



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:

Jeremy Holman
Complainant,

v.

Funky Buddha, Inc., d/b/a Funky Buddha
Lounge
Respondent.

Case No.: 06-P-62

Date Mailed: July 10, 2008

TO:

Robert Orman
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FINAL ORDER

YOU ARE HEREBY NOTIFIED that, on May 21, 2008, the Chicago Commission on Human Relations issued a ruling in favor of Respondent/s 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 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

I. INTRODUCTION

Complainant, Jeremy Holman, filed this Complaint alleging violations of the Chicago Human Rights Ordinance, §2-160-010 *et seq.*, Chicago Municipal Code. He charges Respondent, Funky Buddha, Inc., d/b/a Funky Buddha Lounge, with sexual orientation discrimination with respect to a public accommodation based on his ejection from Respondent's premises in the early morning hours of August 7, 2006. During the course of the ejection, a fight occurred between Complainant and Respondent's security guard, Maurice Jones, and Holman was injured severely.

The public Administrative Hearing was conducted on October 3 and 4, 2007, and both sides were very ably represented by counsel. On November 16, 2007, Complainant filed his Closing Submission, and on November 30, 2007, Respondent submitted its Closing Statement.¹

On January 23, 2008, the Hearing Officer issued her First Recommended Decision on Liability. On February 22, 2008, Complainant filed his Objections, and on March 14, 2008, Respondent filed its Response.

II. FINDINGS OF FACT

Adopting the Hearing Officer's recommendations, the Commission makes the following factual findings:

¹ Complainant's motion for a negative inference under Commission Regulations 240.463 and 215.300 *et seq.* of the Commission's Rules and Regulations, based on Respondent's failure to produce "manuals/written procedures with respect to [Respondent's] security personnel" (See Complainant's Motion for Negative-Inference Finding, ¶ 2) is denied. Complainant never requested copies of these manuals with any specificity. His request merely sought "all documents, of any kind and nature, relating to the claim herein, and to any defenses thereto." See "Complainant's Request to Produce No. 1 to Respondent." The Hearing Officer found that the relevance of the manuals to this discrimination claim is tangential at best, and thus does not find any willful failure by Respondent to comply with Complainant's discovery request.

- **CREDIBILITY**

1. Almost all of the witnesses who testified – for either side – were credible. With the exception of Enrique Cook, each of the witnesses testified honestly and consistently with his or her best recollection.² Both Complainant Holman and the Respondent’s representative, Jay Aldrete (Tr. 17), were particularly candid. The witnesses’ perceptions and powers of observation varied, however.

- **BACKGROUND**

2. The Funky Buddha is a club open to the general public. It is located on Grand Avenue in Chicago. It features music, dancing, and poetry readings. Virtually every witness who testified at the Administrative Hearing confirmed the welcoming atmosphere at the Funky Buddha for people of all sexual orientations, gender identities, races, ethnicities, and religions. (See, e.g., Tr. 36-38, 43, 115, 150-52, 213, 216.)

3. The Complainant, Jeremy Holman (also known as “Osiris”), is gay. (Tr. 114, 128.)

4. Holman is a well-spoken gentle man. From the time he was in high school until the early morning hours of August 7, 2006, Holman had never been involved in a physical altercation with anyone. (Tr. 114.)

5. Holman had patronized the Funky Buddha Lounge for several years, from about 2002 through the date of the incident that is the subject of this case. He has been writing poetry since he was sixteen or seventeen, and he enjoyed the Poetry Nights that Respondent hosts every Sunday. (Tr. 113-14, 149.)

6. On Poetry Nights at the Funky Buddha, patrons can sign up and then go to the microphone and read their poetry. (Tr. 115-16.)

7. Holman had long been aware of the Funky Buddha’s reputation as a place that welcomed everyone. Respondent has a large sign, “Celebrating Diversity,” over the entrance. (RX1.) Until August 7, 2006, Holman believed that the Funky Buddha welcomed people regardless of sexual orientation. He had never been mistreated or denied service before. (Tr. 150-52.)

8. Maurice Jones (also known as “Reese”) was one of several security guards at the Funky Buddha. He worked there from 1999 through early August 2006. (Tr. 54, 82, 201.)

