

¹ This order is entered pursuant to a 3-0-0 vote by the Commissioners.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF: ITRET HUSSAIN SYED, Complainant, v. RAJ G. SHEKAR and PUSHPA M. SHEKAR, Respondents.	IDHR Charge No.: 2021-CH-0998 HUD No.: 05-21-1623-8 ALS No.: 23-0237 Chief Administrative Law Judge Brian Weinthal
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RECOMMENDED ORDER AND DECISION

On September 20, 2023, a three-member panel of the Illinois Human Rights Commission entered a default order against Respondents Raj G. Shekar and Pushpa M. Shekar, finding that Respondents were liable for violations of the Illinois Human Rights Act that had been committed against Complainant Itret Hussain Syed. *See* Default Order at 2 (entered Sept. 20, 2023). Specifically, the three-member panel of Commissioners determined that upon Respondents’ failure to participate in the investigation of the perfected charge of discrimination that had been filed by Complainant on January 28, 2021 (Charge No. 2021-CH-0998), Respondents were “deemed to have committed the civil rights violations alleged in Charge No. 2021-CH-0998” and could “now be held liable for any damages successfully proven by the Complainant in a hearing on damages.” *Id.* The underlying charge filed by Complainant (a real estate broker) alleged that Respondents had engaged in religious discrimination and intimidation under Article 3 of the Human Rights Act in connection with the prospective showing and sale of Respondents’ home.

On March 11, 2024, this case came before me for a public hearing on damages. *See* Transcript of H'rg ("Tr.") at 1, ALS No. 23-0237 (Mar. 11, 2024). Complainant appeared and introduced evidence and testimony through counsel. Respondents, on the other hand, refused to attend the public hearing and further failed to comply with any order issued by this administrative court at any time during the pendency of these proceedings. In fact, in what proved to be a portent of things to come, Respondents resisted one of the earliest orders entered in this matter by submitting a "Cease & Desist Warning" that referred to this administrative court as a "piece of shit" and invited me to "shove the January 2, 2024 order in your shit filled ass so far up you would choke." *See* Order, Ex. 1 at 1 (entered January 17, 2024). In the same submission, Respondents claimed that because they had previously listed their home as "[for] sale by owner," they were free to "kick" the "bastard [Complainant]" off their property at their "will and pleasure" because the "bastard [Complainant] is a Muslim." *Id.* at 2. With such statements constituting an unrepentant affirmation of the religious discrimination that had been attributed to Respondents in the underlying charge—and with Respondents waiving the opportunity to present mitigating evidence at the damages hearing that was held on March 11, 2024—I hereby order Respondents to pay damages to Complainant under the Human Rights Act as set forth in this opinion.

PROCEDURAL HISTORY

On January 26, 2021, Complainant filed a charge of discrimination with the Illinois Department of Human Rights that was subsequently perfected on January 28, 2021. *See* Petition for Default Order ¶ 1 (filed Aug. 29, 2023). Complainant's charge alleged religious discrimination and intimidation by Respondents in violation of Sections 3-102(A), 3-102(B), 3-102(F), and 3-105.1 of the Human Rights Act. *See id.* On February 1, 2021, the Department of Human Rights mailed a notice of the charge to Respondents' home address, located at 15 Eagle Court in

Streamwood, Illinois (60107). *Id.* ¶ 3. The notice of the charge was not thereafter returned by the United States Postal Service as “UNDELIVERABLE.” *Id.* On the contrary—the Department of Human Rights was immediately able to confirm that Respondents had received a copy of the charge, as Respondent Raj G. Shekar (“Mr. Shekar”) began e-mailing the Department’s staff on February 5, 2021, to protest the “frivolous” and “bogus” nature of the allegations. *Id.*

I. A Summary of Complainant’s Charge

As noted above, Complainant is a real estate broker. In his charge, Complainant alleged that on January 17, 2021, he attended a showing of Respondents’ home with two of his clients. *See id.*, Ex. A at 2. The showing had been scheduled in advance with Mr. Shekar, who jointly owned the dwelling located at 15 Eagle Court in Streamwood, Illinois with his wife, Respondent Pushpa M. Shekar (“Mrs. Shekar”). *See id.* Upon arriving at the Streamwood home with his clients, Complainant introduced himself to Mr. Shekar and indicated that he had an appointment to see the house. *See id.* Because one of Complainant’s clients was wearing a traditional Islamic head covering, Complainant claims that Mr. Shekar inquired: “Are you Muslim?” *Id.* When Complainant confirmed that this was his religion, Mr. Shekar purportedly began screaming that all Muslims were terrorists and that Complainant and his clients were to “get out of his house” (which they quickly did). *See id.* Following his rapid flight from the property, Complainant claimed that Mr. Shekar continued to harass and intimidate him in the aftermath of the exchange, sending threatening voicemail messages and e-mails that denigrated and demeaned Complainant based on his association with the Islamic faith. *See id.*

II. Respondents Frustrate the Investigation of the Charge

Respondents declined to file position statements with the Department of Human Rights in response to Complainant’s charge, electing instead to send vulgar, profanity-laced e-mails to the

staff of the Department to pressure staff members to “cease and desist” from any investigation of Complainant’s allegations. *See* Petition for Default Order ¶ 4 (filed Aug. 29, 2023). Such e-mails continued from March of 2021 through July of 2021, and eventually escalated to the point at which Mr. Shekar began mentioning the home addresses of Department staff members in his e-mail messages as a form of intimidation. *See id.* ¶¶ 4, 7. Mr. Shekar also sent various letters to the homes of Department personnel, including the Director of the Department of Human Rights (whose home address has been redacted by this administrative court from various filings that Respondents have attempted to submit in the instant case). *See id.* ¶ 7. Threats of default by the Department did not curb these behaviors, although Respondents’ continuing failure to file position statements or participate in the investigation of Complainant’s charge eventually prompted the Department to seek an order of default from the Human Rights Commission on August 29, 2023. *See id.* ¶ 18.

III. Respondents Refuse to Attend Hearings Before this Administrative Court

Following the entry of the default order that was subsequently issued by the Commission on September 20, 2023, this matter was placed on my docket on December 5, 2023, with the direction for me to conduct a public hearing on damages. *See* Order (entered Dec. 5, 2023). On December 6, 2023, I entered an order setting an initial status hearing on February 6, 2024, at 10:00 a.m. *See* Order (entered Dec. 6, 2023). Respondents received a copy of that order, as they thereafter filed both a motion to dismiss and a motion for summary judgment on December 29, 2023. *See* Petition to Dismiss Any and All Proceedings in the Administrative Law Division and the Agency IDHR for Lack of Jurisdiction (filed Dec. 29, 2023). Although both motions were denied on January 2, 2024, *see* Order (entered Jan. 2, 2024), Respondents failed to attend the initial status hearing that was conducted on February 6, 2024. *See* Order (entered Feb. 6, 2024).

Without Respondents present at the initial status hearing to either request discovery or propose alternative hearing dates, this administrative court worked exclusively with Complainant's counsel to schedule the public hearing on damages, which (after discussion) was set for March 11, 2024, at 10:00 a.m. *See id.* On or before March 1, 2024, all parties to this action were required to file and serve lists indicating: (a) the documents and/or exhibits that each party intended to introduce at the damages hearing; and (b) the witnesses that each party intended to call. *See id.* Complainant complied with this instruction, whereas Respondents ignored it. Respondents also declined to appear at the damages hearing that was convened on March 11, 2024, whereupon the hearing went forward in their absence. Because Respondents were properly served with notice of the date, time, and location of that hearing, I concluded (as I do again in this opinion) that Respondents' refusal to attend the damages hearing acted as an affirmative waiver of their opportunity to offer evidence or testimony in opposition to the damages that were requested by Complainant on March 11, 2024.

