criminal cases, or by “clear and convincing evidence,” as some civil matters.
- U. Public Accommodation. Any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods,

services, restaurants, eating houses, soda fountains, soft drink parlors, taverns, hotels, roadhouses, barber shops, department stores, clothing stores, hat stores, shoe stores, restrooms, theatres, skating rinks, swimming pools, public golf courses, public golf driving ranges, concerts, crematories, cemeteries, airplanes, boats, and any other public conveyances on land, water, or air, and other places of public accommodation and/or amusement. This paragraph shall not apply to any public school system. Nor does this paragraph apply to the Normal Police Department or any of its sworn officers or to any other lawfully authorized sworn law enforcement personnel engaged in the performance of his or her duties in the enforcement or investigation of the laws of the United States of America, State of Illinois, or the Town of Normal.

- V. Real Estate Broker. Any natural person, partnership, association or corporation or agent thereof, who for a fee or other valuable consideration, offers, sells, purchases, exchanges or rents or negotiates, for the sale, purchase, exchange or rental of the real property of another, or holds him or herself out as engaged in the real property of another, or collects rental for the use of the real property of another.
- W. Respondent. Any person accused in a complaint of having committed an unlawfully discriminatory practice or act under this Chapter.
- X. Sexual Harassment. Any sexual discrimination which involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or access to, or participating in, a public accommodation, financing or housing; or
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or is the basis for granting or denying access to, or participating in, a public accommodation, financing or housing; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working, public accommodation or housing environment.
- Y. Sexual Orientation. The actual or perceived state of heterosexuality, homosexuality or bisexuality. (Added 10/1/01 by Ord. No. 4747)
- Z. Staff. The City Manager or his designee(s) authorized to perform work on behalf of the Commission.
- AA. Unlawfully Discriminate and Unlawful Discrimination. Any differences in treatment based on race, color, religion, sex (including sexual harassment), sexual

orientation, marital status, ancestry, national origin, age, disability, or matriculation, and with regard to unlawful housing practice, familial status. (Amended 10/1/01 by Ord. No. 4747)

- BB. Unlawful Housing Practice. The commission of an act or acts prohibited by SEC. 24.1-3 hereafter. (Amended 10/1/01 by Ord. No. 4747)
- CC. Vendor. A person who sells or has sold goods or services to the Town during the current or last preceding fiscal year.

SEC. 24.1-3 PROHIBITED ACTS IN HOUSING. It shall be an unfair housing practice and unlawful for any real estate broker licensed by the State of Illinois, real estate salesman or agent, owner, lending institution or any other person except owners or tenants of a dwelling unit when they are seeking another person to reside in the same dwelling unit in which the owner or tenant resides:

- A. To unlawfully discriminate against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential purposes in the Town of Normal or in the furnishing of any facilities or services in connection therewith, who is a prospective buyer, lessee or renter of such property.
- B. To publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to the sale, rental or leasing of any residential real property within the Town of Normal which will indicate or express any unlawful discrimination in the sale, rental or leasing of such residential real estate.
- C. To refuse to sell, lease or rent, any real estate for residential purposes within the Town of Normal solely on the basis of unlawful discrimination.
- D. To unlawfully discriminate or to participate in unlawful discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any residential housing unit or housing accommodation in the Town of Normal.
- E. To unlawfully discriminate in the charging of fees or services to persons for residential housing accommodations.
- F. To solicit for sale, lease or listing for sale or lease, residential real estate within the Town of Normal on the grounds of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, sex, marital status, familial status, national origin or ancestry, disability, matriculation, or sexual orientation. (Amended 3/4/02 by Ord. No. 4776)

