

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE  
REQUEST FOR REVIEW BY:

**NICOLE CONIGLIO,**

Petitioner.

Charge No.: 2020CH2232  
HUD No.: 05-20-8702-8  
ALS No.: 25-0002

**ORDER**

This matter coming before the Commission on June 4, 2025, by a panel of three, Chair Selma D'Souza and Commissioners Demoya R. Gordon and Stephen A. Kouri II presiding, upon the Request for Review ("Request") of Nicole Coniglio ("Petitioner"), of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2020CH2232, and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of Counts A and C of the Petitioner's charge is **VACATED** and Counts A and C are **REMANDED** for **FURTHER INVESTIGATION** and for further proceedings that are consistent with this Order and the Illinois Human Rights Act ("Act"), the dismissal of Count B is **VACATED** and Count B is **REMANDED** for a **FINDING OF SUBSTANTIAL EVIDENCE** and for further proceedings that are consistent with this Order and the Act, and the dismissal of Count D is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**.<sup>2</sup>

**DISCUSSION**

On April 8, 2020, the Petitioner filed a charge of discrimination with the Respondent, alleging that Steven Carbonelli and Ann Carbonelli (collectively, Defendants) subjected her to discriminatory terms, conditions, privileges, or services and facilities related to a rental because of her physical disability<sup>3</sup> (Count A) and mental disability, narcolepsy with cataplexy (Count B), retaliated against her for engaging in a protected activity (Count C), and subjected her to sexual harassment (Count D), in violation of Sections 3-102(B), 3-102.1(B), 3-105.1, and 6-101.5(A) of the Act. On June 22, 2021, the Respondent dismissed the Petitioner's charge for lack of jurisdiction. Upon the Petitioner's request for review, the Commission vacated the dismissal and remanded the charge for further investigation. On October 8, 2024, the Respondent dismissed the charge for lack of substantial evidence. The Petitioner filed a timely Request.

---

<sup>1</sup> In a Request for Review proceeding, the party filing the Request for Review is the "Petitioner" and the Illinois Department of Human Rights is the "Respondent."

<sup>2</sup> This order is entered pursuant to a 2-1-0 vote by the Commissioners.

<sup>3</sup> The Respondent did not provide the Petitioner's diagnosis.

The Petitioner rented a bedroom in a four-bedroom house that was owned by A. Carbonelli and managed by her son, S. Carbonelli.<sup>4</sup> The other occupants in the house were S. Carbonelli, tenant Lynee Feldhausen, and, later, S. Carbonelli's girlfriend, Kiera Tyree. The Petitioner stated that she moved in on August 26, 2019. She stated that when she received the lease to sign, it was for six months although she thought it was supposed to be for one year.<sup>5</sup> The Petitioner stated that she paid \$725.00 per month for her room while Feldhausen paid \$325.00 per month, but also stated that her room was much bigger than Feldhausen's and on the main floor.

The Petitioner stated that S. Carbonelli told her on August 27, 2019, that he chose her and Feldhausen as renters because he "liked broken things." She stated that both she and Feldhausen had been homeless prior to moving in and she had lost loved ones. The Petitioner stated that she told S. Carbonelli about her narcolepsy with cataplexy, which was a neurological brain disorder/sleep disorder involving her going "from normal to disorganized, under stress she can have slurred speech, be limp, be manic depressive, have rapid thoughts and be unable to be organized." The Petitioner stated that S. Carbonelli told her that he had to let Feldhausen know about her disorder because of the type of disorder it was.

The Petitioner stated that on August 29, 2019, S. Carbonelli told her that she looked weird. She stated that "when she asked him a question like are you hungry, he would give her a thumbs up instead of answering verbally or he would mock her by repeating her question in a childlike voice." The Petitioner stated that on August 30, 2019, S. Carbonelli said to her, "what did you do with Julia's mail," in a hostile, accusatory manner. The Petitioner stated that on August 31, 2019, she told S. Carbonelli that she wanted to go to the mountains on a retreat after her sister died. She stated that S. Carbonelli looked at her with a blank look and said in a sarcastic manner, "that is great. I'd really like to hear it again." The Petitioner stated that S. Carbonelli would swear at her, that S. Carbonelli and Feldhausen would play songs that were directed towards her, and that Tyree kept moving her things that she had permission to put in the common area and S. Carbonelli would not do anything about it. The Petitioner was unable to provide more detail or the dates of these instances because she was having brain fog.

The Petitioner stated that from September 5 through September 17, 2019, she had sex with S. Carbonelli five times. On the first anniversary of her sister's death, which was September 13, 2019, when she woke up S. Carbonelli asked her "why her hands were not on his balls."

