STATE OF ILLINOIS DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF:)	CHARGE NO.	2009CN2171
RICKY SPAIN,)	EEOC NO.	N/A
CC	OMPLAINANT,)		
AND)		
MERTES CONTRACTING COM	IPANY,)		
RE	SPONDENT.)		

NOTICE OF DISMISSAL FOR LACK OF JURISDICTION AND LACK OF SUBSTANTIAL EVIDENCE

Ms. Danielle Smith, Esq. Stanley L. Hill & Associates, PC Attorneys at Law 651 West Washington Blvd, Suite 205 Chicago, IL 60661

Mr. Cary Schwimmer Law Offices of Cary Schwimmer Attorneys at Law 1922 Exeter, Suite 5 Germantown, TN 38138

Mr. Ricky Spain 135 Concord Drive South Oswego, IL 60543

DATE OF DISMISSAL: September 23, 2009

DISMISSAL FOR LACK OF JURISDICTION

1. YOU ARE HEREBY NOTIFIED that based upon the enclosed investigation report, the DEPARTMENT OF HUMAN RIGHTS (DHR) has determined that there is NOT jurisdiction to pursue allegation(s) B of the charge(s). Accordingly, pursuant to Section 7A-102(D) of the Human Rights Act, Illinois Compiled Statutes (775 ILCS 5/3-101 et. seq.), and the Rules and Regulations of the DHR (56 III. Adm. Code. Chapter II, Section 2520.560), the charge is HEREBY DISMISSED.

DISMISSAL FOR LACK OF SUBSTANTIAL EVIDENCE

2. YOU ARE HEREBY NOTIFIED that based upon the enclosed investigation report, the DEPARTMENT OF HUMAN RIGHTS (DHR) has determined that there is NOT substantial evidence to support allegation(s) A, C of the charge(s). Accordingly, pursuant to Section 7A-102(D) of the Human Rights Act, Illinois Compiled Statutes (775 ILCS 5/1-101 et. seq.), and the Rules and Regulations of the DHR (56 III. Adm. Code. Chapter II, Section 2520.560), the charge is HEREBY DISMISSED.

SEE INVESTIGATION REPORT ATTACHED

(continued on page two)

NOTICE OF DISMISSAL FOR LACK OF JURISDICTION AND LACK OF SUBSTANTIAL EVIDENCE

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PROCEDURE

- 3. If Complainant disagrees with this action, Complainant may:
 - a) seek review of this dismissal before the Illinois Human Rights Commission, 100 West Randolph Street, Suite 5-100, Chicago, Illinois, 60601, by filing a "Request for Review" with the Commission, by the Request for Review filing date below. Respondent will be notified by the Human Rights Commission if a Request for Review is filed.

REQUEST FOR REVIEW FILING DEADLINE DATE: October 27, 2009

Or,

5.

b) commence a civil action in the appropriate state circuit court within ninety (90) days after receipt of this Notice. A complaint should be filed in the circuit court in the county where the civil rights violation was allegedly committed.

Please note that the Department cannot provide any legal advice or assistance. Please contact legal counsel, your city clerk, or your county clerk with any questions.

4. Complainant is hereby notified that the charge(s) will be dismissed with prejudice and with no right to further proceed if a timely request for review is not filed with the Commission, or a written complaint with the appropriate circuit court.

If an EEOC charge number is cited above, this charge was also filed with the Equal

Employment Opportunity Commission (EEOC). If this charge alleges a violation under Title VII of the Civil Rights Act of 1964, as amended, or the Age Discrimination in Employment Act of 1967, Complainant has the right to request EEOC to perform a Substantial Weight Review of this dismissal. Please note that in order to receive such a review, it must be requested in writing to EEOC within fifteen (15) days of the receipt of this notice, or if a request for review is filed with the Human Rights Commission, within fifteen days of the Human Rights Commission's final order. Any request filed prior to your receipt of a final notice WILL NOT BE HONORED. Send your request for a Substantial Weight Review to EEOC, 500 West Madison Street, Suite 2000, Chicago, Illinois 60661. Otherwise, EEOC will generally adopt the Department of Human Rights' action in this case.

PLEASE NOTE: BUILDING SECURITY PROCEDURES PRESENTLY IN PLACE DO NOT PERMIT ACCESS TO EEOC WITHOUT AN APPOINTMENT. IF AN APPPOINTMENT IS REQUIRED, CALL 312-353-2713 OR 1-800-669-4000.

DEPARTMENT OF HUMAN RIGHTS