- G. To distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in the Town of Normal to sell or lease his property because of any present or prospective change in the race, color, religion, sex, marital status, familial status, ancestry or national origin, disability, matriculation, or sexual orientation of persons in the neighborhood. (Amended 3/4/02 by Ord. No. 4776)
- H. To deliberately and knowingly refuse examination of any listing of residential real estate within the Town of Normal to any person solely because of race, color, religion, sex, marital status, familial status, ancestry or national origin, disability, matriculation, or sexual orientation. (Amended 3/4/02 by Ord. No. 4776)
- I. To refuse to make reasonable accommodations for persons with disabilities in rules, policies, practices, or services when such accommodations may be necessary to afford such persons equal opportunity in housing. It shall be an affirmative defense to this section for the respondent to show that such accommodations would constitute an undue hardship upon the respondent or a safety risk to the person with a disability or others.
- J. It shall also be considered an unfair housing practice for anyone to harass in any fashion an existing householder with the intent to force such householder to sell, lease or rent to any other party on the basis of unlawful discrimination.
- K. Anything herein to the contrary notwithstanding, this Chapter and all of the applicable provisions hereof shall apply to all residential and multiple-family zoning classifications and/or uses or portions thereof within the Town of Normal, except for owners or tenants of a dwelling unit when they are seeking another person to reside in the same dwelling unit in which the owner or tenant resides. This limited exemption shall apply only in those situations where the owner or renter of the dwelling unit shares a kitchen or bathroom with a prospective tenant not related to the owner or renter of the dwelling unit.
- L. The prohibition of discrimination on the basis of familial status does not apply to retirement communities. For the purposes of this Section a “retirement community” is defined as a condominium or community association which, in its initial declaration and on-going practice, limits its housing accommodations:
 - 1. intended for, and solely occupied by, persons 62 years of age or older; or
 - 2. intended and operated for occupancy by persons 55 years of age or older, and;
 - a. at least eighty percent (80%) of the occupied units are occupied by at least one person who is 55 years of age or older;
 - b. the housing facility or community publishes and adheres to policies

and procedures that demonstrate an intent required under this subdivision (L); and

- c. the housing facility or community complies with rules adopted by the Illinois Department of Human Rights for verification of occupancy.

- M. Nothing in this Sec. 24.1-3 shall prohibit a religious organization, association or society from engaging in unlawful discrimination while carrying out or furthering the religious activities of such organization. Nothing in this Sec. 24.1-3 shall prevent any not-for-profit organization from engaging in unlawful discrimination while engaging in their rights of “expressive association” as set forth in *Boy Scouts of America v. Dale*, 170 S. Ct. 2446. (Added 10/1/01 by Ord. No. 4747)

SEC. 24.1-4 PROHIBITED DISCRIMINATORY PRACTICES IN EMPLOYMENT, PUBLIC ACCOMMODATIONS AND FINANCING. It shall be unlawful for any person to commit to any of the following acts of “discrimination”;

- A. To permit or take any action which unlawfully discriminates in a person’s selection, status, or eligibility for employment, promotion or transfer, or for apprenticeship, membership, or conditions and privileges or benefits directly or indirectly related to one’s employment, except for a bona fide occupational qualification;
- B. To cause or permit to be published, posted or circulated, any notice, advertisement, job order, requisition or request for applicants for employment or apprenticeship for the referral thereof which makes or has the effect of making unlawful discrimination a condition of applying for employment or of referral thereof or indicates the existence of such a condition except for a bona fide occupational qualification;
- C. For an employer, employment agency or labor organization to inquire for a written application whether a job applicant has ever been arrested or to use such knowledge of an arrest as a reason for denial or termination of employment. This section shall not be construed to prohibit any employer, employment agency or labor organization from requesting or using information or records concerning conviction of any individual.
- D. To unlawfully discriminate against any person in the full enjoyment of goods, services, facilities, advantages or privileges of any public accommodation;
- E. To refuse to make reasonable accommodations for person with disabilities in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity in public accommodations. It shall be an affirmative defense to this Section for the respondent to show that such accommodations would constitute an undue hardship upon the respondent or a safety risk to the person with a disability or others.
- F. To unlawfully discriminate or to participate directly or indirectly in unlawful

discrimination in connection with the terms of loans, guaranteeing loans, accepting mortgages or otherwise making available funds for loans, provided that lending money is one of the principal aspects of the person's business or is incidental to the person's principal business.