S. Carbonelli stated that the house was originally owned by his father and mother, A. Carbonelli, but that his father had passed away and he would be inheriting the property. He stated that the Petitioner and Feldhausen paid different amounts in rent because the Petitioner's room was much larger than Feldhausen's.

---

<sup>4</sup> The house was owned by A. Carbonelli and her husband, who had recently passed away. S. Carbonelli was to inherit his father's ownership, but at the time of the events in this matter had the role of property manager.

<sup>5</sup> The Petitioner stated that her lease started on September 1, 2019. However, the lease that the Petitioner signed was for tenancy from October 1, 2019, through April 1, 2020. It is uncontested that the Petitioner moved into the house prior to the beginning of the lease.

S. Carbonelli stated that he might have told the Petitioner that he let her live there because he liked broken things. He stated that he was trying to cheer her up and chose the wrong wording. S. Carbonelli stated that he was not using the best judgment, as he was taking medication after two surgeries and he had lost his father and grandmother within one week. S. Carbonelli stated that he did not remember telling the Petitioner that she looked weird, giving her the thumbs up instead of answering her, or mocking her. He did not ask her about any mail in a hostile or accusatory manner. He denied speaking to her about going on a retreat in a sarcastic manner.

S. Carbonelli stated that he and the Petitioner had a mutual, sexual relationship for a few days, which the Petitioner called "friends with benefits." He stated that he told her that their sexual relationship was a mistake. He stated that he had lost his father and grandmother and that he would go out drinking and made some bad decisions by sleeping with her. S. Carbonelli stated that the Petitioner kept pursuing him. He stated that the Petitioner came into his room and tried to have sex with him. He stated that he fell asleep, and when he woke up, he told her to get out of his room so that he could masturbate because having sex with her was a bad idea. S. Carbonelli stated that he was going through a tough time and the Petitioner took advantage of him.

S. Carbonelli stated that the Petitioner was dirty and would not clean up her mess, and he would tell her to do so. He stated that she would yell and say, "I just woke, let me smoke a cigarette. I have narcolepsy. I need to get myself together." He stated that they tried to help and accommodate her "but she was just bad." He stated that the Petitioner smoked in the house, let her dog go to the bathroom in the house, and walked around in muddy boots. S. Carbonelli stated that she was "like a hoarder" in the common area and they had to step over her things, and that she put her things in areas outside of the room she was renting.

S. Carbonelli stated that he wrote the Petitioner a letter a few months in advance letting her know that he was not going to renew her lease. He stated that the Petitioner started harassing them and putting hidden cameras throughout the house. S. Carbonelli stated that she was scaring them and that he thought she would try to kill him in his sleep. He stated that she mutilated herself and that she got more controlling and demanding. He stated that she told him she was not moving out no matter what.

S. Carbonelli stated that Feldhausen called the police because the Petitioner was threatening her and her daughter. He stated that the next day he, Feldhausen, and Tyree went to the police station and the two women got approved for emergency orders of protection. He stated that the following day, around February 5, 2020, the sheriff came and told the Petitioner that she had to leave and could not come back until after the court date.

S. Carbonelli stated that he did make the "dick comment" to the Petitioner when they woke up because they were sexually active at the time. He stated that he did not know it was the anniversary of her sister's death. He stated that the Petitioner was always wanting to have sex with him and it was

a stupid joke he made. S. Carbonelli stated that the Petitioner was completely moved out of the house by April 18, 2020.

In its Response, the Respondent recommends that the Commission sustain the dismissal of Counts A, B, and D, but find substantial evidence on Count C. Instead, the Commission concludes that Counts A and C must be remanded for further investigation, Count B should not have been dismissed because there is substantial evidence of harassment, and Count D was properly dismissed. Under the Act, substantial evidence is “evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.” 775 ILCS 5/7A-102(D)(2).

### Counts A and B

The Petitioner argues that she was subjected to discriminatory terms, conditions, or privileges by the Defendants in that they subjected her to harassment because of her physical disability (Count A) and mental disability (Count B). The aggrieved acts consisted of S. Carbonelli telling the Petitioner that he chose her as a renter because he “liked broken things;” telling her that she looked weird; responding to her nonverbally or repeating her question in a childlike, mocking voice; talking to her in a hostile, accusatory manner; responding to her with a blank look and a sarcastic remark; swearing at her; playing songs that were directed towards her; and allowing another occupant to move her possessions that she had put in common areas of the house.