IV. Respondents Submit Various Written Comments About Complainant

While they neglected to appear at the damages hearing that was held on March 11, 2024, Respondents filed a number of pleadings in this case, including: a motion for dismissal; a motion for summary judgment; a notice of appeal; a motion to recuse; and various "notices" intended to communicate extra-legal information to this administrative court. While the majority of Respondents' pleadings were irrelevant or non-meritorious, I note that in numerous places, Respondents made comments about Complainant in their pre-hearing submissions that were openly critical of Complainant's adherence to Islam. While several of these statements directly referenced the fact that Complainant is Muslim, others drew on bigoted stereotypes and

preconceptions to offer personal offense. A small sampling of the invectives lobbed by Respondents includes:

- that Complainant is a “terrorist with links to Al Qaeda,” (Dec. 29, 2023);
- that Complainant is the “former ‘*mistress*’ of Saddam Hussain (an international terrorist),” (Dec. 29, 2023) (emphases in original);
- that Complainant “has links to terrorist network in Pakistan,” (Dec. 29, 2023);
- that Complainant is “a decedent [sic] of Saddam Hussein and closely linked to Osama Bin Laden while hiding as exile in Pakistan,” (Dec. 29, 2023);
- that Complainant is a “violent terrorist felon from Pakistan,” (Dec. 29, 2023);
- that Complainant’s “‘notorious’ name Hussain identify him as a Terrorist Muslim descent,” (Dec. 29, 2023);
- that “any adult since 9/11 knows the felon Hussain is a Muslim name . . . just like Saddam Hussain,” (Dec. 29, 2023);
- that Complainant is a “terrorist Muslim felon,” (Dec. 29, 2023);
- that because Respondents previously listed their home as “[for] sale by owner,” they were free to “kick” the “bastard [Complainant]” off their property at their “will and pleasure” because the “bastard [Complainant] is a Muslim,” (Jan. 17, 2024);
- that Complainant is “a Pakistani terrorist felon with numerous aliases,” (Feb. 1, 2024); and
- that this case is a “pile of shit from stinky ass Muslim bastard felon Hussain a/k/a Syed Itret Hussain,” (Mar. 8, 2024).

While the foregoing insults and personal slanders were not raised or addressed by Complainant at the damages hearing (as they were not included in the underlying charge), this administrative court entered the damages hearing fully cognizant of Respondents’ contempt and derision for the Islamic faith, which was highlighted (ironically) to a far greater degree in Respondents’ pleadings in this matter than in Complainant’s charge.

V. Respondents Fail to Oppose Complainant's Attorney Fee Petition

Complainant submitted ample evidence of his attorneys' fees at the public hearing on March 11, 2024. Nevertheless, after the public hearing, this administrative court directed Complainant's counsel to file a stand-alone fee petition on or before April 5, 2024. *See* Order (entered Mar. 11, 2024). Complainant's counsel timely filed the requested fee petition, as instructed. *See* Fee Petition (filed Apr. 2, 2024). Although Respondents thereafter submitted individual oppositions to Complainant's fee petition on April 18, 2024, Respondents' pleadings offer nothing more than immature and inappropriate statements to refute Complainant's request for fees, such as the comment that Complainant's "fees statement" should really have been labeled a "feces statement." *See* Opposition/ Objection of R. Shekar at 7 (filed Apr. 18, 2024). Respondents' oppositions also take the opportunity to reaffirm their view that this case is "*a pile of shit* from stinky ass Muslim bastard and felon Hussain." *See id.* at 8 (emphasis in original). Accordingly, in light of their failure to assert appropriate objections to the imposition of fees, I find that Respondents have waived any available arguments in opposition to the attorneys' fees sought by Complainant in maintaining this action before the Department of Human Rights or the Illinois Human Rights Commission.

FINDINGS OF FACT

Complainant took the stand on March 11, 2024, to offer testimony regarding his various interactions with Respondents. While Complainant's testimony was consistent with the allegations that had been made in his underlying charge, he provided additional details from the witness stand that underscored the harrowing and traumatic nature of the initial exchange he had with Respondents on January 17, 2021. Complainant also offered evidence and testimony that

demonstrated the *astounding* lengths to which Respondents went to harass and intimidate him on the basis of his religion in the aftermath of his flight from Respondents' home on January 17, 2021.

I. The Events of January 17, 2021

Complainant has been a licensed real estate broker for over twenty-four (24) years. *See* Tr. at 19:24–20:2. He operates a local real estate business from an office located in Glendale Heights, Illinois. *See id.* at 20:3-4. On January 16, 2021, Complainant responded to a public listing he observed on the Multiple Listing Service (or “MLS”) that showed a single-family home for sale at 15 Eagle Court in Streamwood, Illinois (60107). *See* Tr., Ex. D at 1. Reaching out to the owner (Mr. Shekar) by e-mail, Complainant asked if he and his clients could see the home at 12:00 p.m. or 12:30 p.m. on January 17, 2021. *See id.* Mr. Shekar agreed. *See id.* at 2.

When Complainant arrived at Respondents' residence with his clients (a husband and wife) on January 17, 2021, he rang the doorbell, at which point Mr. Shekar answered the door. *See* Tr. at 21:9-16. Complainant introduced himself to Mr. Shekar and indicated that he had an appointment to see the home. *See id.* at 23:18-23. Standing just inside the entranceway of the house with his clients slightly behind him, *see id.* at 23:24–24:2, Complainant could see Mr. Shekar (who was directly in front of him) and also Mrs. Shekar—who was initially standing a distance away but then came towards the door during this dialogue. *See id.* at 22:12-18. Mr. Shekar then asked Complainant: “Are you a Muslim?” *Id.* at 24:4-7.

Complainant was understandably caught off-guard by the question, as he had never been asked to verify his religion in the 20+ years for which he had been working as a real estate broker. *See id.* at 25:1-4. While Complainant would later reflect (correctly) that Mr. Shekar had no right to ask that question in the context of a real estate transaction, Complainant responded to the inquiry in the moment by confirming that he was indeed a follower of Islam. *See id.* at 21:22–22:2. Upon

this admission by Complainant, Mr. Shekar began “screaming,” “slandering,” and “cursing” at Complainant and his clients, shouting that all Muslims were “terrorist[s]” and that they were to immediately leave his home. *See id.* at 22:3-8; 25:7-9. Seconds after Mr. Shekar’s tirade began, Mrs. Shekar joined in the harangue, accusing Complainant of being a “Muslim terrorist” and rhetorically questioning: “[H]ow dare you come into our house?” *Id.* at 64:1-10.

Not surprisingly, Complainant and his clients felt “threatened” by Respondents’ unbalanced reactions and were instantly “in fear” for their safety (as they were uncertain whether Respondents’ behavior would escalate or whether Respondents had a weapon in their home). *See id.* 25:1-15. Complainant and his clients fled Respondents’ residence in a hurry and ran towards their car. *See id.* at 25:10-11. Yet so unhinged was Mr. Shekar at this point that he actually followed Complainant and his clients outside and towards the driveway of the house, directing a continuous stream of bigoted Islamic epithets towards the group as they attempted to retreat to their vehicle. *See id.* at 24:11-16. When they reached their car, Complainant and his clients quickly closed the doors and drove away, hoping they would not have to endure any further exchanges with Respondents. *See id.* at 26:5-7.

II. Mr. Shekar’s Voicemail of January 17, 2021

Mere hours after Mr. Shekar faded from sight in Complainant’s rearview mirror, he (Shekar) left a ranting voicemail on Complainant’s cell phone that can only be described as vulgar and discriminatory. In relevant part, the message stated:

You fucking Pakistani motherfucker, Syed Hussain, bastard, if you come near my place within five hundred feet police have (sic) notified to have you arrested! I have taken a picture of your license plate number, you bloody cock-sucking motherfucker Muslim Pakistani terrorist motherfucker! I will sue your motherfucking ass off!