- G. Nothing in this Sec. 24.1-4 shall prohibit a religious organization, association or society from engaging in unlawful discrimination while carrying out or furthering the religious activities of such organization. Nothing in this Sec. 24.1-4 shall prevent any not-for-profit organization from engaging in unlawful discrimination while engaging in their rights of "expressive association" as set forth in *Boy Scouts of America v. Dale*, 170 S. Ct. 2446. (Added 10/1/01 by Ord. No. 4747)
- H. Nothing in this Sec. 24.1-4 shall prohibit an employer from using marital status as a factor in determining eligibility for participation in employee benefit programs. (Added 10/1/01 by Ord. No. 4747)

SEC. 24.1-5 CITIZEN PROTECTION. It shall be unlawful for any person to aid, incite, compel, coerce or participate directly or indirectly in the doing of any act or practice declared in this Section to be prohibited or to unlawfully discriminate or to take retaliatory action against any other person because such person has opposed any practice forbidden by this Section or because such person has made a charge, filed a complaint, testified or assisted in any manner in any investigation, proceeding, or hearing under this Section.

SEC. 24.1-6 EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE. All vendors, contractors or financial institutions who conduct business with the Town of Normal and have unlawfully discriminated may, upon the recommendation of the Commission and approval of the Town Council, be prohibited from doing business with the Town for a period of at least one (1) year. Further, the Commission may recommend the termination of an effective contract based on unlawful discrimination during the term of a contractual relationship between the Town of Normal and a contractor. Such recommendation shall be forwarded to the Town Council for final consideration.

SEC. 24.1-7 DUTIES OF COMMISSION ON HUMAN RELATIONS. It shall be the duty of the Commission on Human Relations as established by the Town Council of the Town of Normal to:

- A. Receive complaints charging unlawful discrimination.
- B. Seek conciliation of such complaint.
- C. Hold public hearings, make findings of fact, issue orders and publish its findings of fact and orders in accordance with the provisions of this Chapter and with the Ordinance establishing the Commission and the Statutory Laws of the State of Illinois.

- D. Hold public hearings in order to gather information on human relations, civil rights or relevant social issues within the community.
- E. Advise or make recommendations to the Board of Trustees on issues of human relations, civil rights or relevant social issues within the community.
- F. Render from time to time, but not less than once a year, a written report of its activities and recommendations with respect to fair housing practices to the Mayor and the Town Council.
- G. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Division.

SEC. 24.1-8 COMPLAINTS.

- A. Any individual who believes that he/she has been aggrieved in any manner by a violation of any provision of this Chapter may file a written complaint setting forth his or her grievance with the Commission on Human Relations of the Town of Normal. No verbal complaints shall be acted upon by the Commission.
- B. All complaints shall be filed within one hundred eighty (180) days after the date or discovery of the last alleged occurrence of an unlawfully discriminatory act or practice, thereof, but in no event shall a complaint be filed more than one (1) calendar year after the occurrence of the violation.
- C. Complaints determined by staff to not meet jurisdictional requirements or allege a prima facie case will be dismissed; however, staff must notify the Commission in writing of the dismissal and explain the reasons therefore. Any Commissioner may notify the chairperson of his/her request to consider staff's determination at its next regular meeting if, within five (5) days of the date of the dismissal, the chairperson is so notified. The Commission, upon the timely request of any Commissioner, shall review the staff decision to dismiss a complaint. A request is timely if made within five (5) days of receipt of staff's decision.
- D. The Commission shall not process any complaint if a similar complaint is filed before the Illinois Department of Human Rights, the Equal Employment Opportunity Commission, or other similar Federal or State governmental body with the power to receive, investigate and adjudicate complaints of unlawful discrimination. The Commission shall dismiss any complaints filed with it where it is discovered that a similar complaint has been filed with any of the above or similarly empowered agencies.
- E. The Respondent shall be sent a copy of the complaint by Staff within fourteen (14) calendar days of the receipt of a complaint. However, the failure of Staff to send the complaint to the respondent shall not be the basis for a dismissal and shall not deprive the Commission with jurisdiction over the matter.