In order to establish a *prima facie* case of harassment in housing, the Petitioner must show that 1) she was a member of a protected class; 2) she was subjected to harassment; 3) the harassment was based on her protected class; 4) the harassment made continued tenancy burdensome and significantly less desirable than if the harassment were not occurring; and 5) the defendants knew or should have known about the particular harassment and failed to remediate the situation properly. *Szkoda v. Ill. Human Rights Comm’n*, 302 Ill. App. 3d 532, 540 (1st Dist. 1998); *In re Request for Review by: Calvin Mitchell*, IHRC, ALS No. 19-0456, 2020 ILHUM LEXIS 127, \*2-3 (January 28, 2020). In order to be actionable, the harassment must be so hostile that it alters the terms, conditions, or privileges of a housing transaction. *Id.*, \*3.

Considering the belittling nature of the aggrieved acts and the fact that they took place inside her home, the Commission concludes that the Petitioner sufficiently alleged at this stage of the proceedings that she was subjected to harassment. For Count A, however, because the Respondent did not provide the specific disability, the Commission lacks the information required to ascertain whether the harassment was based on that disability. The Commission therefore vacates the dismissal of Count A and remands for further investigation into the medical condition for the Petitioner’s physical disability and whether the harassment was based on it. For Count B, the Commission determines that there is substantial evidence that the harassment was based on the Petitioner’s mental disability based on the name calling and belittling manner in which S. Carbonelli interacted with her, and created a

hostile environment. Accordingly, the Commission vacates the dismissal of Count A for further investigation, and vacates the dismissal of Count B for a finding of substantial evidence.

### Count C

The Petitioner next argues that the Defendants refused to renew her lease in retaliation for engaging in a protected activity. A *prima facie* case of retaliation requires evidence that 1) the petitioner engaged in a protected activity, 2) she suffered an adverse action, and 3) a causal connection exists between the protected activity and the adverse action. See *Welch v. Hoeh*, 314 Ill. App. 3d 1027, 1035 (3d Dist. 2000). Protected activity includes opposing unlawful discrimination, filing a charge or otherwise participating in a matter under the Act, and requesting a reasonable accommodation. 775 ILCS 5/6-101.5(A).

Here, there is no evidence in the Respondent's investigation report that the Petitioner engaged in a protected activity prior to the Defendants' decision not to renew her lease. In its Response, the Respondent states that its "investigation file contains an undated letter" that the Petitioner wrote to A. Carbonelli complaining about harassment and discrimination by S. Carbonelli that the Respondent infers must have been written in January 2020. Because the letter was not in the investigation report provided to the Commission, the Commission is unable to determine whether it established that the Petitioner engaged in a protected activity, which is critical to the claim of retaliation. The Commission vacates the dismissal of Count C and remands for further investigation to give the Respondent the opportunity to supplement its investigation.

### Count D

The Petitioner argues that the Defendants subjected her to sexual harassment by creating a hostile housing environment. A *prima facie* case of sexual harassment requires evidence that 1) the petitioner is a member of a protected class, 2) she was subjected to unwelcome and extensive sexual harassment in the form of sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which were not solicited or desired by her and which were viewed as undesirable or offensive, 3) such harassment was based upon the petitioner's sex, 4) such harassment made continued tenancy burdensome and significantly less desirable than if the harassment were not occurring, and 5) if vicarious liability is asserted, she must show that the owner knew or should have known about the particular harassment and yet failed to remediate the situation promptly. *Szkoda*, 302 Ill. App. 3d at 540.

Here, the Petitioner maintains that S. Carbonelli sexually harassed her when he asked her on September 13, 2019, "why her hands were not on his balls."<sup>6</sup> The Commission concludes that the aggrieved act did not constitute sexual harassment under the Act, as the verbal, sexual advance

---

<sup>6</sup> In its Response, the Respondent states that the Petitioner also alleged that on another occasion S. Carbonelli "fondled her breasts while she slept" and that when she told him to stop demanded she leave the room. The Petitioner, however, did not provide testimony on this allegation and there is no evidence otherwise regarding this allegation.

occurred while the Petitioner and S. Carbonelli were having a consensual, sexual relationship, and there was no evidence that it occurred again. The Commission sustains the dismissal of Count D.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The dismissal of Counts A and C of the Petitioner's charge is **VACATED** and Counts A and C are **REMANDED** for **FURTHER INVESTIGATION** and for further proceedings that are consistent with this Order and the Act.
2. The dismissal of Count B is **VACATED** and Count B is **REMANDED** for a finding of **SUBSTANTIAL EVIDENCE** and for further proceedings that are consistent with this Order and the Act.
3. The dismissal of Count D is **SUSTAINED** for lack of substantial evidence.

***This Order is not yet final and appealable.***

STATE OF ILLINOIS	)	
	)	Entered this 10th day of JUNE 2025.
HUMAN RIGHTS COMMISSION	)	
	)	

Chair Selma D'Souza

Commissioner Demoya R. Gordon

Commissioner Stephen A. Kouri II