Tr., Ex. F (transcription of voicemail from Jan. 17, 2021). The foregoing voicemail was played in court on Complainant’s cell phone, and featured Mr. Shekar screaming at the top of his lungs

during the delivery of each line quoted above. Although Complainant submitted a recording of the call as an exhibit, the data file would not play on this administrative court's laptop, so I ordered Complainant to file a verified transcript of the call (which he did on March 13, 2024). I thereafter admitted the transcription as Exhibit F in this matter. Because he immediately feared for his personal safety after receiving Exhibit F on January 17, 2021, Complainant gave a copy of the voicemail message to the Streamwood Police Department (although there is no evidence that the authorities subsequently took action or otherwise intervened). *See* Tr. at 55:8-14.

III. Mr. Shekar's Initial E-mail Messages

Apparently believing that a belligerent voicemail message was insufficient to fully communicate his views on Complainant's religious beliefs, Mr. Shekar began e-mailing Complainant on January 17, 2021, both before and after he called Complainant. In the initial e-mail he sent to Complainant, Mr. Shekar wrote:

Subject: Cocksucking muslim motherfucker

Motherfucking cocksucking Pakistani Muslim bastard Hussain cocksucker:

To: cocksucking, ass fucking Muslim motherfucker , Pakistani Terrorist, fucking bastard and eunuch born to thousand fathers , shit face felon Syed Hussain . . . a/k/a cocksucker a/k/a asshole fucker a/k/a motherfucking bastard Syed Hussain:

COCKSUCKING MUSLIM MOTHERFUCKER, YOUR LICENSE PLATE GIVE TO POLICE AND THE PHOTO OF YOUR FELON MUG SHOT SHIT FACE GIVEN TO POLICE FUCKING BASTARD SHIT HOLE, IF YOU COME NEAR MY PLACE WITHIN 1000 FEET YOU WILL BE ARRESTED. I WILL BE SUING YOU COCKSUCKING MOTHERFUCKER BORN TO THOUSAND FATHERS SOON.

Tr., Ex. D at 3-4 (emphases in original). A second e-mail was sent less than two hours later, and featured the same subject line ("Cocksucking muslim motherfucker"). *See id.* at 3. In that later message, Mr. Shekar threatened:

MOTHERFUCKER HUSSAIN, ARE YOU ONE OF THE BASTARDS BORN TO SADDAM HUSSAIN, POLICE AND FBI WILL CONTATING YOU SOON.

SEE YOU IN COURT . . . WATCH FOR SHERIFF TO KNOCK THE DOOR FOR SUMMONS.

Id. (emphases in original). As an added form of intimidation, the messages sent by Mr. Shekar on January 17, 2021, made direct reference (by name) to a member of Complainant's family. *See id.* at 3-4.

For days, Mr. Shekar continued to transmit menacing e-mails to Complainant, several of which employed misleading and overtly deceptive practices to frighten Complainant and heighten his emotional distress. For example, on January 21, 2021, Mr. Shekar sent an e-mail to Complainant from a "Proton Mail" address supposedly belonging to the "Prism Detective Agency." *See id.* at 5. After reiterating his standard religious hate-speak, Mr. Shekar (who was pretending to write on behalf of the investigative agency) claimed that Respondents were working with state authorities to have Complainant arrested and charged with a crime:

From: <prismdetectiveagencyAG@protonmail.com>
Date: Thu, Jan 21, 2021 at 9:33 p.m.
Subject: FW: Criminal fraud of impersonating to be a broker – Syed Hussain, a Pakistani citizen, likely belong to a terrorist organization
To: [Complainant]

Cocksucking, fuckface, shit eating motherfucker Pakistani Muslim bastard Syed Hussain, son of a bitch and with thousand fathers including Saddam Hussein ..., DO NOT LEAVE TOWN, WE WILL BE SERVING SUMMONS ON THE LAW SUING YOUR MOTHERFUCKING, COCK SUCKING FAGGOT , We are also meeting with DuPage county STATE'S ATTORNEY Mr.,Berlin to have you INDICTED and ARRESTED.

Prism Detective Agency AG

Id. (emphases in original). Respondents are not licensed private investigators, nor are they affiliated in any manner with an agency that provides such services. Moreover, neither the Illinois Secretary of State nor the Illinois Department of Financial and Professional Regulation ("IDFPR")

has any record of a “Prism Detective Agency” that is authorized to conduct business or investigations in the State of Illinois.

IV. Respondents Challenge Complainant’s Licensure with the IDFPR

While claiming that they were pressing to have Complainant arrested by state authorities, Respondents also attempted to impugn Complainant’s real estate brokerage license from the IDFPR by sending correspondence to the state agency that challenged Complainant’s credentials and his fitness to participate in the real estate industry. Although allegedly sent by a “J. Baker” on behalf of the “For Justice Clinic, Ltd.” (which does not exist according to the Illinois Secretary of State), a letter sent to the IDFPR on January 21, 2021, contended:

- that Complainant was a “Muslim who impersonated to be a real estate broker;”
- that Complainant did not possess a valid IDFPR real estate broker license;
- that Complainant’s legal status in America was unknown;
- that Complainant had stolen items from Respondents’ home;
- that Complainant had fled Respondents’ property as the police attempted to arrest him for criminal trespass;
- that Respondents were seeking the criminal indictment and arrest of Complainant through the DuPage County State’s Attorney;
- that Complainant was a “Pakistani Muslim” who was guilty of “attempted burglary,” “attempted theft,” “criminal trespassing,” and “impersonation to be a real estate broker without a license;” and
- that Complainant is “an endangerment and a criminal predator to the safety and security of homeowners who want to sell their homes by themselves.”

Tr., Ex. D at 8. As indicated above, while the letter was supposedly sent by a “J. Baker” on behalf of a fictitious organization, the language and phrasing of the correspondence were both identical to the harassing e-mail messages that Mr. Shekar had been sending to Complainant, including the

discriminatory insults he regularly used to describe Complainant (such as “felon,” “terrorist,” and “Pakistani Muslim”). *See id.* There is thus no question that Respondents sent the letter in an effort to sabotage Complainant’s professional affiliation and licensure with the IDFPR.

V. Respondents Sue Complainant... For the First Time

After the Illinois Department of Human Rights issued a Notice of Default against Respondents on May 30, 2023, *see* Petition for Default Order ¶ 16 (filed Aug. 29, 2023), Respondents sued Complainant—along with Complainant’s wife and son—on June 8, 2023, for defamation, tortious interference, and intentional infliction of emotional distress in the Circuit Court of Rock Island County. *See* Tr., Ex. D at 31 (Case No. 2023LA59) (filed June 8, 2023). Seeking \$60,000,000.00 (the majority of which represented a demand for “punitive damages”), the Rock Island lawsuit was filed on behalf of an entity called “Paramount Legal Services, Ltd.,” which was listed as an “Intervener (sic) Plaintiff” alongside “R.G. Shekar” as “Co-Plaintiff.” *Id.* “Paramount Legal Services” is another fictitious entity that does not exist in the State of Illinois (or elsewhere), although this did not stop Mr. Shekar from signing the Rock Island complaint on the nonexistent entity’s behalf as its legal representative. *See id.* at 51. To be clear—Mr. Shekar is not an attorney who is authorized to practice law in Illinois. While the signature block of the Rock Island complaint identifies Mr. Shekar as an “LL.B (Executive J.D),” *see id.*, the Attorney Registration & Disciplinary Commission (“ARDC”) has no record of any individual by that name (or by any similar name) who is permitted to practice law in any jurisdiction in this state.