9. As a security guard, Jones’ duties included preventing people from getting too drunk and from harassing other patrons. When patrons had drunk too much, it was his job to tell them to leave. (Tr. 208-09.)

10. While on duty, security guards are not allowed to drink, and Jones always observed that rule. (Tr. 204.)

² The Hearing Officer discounted Cook’s testimony, which was largely hearsay in any event.

11. Respondent encourages its security guards to use restraint in dealing with the patrons, and it is a violation of club policy for a security guard to strike anyone. (Tr. 84, 89.)

12. In the past, Jones had tried politely to persuade inebriated patrons to leave, and sometimes he promised to buy them their first drink next time they came. (Tr. 209-10.)

13. Jones was the security guard with whom Holman felt he had the worst relationship at the Funky Buddha, however. Holman always felt somewhat uncomfortable around Jones. (Tr. 118-19.)

14. Before August 6, 2006, Jones had asked Holman to leave on a couple of occasions, usually when Holman was trying to stay after hours to visit with an employee of the club, in violation of club rules. (Tr. 217-18.)

15. Jones was sometimes abrupt, curt or terse with patrons of the Funky Buddha; but Holman never saw Jones single out any particular group of people, such as gays, for rough treatment. Until August 7, 2006, Holman believed Jones was just as likely to be tough with people who were obviously gay as those who were obviously straight. (Tr. 155-56.)

16. Jones had no animosity toward Holman before August 7, 2006. (Tr. 220.)

17. In fact, Jones had always enjoyed Holman's poetry; he thought Holman was such a good poet that Holman could go to Europe if he got a good manager. Jones thought Holman was called "Mr. Smooth" for good reason. (Tr. 219, 232.)

18. Apart from the handful of occasions when Jones had told Holman the club was closed and he had to leave, Jones and Holman had never said anything significant to each other before; in the past, they had merely said, "What's up," or words to that effect, to one another. (Tr. 217, 220.)

- **THE INCIDENT OF AUGUST 6-7, 2006**

19. On Sunday, August 6, 2006, Holman arrived at the Lounge at about 9:00 p.m., one and a half hours before the poetry reading began. (Tr. 121.)

20. Over the course of the evening, Holman had a number of "martini specials," three of which he drank before the poetry reading. (Tr. 121, 226.)

21. Most of the customers were drinking pretty heavily that night because of the free "martini specials." (Tr. 255.)

22. One of Respondent's cocktail waitresses on duty that night, Cheryl Flagg, who lived across the street from Holman, was a friend of Holman. (Tr. 249.)

23. Flagg saw Holman go to the stage and take the microphone to read his poetry. She recalled that he paused and stood on the stage in silence for a couple of minutes before he began.

After that pause, Holman apologized. "You know, I'm sorry, you all, I'm a little fucked up. I know I already used two or three of the minutes that I had to be up here." (Tr. 253, 263.)

24. After making his apology, Holman read a poem he had written, "You're Too Straight to Be Gay and Too Gay to Be Straight." The reading went fine. It took five to ten minutes. (Tr. 122, 255.)

25. After reading his poem, Holman left the stage. (Tr. 255.)

26. Despite the Funky Buddha's reputation as a welcoming place to people of all sexual orientations, when Holman read this poem, he was nervous and worried that someone might retaliate against him for the explicit references to sexual orientation in his poem. (Tr. 122, 127, 197.)

27. After reading his poem, he had another drink or two and then he danced. (Tr. 123.)

28. Holman was under the influence of alcohol by this time. (CX6, 7.³)

29. There were many speakers throughout the club, and the music was loud. (Tr. 161, 216.)

30. At about 1:30 a.m., Holman thought he heard Jones say, while looking in Holman's direction, "Gay mother fucker, I hate that gay mother fucker." (Tr. 124-25.)

31. Although Jones had not heard his name spoken, Holman believed Jones was referring to him. (Tr. 129.)

32. At this time, Jones was seated, talking to a woman. Holman was about three to five feet away. (Tr. 126, 199, 215, 219.)

33. The disc jockey on duty, Kevin Lofton, was also about three to five feet from Jones when Holman believes the words were uttered. (Tr. 184, 199.)