- F. A response shall be filed by the Respondent to the Commission's staff within twenty-one (21) calendar days from the date of the notice of the complaint. The response shall contain the full name, address and telephone number of the Respondent, the Respondent's legal counsel and full contact information if applicable. The response shall also contain the Respondent's specific position with respect to the allegations contained in the complaint. Failure to file a response within the permitted time shall allow for the entry of a default judgment against the Respondent.
- G. A person who is identified as a Respondent in the course of the complaint but who was not named as a Respondent in the initial filing of the complaint may be joined as a Respondent upon written notice to such person by staff. This Respondent will be notified per paragraphs E above and will be held to the response requirements in paragraph F above. In no event shall an amended complaint be filed in a timeframe that is not consistent with paragraph B above.
- H. Complaints may be dismissed upon motion to the Chairperson or Hearing Examiner any time prior to a public hearing for any of the following reasons: 1) At the written request of the Complainant at any time prior to the commencement of a Public Hearing on the complaint; 2) If the Complainant does not respond to inquiries of the Commission or Staff after a thirty (30) day notice; 3) If the Complainant fails to appear at a public hearing; 4) If the Respondent can show that the Complainant has no legal jurisdictional basis for the complaint; 5) Upon proof of a successfully concluded conciliation agreement; 6) Failure to state a claim for relief; 7) Other affirmative matters or defenses sufficient to bar such claim. Any complaint dismissed by the Commission shall not be re-filed.
- I. A complaint filed before the Commission will not be made public unless required to do so under the Freedom of Information Act or until a public hearing has been scheduled. Depositions, interrogatories, and other discovery materials, not in the possession of the Town are not matters of public record. All matters discussed in a conciliation conference shall be considered confidential and may not be available to the public. All discovery information is considered confidential and may not be disclosed by the parties except as needed for a public hearing. Any party may seek an order from the Commission Chairperson or hearing officer placing limitations on use or dissemination of any discovery material. Information, material and testimony given during a public hearing is considered in the public record.

SEC. 24.1-9 ENFORCEMENT PROCEDURE.

- A. The Commission is hereby fully authorized to seek to resolve conflicts between persons involved in complaints which are within the jurisdiction of the Commission by specifically authorizing the Commission Chairperson, or its designee, to set a date for a conciliation hearing. At such hearing, the Commission's representative shall attempt to resolve the complaint by all proper methods of conciliation and persuasion. Such conciliation hearings shall be closed to the public. A fifteen (15)

to sixty (60) day notice stating the time and place of the conciliation conference shall be sent to all parties; however, the failure to hold such conciliation conference within sixty (60) days shall not waive the requirement of a conciliation conference and shall not deprive the Commission of jurisdiction in the case. If the Complainant fails to attend the conciliation conference, the complaint may be dismissed unless such absence is for good cause. One person may accompany each party at a conciliation conference. In addition, witnesses may be called into the conciliation. If the Respondent fails to attend the conciliation conference the complaint shall proceed to a public hearing unless excused by staff for any reasons staff deems beyond the control of the respondent. The Complainant and Respondent must attend the conciliation conference prepared to participate in good faith or the Commission may find against them on that basis.