The Rock Island complaint expressly repeated every discriminatory religious comment that Respondents had directed towards Complainant up to that date, including “Muslim bastard,” “Pakistani Muslim,” “Muslim . . . terrorist,” and “fucking Hussain is a Muslim just like Saddam Hussain.” Tr., Ex. D at 35, 47. At a cost of \$1,000.00, Complainant retained an attorney to defend

him in the lawsuit, *see* Tr. at 43:13-17, although his initial attorney of record quickly withdrew after Mr. Shekar began sending that attorney threatening e-mails and letters of the same type that Mr. Shekar had previously sent to Complainant. *See* Tr. at 43:18–44:9. The final straw for Complainant’s first attorney was apparently when Mr. Shekar sent harassing messages announcing that he knew where the attorney lived. *See id.* Thereafter, Complainant hired a second lawyer who successfully persuaded the Rock Island Circuit Court to dismiss the case with prejudice on December 1, 2023, after Mr. Shekar failed to appear. *See Paramount Legal Services, Ltd. et al. v. Syed et al.*, Dkt. Entry of Dec. 1, 2023, Case No. 2023LA59 (Cir. Ct. Rock Island Cty.) (“Case dismissed by Default with Prejudice.”). Complainant paid his second attorney \$6,734.73 to defend the Rock Island lawsuit, *see* Tr., Ex. C, although a motion for sanctions to recoup those fees is still pending in the now-closed case. *See* Tr. at 51:14–52:17.

VI. Respondents Sue Complainant... Again

After this administrative court entered its first order in this matter on December 6, 2023, Respondents sued Complainant for a second time on December 29, 2023—this time in the Circuit Court of Peoria County. *See* Tr., Ex. D at 52. The Peoria lawsuit was essentially identical to the Rock Island lawsuit in that it alleged the same causes of action (using the same text) and was asserted on behalf of “Paramount Legal Services” as the primary plaintiff. *See id.* As before, the Peoria complaint contained the anti-Islamic language that had been asserted in Rock Island and was signed by Mr. Shekar as though he was a practicing lawyer that was authorized to represent the fictional plaintiff corporation. *See id.* at 75. This time, however, Respondents demanded \$120,000,000.00 in damages in the action and named (as parties) Complainant, his real estate company, his clients, his son, and Complainant’s wife—who is referred to on the first page of the Peoria complaint as a “mistress,” a “prostitute,” a “sex worker,” and a “whore.” *See id.* at 52.

The Peoria lawsuit pended alongside this action for approximately sixty (60) days until it was dismissed with prejudice on February 29, 2024 (after Respondents neglected to appear at the initial status hearing). *See Paramount Legal Services v. Syed et al.*, Dkt. Entry of Feb. 29, 2024, Case No. 2023LA292 (Cir. Ct. Peoria Cty.). Much like the Rock Island lawsuit, the Peoria action appears to have been filed by Respondents to artificially inflate Complainant's litigation expenses in an effort to pressure him to drop his allegations of religious discrimination in the instant case. In fact—as discussed in greater detail below—after Respondents were unsuccessful in strongarming this “piece of shit” administrative court into dismissing this matter, they proceeded to name this administrative court (in my individual capacity) as an additional defendant in the Peoria lawsuit on January 24, 2024.

VII. Respondents' E-mail Harassment Remains Constant

During the public hearing, Complainant provided evidence showing that Mr. Shekar continuously harassed him by e-mail during the pendency of both the Rock Island and Peoria lawsuits. Among the various anti-Muslim slurs employed by Mr. Shekar were:

- “Pakistani Terrorist Muslim motherfucker;”
- “Muslim bastard;”
- “Muslim terrorist motherfucker;” and
- “piece of shit muslim bastard.”

Tr., Ex. D at 9, 11. Mr. Shekar also directed letters to Complainant's home that were addressed to the “Muslim Terrorist from Pakistan” on the envelope. *See id.* at 12. He (Mr. Shekar) also began to include references to Complainant's wife in his communications, referring to her in various messages as a “fucking stinky cunt Muslim prostitute.” *See id.* at 18. This effort to harass Complainant remained consistent (and frequent) for several years, with Complainant testifying on

March 11, 2024, that he had received another vulgar e-mail message from Mr. Shekar the evening before the public hearing. *See* Tr. at 36:19–37:15 (“He continues sending me email. Even he send me yesterday.”).

VIII. Complainant Testifies to the Impact of Respondents’ Behavior

Complainant described the many years of intimidation and harassment he endured from Respondents as “mental torture.” *See id.* at 26:12-15. Explaining that no one had ever treated him with such derision in his real estate career (or in his life overall), *see id.*, Complainant revealed that Respondents’ constant threats by phone, e-mail, and letter caused him to live the last several years of his life in perpetual fear for his safety and that of his family. *See id.* at 28:22–29:2. Complainant’s ongoing fears and anxieties made it impossible for him to sleep at night, which eventually required medication to address. *See id.* at 28:1-19. These worries became so extreme that Complainant eventually sought psychiatric treatment at the recommendation of his primary care physician. *See* Tr., Ex. A. Complainant also suffered additional physical stresses as the result of spikes in his blood pressure—which was already elevated (and under medical observation) before Complainant interacted with Respondents on January 17, 2021. *See* Tr. at 38:24–39:7.

Of paramount concern to Complainant was the fact that Respondents knew where he lived and worked. *See, e.g.,* Tr. at 26:16-23. While Complainant was able to tolerate the fears associated with this knowledge for a time, he testified that he hit an emotional breaking point when Respondents began to include his family members in the religious harassment that he was experiencing:

So it was a very kind of, you know, shocking experience. Being discriminatory, his attitude, his abusive attitude, his slandering attitude. It’s not only toward me. I can deal, you know, up to so -- so much.

But when it’s with my wife, when it’s with my kids. So it’s -- it’s kind of, you know, like a mental torture. You are living your life. Have fear in your life.

Id. at 57:16-24. To alleviate the apprehensions surrounding Respondents’ familiarity with his family’s whereabouts, Complainant actually moved to a new residence, which he confessed was driven in principle measure by the ongoing terror he was experiencing. *See id.* at 40:11-17. In an equally poignant and heartrending reflection, Complainant recalled that during the biannual discrimination training he was required to attend to renew his broker’s license, the instructor had assured him that no one could discriminate against another person during the selling of a home, as the only “color” that mattered in the State of Illinois was “green” (*i.e.*, the color of money). *Id.* at 57:7-11. Complainant lamented that these incidents had shaken his belief in that teaching, as he never thought that anyone could legally do the things that Respondents have done to him in the instant case. *See id.* at 57:11-14.

CONCLUSIONS OF LAW

I make the following conclusions of law based on the evidence introduced in this matter and the pleadings before me:

1. This administrative court has subject matter jurisdiction over this case and over the parties to this dispute.

2. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find by a preponderance of the evidence that at the time of the events recounted in Complainant’s underlying charge, Complainant and Respondents were engaged in a “real estate transaction” as that term is defined in Section 3-101(B) of the Illinois Human Rights Act. *See* 775 ILCS 5/3-101(B).

3. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find by a preponderance of the evidence that Respondents (as owners) refused to engage in a real estate transaction with Complainant on the basis of his

religion, in violation of Section 3-102(A) of the Illinois Human Rights Act. *See* 775 ILCS 5/3-102(A).

4. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find by a preponderance of the evidence that Respondents (as owners) altered the terms, conditions, and privileges of a real estate transaction with Complainant on the basis of his religion, in violation of Section 3-102(B) of the Illinois Human Rights Act. *See* 775 ILCS 5/3-102(B).

5. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find by a preponderance of the evidence that Respondents (as owners) published or caused to be published multiple statements reflecting an unlawful discriminatory preference or limitation for engaging in a real estate transaction with Complainant on the basis of his religion, in violation of Section 3-102(F) of the Illinois Human Rights Act. *See* 775 ILCS 5/3-102(F).

6. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find by a preponderance of the evidence that Respondents (as owners) committed civil rights violations by coercing, intimidating, threatening, and interfering with Complainant's exercise of his rights under Article 3 of the Illinois Human Rights Act, in violation of Section 3-105.1 of the Illinois Human Rights Act. *See* 775 ILCS 5/3-105.1.

7. As previously determined by the order of default that was entered by the Commission on September 20, 2023, I find that as the prevailing party in this matter, Complainant is entitled to recover damages and attorneys' fees from Respondents under Section 8B-104 of the Illinois Human Rights Act. *See* 775 ILCS 5/8B-104.