34. Although Holman later asked Lofton about the remark Holman thought he heard, Lofton did not provide any confirmatory evidence that anyone had said "gay mother fucker." (Tr. 186.) Holman did not subpoena Lofton as a witness at the hearing.

35. No witness but Holman testified to hearing the statement. (Tr. 157, 162, 164, 186, 256.)

36. Jones denies having said anything derogatory about Holman at any time, and he expressly denies calling him a "gay mother fucker." (Tr. 219.)

³ CX7, Maurice Jones's handwritten statement about the event, is dated "8/6/06." It is clear, however, that it was written sometime after midnight, in the early morning hours of August 7, 2006.

37. Although Holman didn't know it, Jones had not heard Holman's poetry that evening, for he arrived around 11:00 or 11:15 p.m., after the poetry reading. (Tr. 227.)

38. After hearing the remark, Holman approached Jones and asked, "Is there a problem?" (Tr. 127.)

39. Jones responded, "What are you talking about?" (Tr. 127,129.)

40. Holman told Jones, "I need to know if you're talking about me," and "Keep my name out of your mouth." (Tr. 129, 215, 219; CX7.)

41. As Holman admits, Jones replied, "Osiris, you're drunk. You need to go." Jones added, "Get the 'f' out of my face." Holman refused to leave, however. He told Jones, "No, I'm not leaving." (Tr. 129, 174, 175, 178, 250-53; CX6, 7.)

42. At some point, Holman accused Jones of being prejudiced. Jones point out that they were both black. (Tr. 229-32.) Holman then accused Jones of being prejudiced against gay people. (CX7.)

43. Jones did not know Holman was gay until after he had started to evict him from the club, when Holman accused Jones of being prejudiced against gays. (Tr. 219, 233.)

44. Jones was surprised to learn that Holman was gay because he had frequently seen Holman socializing with women at the club. (Tr. 223.)

45. Holman's friend, cocktail waitress Cheryl Flagg, knew Holman was gay only because he had told her privately. Until then, Flagg did not know Holman was gay. (Tr. 261, 262.)

46. Before the altercation turned physical, Jones pointed out it was almost closing time and told Holman he had to leave. Holman continued to refuse to leave, however. Because he did not believe he had done anything wrong, he felt justified in staying. (Tr. 129, 176-78, 221.)

47. As Jones was trying to persuade Holman to leave the club, Holman said, "I'm not going no mother fucker no where." (Tr. 229-232.)

48. As Holman admits, he was agitated and angry from the words he thought he had heard, and the verbal confrontation with Jones quickly turned into a physical confrontation, with each man shoving the other. (Tr. 129, 130, 173, 187, 221; CX7.)

49. Jones is six-foot-two and weighs between 212 and 222 pounds. (Tr. 225-26.) Holman is not nearly as large. (Hearing Officer observation.)

50. At some point during the scuffle, Jones swung his fist and hit Holman hard on the left side of his face; and then Jones hit him again. (Tr. 131, 135, 222, 235; Joint Ex. 1 at 11.)

51. Holman believed that Jones was carrying a large metal object, perhaps a blackjack or flashlight, in his right hand. He was frightened. (Tr. 132, 134.)

52. Holman was knocked to the floor, but he got back on his feet; then Jones, with the assistance of one or two other security guards, maneuvered Holman out of the club. (Tr. 133, 135, 222.)

53. Holman had brought a bag containing personal items, including a cell phone, with him that night. A college friend who was present tossed it to him as he was being ejected. (Tr. 136, 253.)

54. As Holman grabbed his bag, he realized he was bleeding. (Tr. 136.)

55. Holman pulled his cell phone from his bag and called the police and an ambulance. (Tr. 137-38.)

56. By this time, Jones had alerted Respondent's manager, Jay Aldrete, to the fracas, and he arrived at the scene and called 9-1-1. (Tr. 30, 86; CX8.)

57. Upon Aldrete's arrival, Holman was still combative and aggressive. (CX8.)

58. When the police arrived, Holman told them, screaming, that he was the victim of discrimination based on his status as a homosexual. (Tr. 138.)

59. Paramedics examined Holman and he was taken to Northwestern Memorial Hospital's emergency room, where he was x-rayed and treated. (Tr. 138-39; Joint Ex. 1.)