- B. If conciliation is not successful as determined by the Commission's representative, there shall be a full hearing of the complaint.
- C. A public hearing shall be held to determine by a preponderance of the evidence if the violation alleged in the complaint occurred. The public hearing shall be held before the Commission or a qualified hearing officer appointed by the Commission, who shall make findings of fact, determine if the alleged violation occurred, make recommendations to resolve or alleviate the conflict or similar conflicts which may occur in the future, determine and assess actual damages reimbursable to the Complainant, or other "make whole" remedies including attorney's fees and costs, and/or recommend a fine payable to the Town of Normal to be imposed upon the person found to have violated this Chapter. The total of said municipal fine shall not exceed \$2,500.00 for each offense. (Amended 7/2/90 by Ord. No. 3916)
- D. Parties to a complaint may be represented by attorneys or other advocates.
- E. The parties shall have limited discovery. Parties to a proceeding, including employees, managers, officers, and supervisors may be compelled to appear for deposition upon notice. No party may hold more than three depositions without the approval of the Hearing Officer or Commission Chairperson. The person seeking the deposition shall incur all costs of the deposition. Each party may serve one set of interrogatories consisting of no more than 30 questions upon the other party to be answered within twenty-eight (28) days. Discovery may occur at any time after the filing of a complaint. Additional discovery may be allowed at the sole discretion of the Hearing Officer or Chairperson of the Commission. Objections to discovery may be made to the Hearing Officer or the Chairperson of the Commission who shall rule on such objections. The Hearing Officer or Chairperson of the Commission may fine a party for failure to comply with discovery in an amount not to exceed \$1,000 or may enter such further orders as is deemed appropriate such as excluding evidence or prohibiting a party from raising a claim or defense or such other sanction as is appropriate for failure to comply with discovery. Each such fine so assessed shall be paid within fifteen (15) days after it is assessed. In the event such fine is not paid, it shall be considered a debt to the Town of Normal and shall

be collectible in the same manner provided by law for the collection of all other debts.

- F. The parties shall file a written pre-trial memo stating their arguments to be made during the Public Hearing no less than fifteen (15) calendar days prior to the Public Hearing. The pre-trial memo shall contain the following:
1. A brief statement of the nature of the case or defense.
 2. A list of all witnesses the party intends to call at trial.
 3. A list of all exhibits the party may seek to introduce at public hearing.
 4. The estimated length of time the party expects his evidence will take to present his case.
 5. The name, address, and telephone number for the party's attorney or representative.
 6. Any further information required by the Hearing Officer or Chairperson.

Failure to file a timely pre-trial memo or failure to file any pre-trial memo may subject either party at fault to a fine not to exceed \$1,000.00, except that the Commission may excuse either party at fault based upon circumstances beyond the control of the party at fault. Said fine shall be separate and not related to the Commission's determination of the merits of the complaint through the Public Hearing.

- G. If the Commission conducts said public hearing, its findings, determination, remedies, damages to be paid to the complainant, attorney's fees and costs, and the fine, if any, shall be stated in writing which upon being signed by the Chairperson shall constitute a final order of the Commission. If a hearing officer conducts said public hearing, the Commission shall at its next meeting, after receipt of the hearing officer's report, adopt or reject in whole or in part, and in writing, the findings, determinations, recommendations, damages, attorney's fees and costs and/or the proposed fine of the hearing officer. The Commission may, as part of a final order, require a respondent to conduct limited remedial actions to assist in eliminating future unlawful discrimination, including: a) the keeping of records for up to one year for the purpose of review by the Commission; b) requiring the respondent to eliminate certain practices. That written decision, which upon being signed by the Chairperson shall constitute a final order of the Commission. A copy of the final order of the Commission shall be served by the Chairperson, either personally or by certified mail on each person directly affected thereby. (Amended 7/2/90 by Ord. 3916)

- H. In conducting any hearing provided for herein, the Chairperson or designee, at the request of the Complainant, the hearing officer, any Respondent or other party in such hearing, may compel the attendance of any person believed to have knowledge of any facts relevant to such hearing or compel the presentation of any tangible evidence relevant to such hearing by the issuance of a subpoena to the person believed to have such knowledge or to have custody or control of any relevant

books, papers, records or other tangible evidence, directing said person to appear personally to testify and/or produce such tangible items to be copied and/or for examination at a convenient location in the Normal City Hall prior to any such hearing or before such person or persons conducting said hearing. All such subpoenas shall be personally served by the Normal Police Department, or other person authorized by the Commission, upon the person to whom they are issued.