8. Respondents waived the opportunity to appear and present evidence at the public hearing on damages that was held in this matter on March 11, 2024. This waiver was made knowingly and voluntarily following proper service of an order issued by this administrative court announcing the time, date, and location of that public hearing.

9. Respondents waived any available legal arguments in opposition to the attorneys' fees that were requested by Complainant at the public hearing that was held on March 11, 2024. This waiver was made knowingly and voluntarily following proper service of an order issued by this administrative court directing Respondents to file any written objections to Complainant's fee petition on or before April 19, 2024.

DISCUSSION

Because Respondents were already found liable for violations of Article 3 of the Illinois Human Rights Act as a consequence of the default order that was entered on September 20, 2023, *see* Order (entered Sept. 20, 2023), the only remaining task before me is to determine the proper amounts of damages and attorneys' fees that should be paid to Complainant by Respondents under Section 8B-104 of the statute. *See* 775 ILCS 5/8B-104. However, before discussing the appropriate recoveries that will be awarded in this matter, I must first address my ability to render a neutral and impartial ruling in this case, as Respondents previously filed a motion demanding my "**immediate recusal**" after they attempted to add me as a party to the Peoria lawsuit. *See* Demand to Recuse and Disqualify at 2 (filed Feb. 1, 2024) (emphases in original). As explained below, I find that my objectivity in this matter is not subject to question merely because Respondents attempted to sue me in an external forum to preclude me from rendering a decision in the instant case. I also note that Mr. Shekar has formerly faced consequences (including criminal

contempt and arrest) for harassing judicial officers and court employees in other legal proceedings, so Respondents' tactic of beleaguering me in the current case is hardly novel or unique.

I. Respondents Threaten and Attempt to Intimidate This Administrative Court

Interestingly, Respondents' efforts to coax this administrative court into dropping and/or dismissing this action began several weeks before Respondents attempted to add me to the Peoria lawsuit. On January 13, 2024, Respondents transmitted to my state e-mail account an *ex parte* letter entitled "Cease & Desist Warning," which was neither filed with this administrative court nor served on Complainant. *See* Order, Ex. A (entered Jan. 17, 2024). In its concluding paragraph, Respondents' letter advised:

Any further threats, intimidation by you will have you arrested by FBI IMMEDIATELY. All we have to do is just call our contact at FBI if you ever made any contact, including if you don't step aside, though the matter is in Appeal jurisdiction. **DO NOT EVER CONTACT, COMMUNICATE WITH RESPONDENTS SHEKARS ELSE WE WILL HAVE YOU ARRESTED, IS THAT CLEAR "M.F." WEINTHAL?**

See id. at 3 (emphasis in original). Among the numerous other threats and insults contained in Respondents' letter were the following:

- that this administrative court is a "bench warning thug assigned to conduct the trash proceedings," *id.* at 1;
- that this administrative court should "shove the January 2, 2024 order in your shit filled ass so far up you would choke and returned here to help you shove," *id.*;
- that "ALJ" stands for "Asshole Lunatic Jerk," *id.*;
- that this administrative court is a "malpractice thug appointed to State office after you pathetic creature butt kissed, toe licked everybody you need to land on the lifelong f##### bench warming job," *id.*;
- that this administrative court "is not even an associate judge, just a scorpion venomous lawyer with less than ten years admission and hiding inside the coward veil of 'ALJ,'" *id.* (emphasis in original);

- that Respondents have previously “sued even Federal judges; removed them from judiciary through impeachment,” *id.*;
- that this administrative court is being paid a “*kick back*” by Complainant, *id.* (emphasis in original);
- that this administrative court is a “desperate, pathetic duschebag maniac,” *id.*; and
- that Respondents “have been Americans since [this administrative court was] shitting in diapers, and when you were still coming out of ‘mommy slot.’” *Id.*

Respondents’ letter went on to warn me that I am “BARRED, PROHIBITED FROM ANY CONTACT IN ANY FORM, SHAPE OR MANNER” with Respondents, *see id.*, and that any violation of this directive would result in my immediate arrest by the Federal Bureau of Investigation (“FBI”). *See id.* at 3.

In response to the “Cease & Desist Warning,” I cautioned Respondents that their manner of communicating ran afoul of the expectations of civility and professionalism that are imposed on litigants under Section 1.2 of this administrative court’s Standing Order. *See Order* (entered Jan. 17, 2024). I also suggested that rather than continuing to lash out at this administrative court with threats of extra-legal action (which were meaningless), Respondents should focus on mustering admissible evidence that minimizes the degree to which they might be liable to Complainant for damages associated with the civil rights violations at issue in this case. *See id.* To accomplish this task, I recommended that Respondents retain competent counsel to represent them, although the only step taken by Respondents in the aftermath of my advice was to attempt to add me as a party to the Peoria lawsuit on January 24, 2024. A summons in the Peoria lawsuit was never successfully served, although the Office of the Illinois Attorney General entered an appearance in the matter on my behalf before the case was dismissed at the initial hearing.

In addition to suing me in Peoria, Respondents also tried to evade the current proceedings by filing a civil “No Contact” order against me in Cook County’s Domestic Relations Division.

See Order (entered Jan. 17, 2024). Filed under the name “M.R. Goplan,” the civil “No Contact” order alleged that I had sent “incessant mailings” to “harass, intimidate, [and] stalk” the “Petitioners,” who were listed as “Paramount Legal services and on behalf of R and P Shekar.” *See* Notice at 3 (filed Jan. 16, 2024). When attempting to determine why the “No Contact” order was filed under the name “M.R. Goplan,” this administrative court quickly discovered that under Cook County General Administrative Order No. 2018-02, Mr. Shekar is restricted from filing any lawsuits or legal actions in Cook County due to his prior harassment of judicial officers in “numerous” other non-meritorious cases that he has attempted to maintain. *See* Cook Cty. General Admin. Order 2018-02 (Mar. 12, 2018) (noting that Mr. Shekar sent a mailing to the home of a judge claiming that like “Saddam Hussein,” the judge “should be hung”). My research also revealed that Mr. Shekar was recently arrested and charged with indirect criminal contempt in the Circuit Court of DuPage County for engaging in the same *modus operandi* of harassing court employees. *See People v. Shekar*, 2022 IL App (2d) 210524-U.

Yet when threats of extra-legal action failed to get the desired “rise” out of this administrative court, Respondents resorted to the same strategies they had formerly employed in Cook County by sending belligerent letters to my home stating that I was being followed by private investigators, and that I was soon to be arrested by the FBI. Respondents would write “Arrest Warrant Issued” on the outside of each envelope sent, with the mailing address for the Chicago District Office of the Federal Bureau of Investigation typically indicated as the return address. In addition to these largely comical annoyances, Mr. Shekar maintained the fraud of his “attorney” status by sending “subpoenas” from “Paramount Legal Services” to my relatives in other states, demanding that they appear in Illinois to be deposed in the Peoria lawsuit (often within 24 hours). Like Respondents’ letters to my home, these non-compliant “subpoenas” were easily ignored

without consequences (although this administrative court's mother is still crestfallen that she will not be receiving a free trip to Chicago).

Finally, when it became evident that I was neither afraid of Respondents nor willing to dismiss this case in the wake of their buffoonery, Respondents began sending weekly messages to my state e-mail account that expressed the same general derision and hate that has largely been captured by their quoted statements above. Written in a meandering, "rage-texting" fashion, each message I received used profanity and bigotry to convey Respondents' fury at being held accountable for discrimination, including various insults directed towards me and the other officials who oversee civil rights work in Illinois. For example, in their most recent message, Respondents fumed:

- that Illinois Governor J.B. Pritzker is a "fat ass, politically calculative cunning bastard . . . who employs Negro felons . . . to garner black votes;"
- that the Chair of the Illinois Human Rights Commission is a "dried out droopy stinky cunt bitch" and a "coward fucking bitch" with an "evil face;"
- that the Director of the Illinois Department of Human Rights is a "fucker and coward eunuch" and a "stinky pussy licker . . . fuckface;"
- that the Executive Director of the Illinois Human Rights Commission (who is African American) is a "residual slave shit Negro," a "chimpanzee," and a "NIGER;" and
- that this administrative court is a "cock sucking motherfucker coward ass fucking eunuch bastard malpractice motherfucker" who will "eat dog shit for rest of the evil, perverted, sadist life and rot in hell for decades in Federal prison for proved felonies committed in a public state office."