60. He suffered severe injuries, including seven fractures of his facial bones. (Tr. 140; Joint Ex. 1.)

61. Holman spent the night and half the next day in the emergency room, missing twenty-three hours of work. He had trouble seeing from his left eye for a number of days after being released from the hospital. (Tr. 142-43; Joint Ex. 1.)

62. He suffered a great deal of pain and was left with some small permanent scars, which the Hearing Officer observed. (Tr. 142-43.)

63. After Holman left in the ambulance, Aldrete asked Jones to prepare a statement describing what happened, and Jones prepared one. (Tr. 214; *see* CX7.)

64. Aldrete himself prepared Complainant's Exhibit 8 to summarize the incident. (Tr. 31, 214-15, 228, 242.)

65. Later that week, Respondent's managers asked Jones to meet with them to discuss the incident further, but he declined to do so. (Tr. 64, 241.)

66. Jones worked for Respondent another day or two after the incident, but he did not return to the Funky Buddha after that. Jones received another job offer, to be head of security at another club where a former manager of the Funky Buddha was now working, and he began his new job within two weeks of the incident. (Tr. 240, 242, 243.)

- **CIRCUMSTANTIAL EVIDENCE REGARDING JONES' DISCRIMINATORY ANIMUS**

67. It is undisputed that Holman had never complained about Jones to the Funky Buddha's management before August 7, 2006, and until then, he had never seen Jones treating anyone discourteously. (Tr. 154.)

68. Jones had no problem working with gay men; in fact, many of Jones's co-workers were gay. (Tr. 57-58, 205-06.)

69. Jones's boss, Jay Aldrete, was a female-to-male transsexual who was employed by Respondent until September 2007. (Tr. 14-15.)

70. Aldrete had observed Jones interact with management, co-workers (including gay co-workers), and the public in general, which includes many gay patrons; he got to know Jones well. (Tr. 43, 57-58, 213.)

71. Aldrete never saw anything that suggested Jones had a problem with gay men, nor did he ever hear any complaint relating to Jones's treatment of gay men. (Tr. 59, 67.)

72. Aldrete believed that if a security guard were heard to make a derogatory statement about a patron's sexual orientation, it would not have been tolerated, because hostility based on sexual orientation would violate one of Respondent's basic policies. (Tr. 55-56.)

73. Waitress Cheryl Flagg had observed Jones socializing with gay men at the club, and she never noticed him treating anyone differently based on sexual orientation. (Tr. 250-51.)

74. Flagg would have been surprised if Jones had made the statement Holman believes he heard; she believes that most people didn't know the sexual orientation of others at the club. (Tr. 254.)

75. Flagg never heard Jones comment about Holman, except to praise his performances. In fact, Flagg never heard anyone criticize Holman right up through the evening of the incident; she believes Holman was well-liked by Respondent's staff. (Tr. 254, 260.)

76. A former customer of the Funky Buddha, Robin Petrovich, testified by telephone. (Her testimony was taken over Respondent's objection, however.) Petrovich testified that Jones had hit her on the head with a flashlight in 2005, when she was at the Funky Buddha with five or six other women, none of whose sexual orientation she knows except for one who identified herself as heterosexual. (Tr. 330-31.)

77. Petrovich identifies herself as “queer” but testified that she might be considered bisexual by others. (Tr. 330.)

78. Based on how she appeared that night in 2005, however, Petrovich has no way of knowing whether anyone would have known her sexual orientation. (Tr. 338-39.)

79. The attack with the flashlight occurred after Petrovich had an altercation with another woman over the fact that Petrovich was sitting in a reserved seating area. (Tr. 332-33.)

80. Petrovich sued the Chicago Police Department for assault, but she did not sue the Funky Buddha or Jones. (Tr. 340, 342-43.)

81. Petrovich’s testimony was largely irrelevant.

- **ULTIMATE FACTUAL CONCLUSION**

82. Although Holman honestly believed that Jones called him a “gay mother fucker,” Jones never made that or any similar disparaging statement about Holmes’s sexual orientation.

II CONCLUSIONS OF LAW

A. The Ordinance and the Burden of Proof

Section 2-160-070 of the Chicago Human Rights Ordinance provides, in relevant part:

No person that owns, ... 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...sexual orientation....