- I. Any witness so summoned may petition the Chairperson, or designee in the Chairperson's absence, to vacate or modify a subpoena. The Chairperson shall set a hearing on each such petition, shall give prompt notice of each petition and of the hearing date, time and place thereon to the party who requested the issuance of the subpoena. The Chairperson, with assistance from legal counsel, shall conduct each such hearing. The Chairperson may grant the petition in whole or in part upon finding that the testimony, or the evidence sought, does not relate to any matters in question, or that a subpoena for the production of evidence is unreasonable and oppressive.
- J. Upon the failure of any person to comply with subpoenas issued as herein provided, the Chairperson may petition any court of competent jurisdiction to compel the attendance of the person subpoenaed and the production of subpoenaed evidence or at the election of the Commission, such person may be assessed a fine by the Commission not in excess of \$1,000.00 for each offense provided the person to whom the subpoena is issued is notified on said subpoena that such fine may be assessed. Each such person shall be immediately notified of the amount of each such fine and each such fine shall be paid within fifteen (15) days after it is assessed. In the event that such fines are not so paid, they shall be considered to be debts to the Town of Normal and shall be collectible in the same manner provided by law for the collection of all other debts.
- K. If a public hearing should occur, the written record of the Public Hearing shall consist of the notice of hearing, the complaint, the briefs, the transcript of the Public Hearing at the cost to the requesting party, the exhibits entered into evidence, motions, stipulations, and the findings and orders of the Hearing Officer and/or of the Commission. Statements made during a conciliation conference will not be permitted in a public hearing.
- L. The rules of evidence prevailing in the courts of law in the State shall not be applicable to nor bind any party, the representative of any party, nor any administrative person or body in any proceeding hereunder but such parties, persons and bodies shall consider any and all reliable, probative, and substantial evidence, statistical or otherwise, produced by anyone at any proceeding hereunder which may tend to prove or disprove any act or acts of discrimination alleged in the complaint under consideration. All testimony in any proceeding hereunder shall be given under Oath.

- M. The Commission shall be empowered at the conclusion of such proceedings as described above, as a part of its order, to file with the Department of Registration and Education of the State of Illinois, a complaint against any real estate broker found guilty of violating any provision of this Division, seeking suspension of the license issued to such broker by the State of Illinois.
- N. The Commission may request the City Manager to commence prosecution of any person who violates the provisions of this Division or who fails to comply with an order of this Commission.
- O. Any person found by any court of competent jurisdiction to be guilty of violating this Division or who fails to comply with an order of the Commission shall be fined an amount not to exceed \$2,500.00 for each offense. Each day of any continuing violation shall be considered a separate and distinct offense.
- P. Representation Fees and Costs. As used in this section, the hearing officer or Commission may recommend or order either of the following:
 - 1. That the Respondent pay to the Complainant all or a portion of the costs of maintaining the action, including reasonable representation fees and expert witness fees incurred in maintaining this action before the Commission;
 - 2. That the Complainant pay to the Respondent all or a portion of reasonable representation fees for the respondent if the hearing officer or Commission concludes the complaint was frivolous, unreasonable or groundless; or that the complainant continued to litigate after it became clearly so.

SEC. 24.1-10 SEVERABILITY. If any section, subsection, paragraph, sentence or clause of this Division is, for any reason, held to be invalid or unconstitutional, such decision shall not affect any remaining portion, section or part thereof.

(Entire Sec. 24 Amended 4/5/99 by Ord. No. 4586)(Entire Sec. 24 Amended 11/20/06 by Ord. No. 5099)