See E-mail from <classactionlawyers44@gmail.com> (rec'd 08:48 CST on Mar. 30, 2024) (on file with recipient). Such messages have continued throughout the pendency of my decision-making in this matter, although I have not responded (either in my orders or by e-mail) to any message that Respondents have transmitted to my state e-mail address to date.

While Respondents will likely argue (as they have before) that my short-lived status as a “defendant” in either Peoria or Cook County gives rise to a conflict of interest in this matter, I reject the notion that the objectivity of a judicial officer is automatically in doubt where a disgruntled litigant initiates a concurrent action against a decisionmaker in a separate forum. If such gamesmanship were a viable means of creating an ethical conflict, any judge in the country would be subject to recusal or removal merely because a party initiated a collateral action against a nonpreferred factfinder. Had this administrative court had any previous dealings (of any kind) with Respondents prior to the inception of this lawsuit, those interactions might have encouraged a more thorough and detailed consideration of whether I was sufficiently impartial to adjudicate this dispute in light of Respondents’ secondary filings. The reality, though, is that merely to frustrate the disposition of the current case, Respondents instituted a series of non-meritorious proceedings against Complainant and this administrative court for the purpose of subverting any eventual award of damages against them. Such conduct is the stuff of bullying, not legal ethics, and I find it prudent to note that all side proceedings instituted by Respondents were dismissed with prejudice by other judges after Respondents fail to appear or participate in those matters.

At the same time, I will reaffirm—as I did at the public hearing—that the various extra-legal vexations in which Respondents attempted to engage against me have in no way affected or influenced my neutrality in this matter. *See* Tr. at 15:2–16:18. To be sure, Respondents have not endeared themselves by launching a continuous stream of invectives and vulgarities that have impugned me, my family, and my colleagues. However, such abuses are no different than any lesser incivilities this administrative court has weathered from unruly litigants in other matters, and I can confirm with unequivocal certainty that my personal opinion of the behavior directed toward me by Respondents has in no way impacted or enhanced my assessment of the harms that

Respondents caused to Complainant. Simply put, Respondents' actions towards Complainant were judged exclusively for the effect they had on Complainant alone, without regard to the frustrations that Respondents tried to cause me in arriving at my findings. Such compartmentalization lies at the heart of the commitment to objectivity that I made to serve in my present position, and this commitment has not wavered merely because Respondents made their attacks personal. Indeed, it would take more than a string of four-letter words to induce me to abandon my oath to dispassionately apply the law to the facts in this (or any other) case.

II. The Damages Due and Owing to Complainant

With any questions surrounding my neutrality now addressed, I turn to the discussion of the proper recoveries owed to Complainant. At the damages hearing, Complainant's counsel argued for the application of the following remedies under Section 8B-104 of the Human Rights Act: (1) civil penalties; (2) attorneys' fees; and (3) actual damages for emotional distress. *See* Tr. at 65:19–69:17. The propriety of each requested relief is discussed individually below.

A. Civil Penalties

Section 8B-104(C)(i) of the Human Rights Act authorizes the assessment of a civil penalty “in an amount not exceeding \$16,000” for a respondent's first adjudged violation of Article 3. *See* 775 ILCS 5/8B-104(C)(i). Unlike the other sub-parts of Section 8B-104, the civil penalties listed in Section 8B-104(C) are “akin to a punishment,” as their purpose is “to vindicate the public interest,” rather than to make an individual complainant “whole.” *In re Illinois Dep't of Human Rights and Hemmingway v. Crawford Estates Condo. Ass'n and MC Prop. Mgmt. Corp.*, ALS No. 19-0101, 2023 ILHUM LEXIS 193, at *12 (Sept. 26, 2023). In determining the proper amount of the civil penalty assessed, this administrative court considers: (1) the nature of the violation; (2) the degree of culpability; (3) the history of prior violations; (4) the financial circumstances of the

respondent; (5) the goal of deterrence; and (6) any other matters as justice requires. *In re Illinois Dep't of Human Rights and Thompson v. Randle*, ALS No. 19-0467, 2023 ILHUM LEXIS 212, at *14 (Aug. 21, 2023).

Gauging the foregoing factors using the evidence before me, I have little difficulty concluding that the maximum civil penalty of \$16,000.00 is needed to vindicate the public interest against Mr. Shekar based on his intentional and prolonged harassment of Complainant. Respondents advertised their home for sale on the MLS via a publicly-available listing to which anyone could have responded. Complainant did so, and was thereafter terrorized for his religious beliefs by Mr. Shekar for over three years. To preclude Mr. Shekar from engaging in similar prejudices against others (either on the basis of religion or a different protected status), I find the imposition of the maximum civil penalty against Mr. Shekar to be appropriate as a deterrent against future discrimination. I also impose a lesser civil penalty of \$2,000.00 against Mrs. Shekar, as I have less evidence that she was a contributor to the continuing campaign of harassment against Complainant that followed their sole in-person interaction on January 17, 2021. As dictated by current Commission precedent, the \$18,000.00 in civil penalties assessed against Respondents will be payable to the Treasurer of the State of Illinois. *See, e.g., in re Illinois Dep't of Human Rights and Diallo et al. v. Rinder*, ALS No. 11-0656, 2018 ILHUM LEXIS 974 (Dec. 28, 2018).

B. Attorneys' Fees

Under the Human Rights Act, a prevailing party is entitled to the costs of maintaining an action, including reasonable attorneys' fees. *See* 775 ILCS 5/8B-104(D). As this administrative court has long recognized, the purpose of this provision is to facilitate litigation for aggrieved parties, many of whom would not otherwise have the financial resources to assert meritorious claims. *See In re Jones v. Cook County Sheriff's Dep't. of Corr.*, ALS No. 09-0223, 2020 ILHUM

LEXIS 234, at *37 (Mar. 9, 2020). Although excessive, inaccurate, duplicative, or otherwise unwarranted fees will not be reimbursed, fee awards must be sufficient to ensure that competent practitioners are incentivized to bring civil rights violations before the Commission. *See id.* at *38 (citation omitted). As such, any fee petition submitted to this administrative court must be scrutinized to ensure that the amount awarded is fair, but also reasonable at the same time. *See In re Hermansen v. Four Sushi Boys, LLC*, ALS No. 18-0204, 2021 ILHUM LEXIS 169, at *16 (June 8, 2021).

Here, Complainant has prevailed on his religious discrimination claims against Respondents. He is therefore entitled to an award of attorneys' fees and costs. *See* 775 ILCS 5/8B-104(D). On April 2, 2024, Complainant's attorney filed a fee petition to which Respondents have failed to offer any cogent objections. *See* Fee Petition (filed Apr. 2, 2024). In his fee petition, Complainant's counsel requests a total of \$6,075.00 in fees, broken down as follows:

- \$4,225.00 in attorneys' fees for prosecuting the current action before this administrative court ("Fee Petition I");
- \$1,200.00 in attorneys' fees for defending the Rock Island lawsuit ("Fee Petition II");
- \$450.00 in attorneys' fees for defending the Peoria lawsuit ("Fee Petition III"); and
- \$200.00 for defending a new lawsuit filed against Complainant in Cook County by "Zenith Legal Services" (another fictitious entity) on March 18, 2024.