There is no dispute that Respondent is a “public accommodation” within the meaning of the Ordinance, §2-160-020(i), because it provides services to the general public.

For Complainant to establish a claim of discrimination based on sexual orientation in public accommodations under the Ordinance, he must first prove the *prima facie* case, namely that:

- (a) He is a member of a protected class (he is gay);
- (b) He sought to avail himself of the services provided by the public accommodation (he tried to enjoy the services of the Funky Buddha on the night of August 6-7); and
- (c) He was denied those services (or subjected to less favorable terms and conditions of service).

See, e.g., *Carter v. C V Snack Shop*, CCHR No. 98-PA-3 (Nov. 18, 1998); *Jordan v. National Railroad Passenger Corp.*, CCHR No. 99-PA-34 (Feb. 19, 2003).

Once Complainant has established his *prima facie* case, the Respondent may articulate a non-discriminatory explanation for its actions. If Respondent does that, Complainant has the burden to show that the true reason for the denial or restriction of the services was discriminatory, for example, by showing that Respondent's explanation is pretextual or otherwise unworthy of belief. As *Jordan*, at 4, explains, sexual orientation discrimination requires proof that Respondent was aware of Complainant's sexual orientation and that this motivated the denial or restriction of services. It is Complainant's burden to establish the claim by a preponderance of the evidence. See, e.g., *Brennan v. Zeeman*, CCHR No. 00-H-5, 2003 WL 23529497 (Feb 19, 2003).

B. The *Prima Facie* Case

Uncontested evidence at the Administrative Hearing established the following: Complainant is gay; he was under the influence of alcohol when the incident occurred; there was a physical altercation between Holman and Jones; Jones struck Holman in the head twice, causing him serious injury, in violation of Respondent's policies; and Jones ejected Holman from the Lounge. There is also no dispute that ejecting a patron from the Lounge was a denial of a public accommodation within the meaning of the Ordinance. Holman has established his *prima facie* case.

C. Respondent's Explanation of Its Actions

It is contested whether Jones knew Holman was gay and whether he ejected him due, at least in part, to discriminatory animus. Jones denied that he knew Holman was gay at the time the remark was allegedly made and at any time before Holman accused him of discriminatory treatment on August 7, 2006. Not only is it understandable that Jones did not know Holman was gay before, but it is consistent with all the other evidence in this case. Nothing in Holman's demeanor at the Hearing advertised his sexual orientation one way or another. Even Holman's friend, Cheryl Flagg, testified that she did not know Holman was gay until he told her privately. Jones was not present when Holman read his poem, "You're Too Gay to Be Straight, and Too Straight to Be Gay," and Jones had seen Holman interacting socially with women and had never drawn the conclusion that he was gay. There is no evidence that suggests Jones had any knowledge of Holman's sexual orientation before he attempted to eject Holman and Holman began resisting. If Jones had harbored discriminatory animus, it would be difficult to reconcile with his choice of jobs, his choice of friends, and his success as an employee in an atmosphere that so enthusiastically welcomed people of diverse sexual orientations.

As for Jones' motivation in ejecting Holman, the evidence establishes that Holman had far too much to drink that night and was behaving in an uncharacteristically combative fashion. Consistent with club rules, it was Jones' job to get him to leave. The only evidence that supports a finding of discriminatory animus is Holman's own testimony about the discriminatory remark. If the Commission believed that Jones made that remark, it might well conclude that such an animus caused Holman's eviction. Yet, no one but Holman—not even the disc jockey who was equidistant

from Jones when Holman thought the remark was made—has come forward with testimony supporting Holman’s allegation that Jones made the alleged remark.⁴

D. Whether Complainant Satisfied His Burden

The determination by the finder of fact that Jones did not make the alleged remark is also supported by the circumstantial evidence presented in this case. It is uncontroverted that the Funky Buddha not only welcomed but celebrated diversity in sexual orientation, among other characteristics. A large number of Respondent’s customers were gay, bi-sexual, and/or transgender; and its staff was also diverse. Security guard Jones had worked in this environment for many years, and witnesses for both Complainant and Respondent confirmed that he got along with everyone, gay or straight, staff or customer. Even Holman confirmed that he had no reason to suspect homophobic bias by Jones before August 7, 2006; and Holman had been coming to the club for years. While Holman was generally nervous around Jones, who had asked him to leave for minor rules violations on some prior occasions, Jones had never shown any bigotry toward Holman. In fact, Jones had told others that he enjoyed Holman’s poetry.