See Fee Petition at 1-3. Beginning the day after Complainant's interaction with Respondents on January 17, 2021, the above amounts were incurred in connection with a total of 29.5 hours of billable work, which includes: (1) 27.75 hours of "Non-Courtroom" time; and (2) 1.75 hours of "Courtroom" time. *See id.* at 7. Complainant's counsel charges \$200.00 per hour for "Non-Courtroom" work and \$300.00 per hour for "Courtroom" work. *See* Affidavit of J. Engel, Esq., Relating to Attorney's Fees ("Engel Aff.") ¶ 4 (filed Apr. 2, 2024).

To assess the reasonableness of the above amounts, I am required (among other tasks) to evaluate the experience of Complainant’s attorney, the customary hourly fees charged for similar legal services in the same geographic area, and the overall time spent furthering the case. *In re Owen v. Cigna and Profl Consultants, Inc.*, ALS No. 14-0352(C), 2019 ILHUM LEXIS 1507, at *26 (May 2, 2019). I am further permitted to make upward or downward adjustments to any amounts petitioned from this administrative court by relying on: (1) the extent to which Complainant has prevailed; (2) the nature of the controversy; (3) the amount at issue and result obtained; (4) the novelty and complexity of the subject matter; (5) the skill and standing of Complainant’s attorney in the relevant legal community; and (6) the quality of the representation. *See id.* at *31-32. The analysis of the correct sum of fees and costs to award typically begins with the consideration of the hourly billable rate charged by the attorney seeking fees.

The hourly billable rates set by Complainant’s counsel—*i.e.*, \$200.00 per hour for “Non-Courtroom” work and \$300.00 per hour for “Courtroom” work—are inherently reasonable for employment litigation in the Chicago metropolitan area, particularly when considering the stature of Complainant’s attorney, who has been a member of the bar for over forty (40) years. *See Engel Aff.* ¶ 2. In my view, Complainant’s counsel handled this matter with the requisite skill and professionalism that I would expect of an experienced litigator, and I find that an investment of 29.5 hours of billable time is actually less than I would estimate to be needed in a single-plaintiff employment action lasting over three years. As a result, upon first inspection, the general range of fees requested by Complainant’s counsel appears to be both fair and reasonable under the standards traditionally applied by this administrative court to make such determinations.

Yet notwithstanding this conclusion, I find that certain adjustments must be made to the total attorneys’ fees sought. First, the fees of Complainant’s counsel will be reduced by \$50.00

(i.e., 0.25 hours) for the estimated cost of reviewing a prospective opposition to the fee petition from Respondents. As noted above, Respondents' fee petitions were wholly non-meritorious, so I decline to compensate Complainant's counsel for the anticipated review of arguments that were not ultimately considered by this administrative court. Second, I am reducing Complainant's fee petition by a further \$1,850.00, which includes the attorneys' fees expended in defending the Rock Island, Peoria, and Cook County lawsuits.

Under Section 8B-104(D) of the Human Rights Act, a prevailing complainant is entitled to the reasonable attorneys' fees associated with maintaining an action "before the Department, the Commission and in any judicial review and judicial enforcement proceedings." 775 ILCS 5/8B-104(D). On its face, this provision excludes work performed in Rock Island, Peoria, and Cook County, which are tribunals other than the Department or the Commission, and which did not perform any "judicial review" or "enforcement" of orders or decisions flowing from this administrative court. *See In re Michael S. and Andrea E., on behalf of P.S., a Minor v. Komarek School Dist. #94*, ALS No. 16-0003, 2019 ILHUM LEXIS 1552, at *26 (Feb. 4, 2019) (finding that fees incurred in a collateral state court action were not recoverable under the Human Rights Act). Consequently, while I agree (and sympathize) with Complainant that he was only required to shoulder these additional expenses as the result of Respondents' gamesmanship, I am without statutory authority to remunerate Complainant for fees expended outside this forum, which must be sought from the assigned circuit court judges that handled the Rock Island, Peoria, and Cook County lawsuits. Thus, the total fee awarded to Complainant's counsel in this matter is \$4,175.00.

C. Emotional Distress

An award of "actual damages" under Section 8B-104(B) of the Human Rights Act may include compensation for humiliation, embarrassment, and mental distress suffered by a

complainant. *See In re Vogt v. Buckingham*, ALS No. 19-0096, 2023 ILHUM LEXIS 126, at *8 (May 23, 2023). This form of recovery is almost universally referred to in the jurisprudence of this administrative court as compensation for “emotional distress,” which is available in cases featuring little or no out-of-pocket financial loss to the complainant (as is often true of matters involving discrimination in housing or public accommodations). *See In re Cooper and Anderson v. Heller and Heller*, ALS No. 10-0177, 2010 ILHUM LEXIS 318, at *4-5 (Oct. 1, 2010). In such instances, the extension of this remedy is consistent with this administrative court’s practice of awarding emotional distress damages where other measures of recovery will not make the complainant “whole” for his or her adjudged injuries. *See In re Straw v. Reposteria*, ALS No. 16-0320, 2018 ILHUM LEXIS 905, at *3 (July 2, 2018) (citation omitted). But regardless of context, damages awarded for emotional distress “must be kept within reasonable parameters,” *Vill. Of Bellwood Bd. of Fire & Police Comm’rs v. Human Rights Comm’n*, 184 Ill. App. 3d 339, 355, 541 N.E.2d 1248 (1st Dist. 1989), and “must be appropriate in light of the nature and duration of the suffering experienced by the complainant.” *In re G.S. v. Baksh*, ALS No. 2818, 1994 ILHUM LEXIS 638, at *87 (July 8, 1994).

Notably, while the legal threshold for awarding emotional distress damages in a housing matter is well-settled, the means of arriving at the ‘right’ figure to remunerate is somewhat unclear. In several instances, this administrative court has compared the distress suffered by the complainant to the offenses endured by complainants in other matters to generate a resulting ‘worth’ for the illegalities endured under roughly analogous circumstances. For example, in the Article 3 case of *Illinois Dep’t of Human Rights and Diallo et al. v. Rinder*, 2018 ILHUM LEXIS 974, this administrative court awarded \$15,000.00 in damages to each of six (6) complainants for emotional distress after comparing the nature and duration of the humiliation suffered by the

complainant and her family to the treatment alleged (and ultimately compensated) in the earlier Article 3 case of *In re Alarcon et al. v. McManimen*, ALS No. 06-030, 2006 ILHUM LEXIS 56 (Dec. 1, 2006). Looking to the \$15,000.00 awarded to the lead complainant in *Alarcon* as a guide, the assigned administrative law judge in *Diallo* concluded that because the severity of the allegations before him was generally comparable to the offenses described in *Alarcon*, the complainants in *Diallo* were each deserving of a similar award. *See Diallo*, 2018 ILHUM LEXIS 974, at *9. On this basis, the assigned administrative law judge in *Diallo* reasoned that a payment of \$15,000.00 per complainant for emotional distress was justified and in line with prior Commission precedents in the housing context. *See id.*

The problem with the foregoing approach, however, is that it has been rejected by the Illinois appellate courts, which have routinely precluded efforts to cite to prior Commission cases as a method of evaluating the reasonableness of an award for emotional distress. *See, e.g., Windsor Clothing Store v. Castro*, 2015 IL App (1st) 142999, ¶ 47, 41 N.E.3d 983. According to our appellate courts, this manner of assessing the propriety of such awards is inconsistent with the reality that “courts in Illinois have traditionally declined to compare damages awarded in one case to damages awarded in other cases in determining whether a particular award is excessive.” *Drakeford v. Univ. of Chicago Hospitals*, 2013 IL App (1st) 111366, ¶ 62, 994 N.E.2d 119 (citing *Richardson v. Chapman*, 175 Ill. 2d 98, 114, 676 N.E.2d 621 (1997)). This guidance comports with several more recent decisions of this administrative court, which have found that it is “difficult to measure with precision the monetary value of a particular individual’s distress versus the distress felt by another individual.” *In re Sommerville v. Hobby Lobby Stores, Inc.*, ALS No. 13-0060(C), 2019 ILHUM LEXIS 499, at *104 (Apr. 10, 2019). As these cases further note, in each instance, it is not the respondent’s conduct *per se* that justifies an award of damages for emotional

distress, but rather the *reaction* of the complainant that most appropriately informs the size of the award (which may be different from case to case even in the wake of similar conduct causing humiliation, embarrassment, and mental distress). See *In re Garcia v. Valdovinos and Restaurante Mi Pueblo, Inc.*, ALS No. 15-0355(C), 2022 ILHUM LEXIS 96, at *12-13 (July 12, 2022).

Focusing on the present matter, I find that the evidence before me establishes that the nature and duration of the injuries suffered by Complainant entitle him to an award of emotional distress damages under the Human Rights Act. I also conclude that under Illinois law, any damages for emotional distress that are awarded to Complainant must be assessed within the four corners of this action, rather than looking to prior precedents to justify a similar award. See *In re Sommerville v. Hobby Lobby Stores, Inc.*, 2019 ILHUM LEXIS 499, at *103-104. At the damages hearing that took place on March 11, 2024, Complainant's counsel suggested that an award of between \$50,000.00 and \$100,000.00 could begin to make Complainant "whole" for the emotional distress he experienced (and continues to experience) in the aftermath of Respondents' actions. See Tr. at 68:16-18. But while the larger of the two figures proposed by Complainant's counsel is certainly reasonable, I find that it actually underestimates the award to which Complainant is entitled for his emotional distress.

To assess the scope and extent of Complainant's emotional injuries, I find it is appropriate to consider the qualitative factors first identified by this administrative court in *Cravens v. Beale*, ALS No. 9995, 1999 ILHUM LEXIS 198, at *22-23 (Oct. 4, 1999). These include: (1) whether there is testimony concerning Complainant's emotional distress; (2) whether the discriminatory conduct consisted of discrete acts that took place over a relatively brief period of time; (3) whether there was any evidence of prolonged effects, physical symptoms, or medical treatment resulting from the discriminatory conduct; (4) whether the discriminatory conduct was so egregious that one

would expect a reasonable person to experience significant emotional distress; and (5) whether Complainant was unusually fragile due to past experiences or a preexisting condition. *See id.* Although *Cravens* was a sexual harassment case that originally presented these factors in a negative light to justify only a “modest” award, *see id.*, the analysis articulated in *Cravens* has since been applied in a more neutral manner to gauge emotional distress in cases alleging housing discrimination under Article 3 of the Human Rights Act. *See, e.g., In re Cooper and Anderson*, 2010 ILHUM LEXIS 318, at *8.

Nearly all of the *Cravens* factors weigh in favor of a sizable damages award in this action. For over three years, Respondents have engaged in a relentless campaign of religious harassment and discrimination towards Complainant that has employed some of the most vile and hateful language this administrative court has ever seen. With pride in his messaging, Mr. Shekar has established himself as an unapologetic bigot who has drawn on several of the most pernicious and prejudicial stereotypes to punish Complainant for engaging in a real estate transaction while adhering to the religious practices of his choosing. This conduct was not limited to the events of January 17, 2021, but continued for months—and even *years*—after Complainant met with Respondents on only a single occasion.

To wage this campaign of harassment, Respondents employed *egregious* tactics to convey their biases against Complainant, such as naming Complainant’s children in frivolous lawsuits and warning that Respondents knew where Complainant and his family lived. Mr. Shekar continuously escalated these threats in the letters he sent to Complainant’s home, which were addressed to the “Muslim Terrorist from Pakistan,” and which invariably announced that after reporting Complainant to various state and federal officials, Complainant’s arrest by the FBI was “imminent.” While similar threats to this administrative court were immediately laughed off as

nonsense, Complainant is a non-lawyer who could not have known that Respondents' stratagems were a farce—particularly after Complainant and his family were named in two different lawsuits that sought millions of dollars in damages against them for nothing more than Complainant's act of bringing his clients to a local real estate showing. Indeed, without the benefit of legal training—and with Mr. Shekar continuing to invent new fictitious entities to harass Complainant in his personal and professional life—it is beyond question that the intimidatory conduct undertaken by Respondents was of the most extreme variety, and would have invariably caused extensive emotional distress to anyone who became an intended victim.

And in fact, the evidence in this case shows that the harassment effected by Respondents caused the hoped-for degree of emotional harm to Complainant that Respondents had intended. Complainant has lived the last several years of his life in perpetual fear for the safety of his family in the wake of Respondents' constant threats by phone, e-mail, and letter. *See* Tr. at 28:22–29:2. Complainant's ongoing anxieties made it impossible for him to sleep, which eventually required medication to address. *See id.* at 28:1-19. At the same time, Complainant was affected by these events to a significant enough degree that he eventually sought psychiatric treatment at the recommendation of his primary care physician. *See* Tr., Ex. A. Complainant also suffered additional physical stresses as the result of spikes in his blood pressure—which was already elevated (and under medical monitoring) before Complainant ever encountered Respondents on January 17, 2021. *See* Tr. at 38:24–39:7.

Complainant's primary concern was the fact that Respondents knew where he and his family lived (and where Complainant himself worked). *See* Tr. at 26:16-23. While Complainant managed the fears associated with this knowledge for a time, he hit a breaking point when Respondents began to include his wife, his son, and other family members in the harassment

Complainant was already experiencing. To relieve these apprehensions, Complainant was forced to move to a new residence, which was occasioned primarily by the ongoing terror Complainant was experiencing. *See id.* at 40:11-17. Such torment from the behavior perpetrated by Respondents was purposeful, and I was particularly moved by Complainant’s reference to the anti-discrimination training he had undergone upon the renewal of his broker’s license, during which he had been assured that the only “color” that would ever matter when buying or selling a home in Illinois was “green” (*i.e.*, the color of money). *Id.* at 57:7-11. This recommended order and decision will hopefully begin to restore Complainant’s faith in this ideal, notwithstanding Respondents’ mistaken belief that they can selectively marginalize (and thereafter terrorize) a member of the Islamic community during a real estate transaction in the State of Illinois.

In sum, I find that the uncontested evidence before me establishes that as the result of Respondents’ efforts to discriminate against Complainant and intimidate him on the basis of his religion, Complainant has suffered emotional distress of a nature and duration that justify an award of damages under Section 8B-104(B) of the Human Rights Act. As measured and determined using the *Cravens* factors, this award will be sizable based on the prolonged emotional suffering Complainant endured (and is still enduring) in the aftermath of his exchange with Respondents. In light of these consequences, I award Complainant \$395,000.00 in damages for his emotional distress, which in my judgment is the amount reasonably necessary to make Complainant “whole” based on the facts of this case and the evidence that was presented to me at the damages hearing on March 11, 2024.

RECOMMENDATION

Consistent with the justifications set forth above—and bearing in mind that Respondents refused to attend the damages hearing in this case or assert meritorious objections—my

recommendation is to award the following economic and non-economic recoveries to Complainant in an effort to make him “whole” following the unlawful religious discrimination and intimidation he suffered at the hands of Respondents:

- A. Civil penalties payable to the Treasurer of the State of Illinois in the amount of \$18,000.00, assessed individually as \$16,000.00 against Mr. Shekar, and \$2,000.00 against Mrs. Shekar;
- B. Attorneys’ fees for maintaining this action in the amount of \$4,175.00, assessed jointly and severally against both Respondents;
- C. Emotional distress damages in the amount of \$395,000.00, assessed jointly and severally against both Respondents; and
- D. A further order from the Illinois Human Rights Commission directing Respondents to cease and desist from any ongoing or continuing violations of the Illinois Human Rights Act in the context of real estate transactions, including (but not limited to) discrimination and intimidation on the basis of religion.

HUMAN RIGHTS COMMISSION

BY:

BRIAN WEINTHAL
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: April 24, 2024