This is not to say that Holman was lying. Holman sincerely believed that he heard the alleged remark. Holman was particularly sensitive that night, however, because he had just made a public statement about his sexual orientation. He admitted that he was expecting discrimination after reading his poem. That situation, coupled with his inebriated state, had left him tongue-tied for several moments after getting to the microphone. Even though his poetry reading went well after his initial hesitation, his emotional state left him vulnerable to mishearing an innocent remark, and his fear of retaliation left him vulnerable to thinking he heard a hostile one. This problem was no doubt compounded by the noisy atmosphere at the club. Holman’s uncharacteristically aggressive behavior toward a much larger person, Jones, was also likely caused by his emotional state and his drinking.

Thus, although Complainant proved his *prima facie* case, Respondent has articulated a legitimate non-discriminatory reason for removing him from the premises, namely, that was under the influence of alcohol and was acting in an aggressive fashion. Respondent has also presented evidence that the agent who removed him from the premises had no knowledge that Holman is gay until his ejection of Holman began, and thus could not have had the requisite discriminatory animus before that moment. Complainant has been unable to establish, by a preponderance of the evidence, that a real reason for his ejection is discrimination based on sexual orientation.

Holman was mistaken that his ejection was based on his state of inebriation and aggressive conduct, not his sexual orientation. Although Jones’s refusal to return to the Funky Buddha to meet with the managers, as requested, could be attributable to guilt for discrimination, there are other possibilities as well: (1) he had another job offer and thus had no need to return to the Funky

⁴ Complainant’s argument (Closing Submission at 4) that Jones never denied making the discriminatory statement is not correct. As the transcript shows, when asked whether he had uttered the alleged words, Jones’s response was, “Never.” (Tr. 219.) In addition, the Hearing Officer’s observations of Jones’s body language and her ability to observe his facial gestures and tone of voice made clear to her that Jones’s denial was absolute.

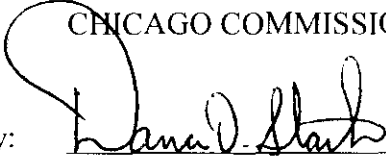
Buddha; and (2) he knew he had violated a rule of the Funky Buddha by striking a customer, regardless of the motivation. Likewise, Jones' excessive use of force is more likely attributable to any number of reasons, including Holman's physical resistance to Jones's attempts to remove him peacefully from the premises. There was nothing pretextual about Respondent's explanation for Jones' conduct; Respondent admitted that it violated the Funky Buddha's code of conduct, even though Jones was acting pursuant to his duties in evicting an inebriated patron. Although the assault certainly appears excessive, it is not true, as Complainant suggests in his Objections, at 2, that the assault (whether with or without an implement) is "circumstantial evidence of discriminatory animus."⁵ The two have no necessary connection, and there is no evidence to suggest that Jones habitually takes violent action against people he knows to be gay as opposed to others. The fact that Jones struck Holman twice does not make it more likely that his motive for striking Holman was anti-gay discrimination.

In light of all the evidence, other motives more likely motivated Jones's assault, not discriminatory animus. The Complaint has not been proved by a preponderance of the evidence, and so the Commission must find in favor of Respondent.

IV Conclusion

For these reasons, the Commission adopts the hearing officer's recommendations and finds for Respondent.

CHICAGO COMMISSION ON HUMAN RELATIONS

By:  _____
Dana V. Starks, Chair and Commissioner

⁵ Circumstantial evidence is evidence from which the fact-finder may infer facts that "usually and reasonably follow according to common experience." *Commerce Union Bank v. Midland Nat. Ins. Co.*, 53 Ill. App. 2d 229, 239, 202 N.E.2d 688, 693 (1964); *Devine v. Delano*, 272 Ill. 166, 180, 111 N.E. 742, 748 (1916). See also *Golden v. Big Bear Foods, Inc.*, 102 Ill. App. 2d 237, 246, 243, N.E.2d 730, 735 (1968) (holding that the fact-finder may determine which inferences to draw from the circumstantial evidence).