



Rep. Anna Moeller

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1 AMENDMENT TO HOUSE BILL 87

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 87 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 3-101, 7-101, 7A-102, 7B-102, 8A-102,  
6 10-101, and 10-103 and by adding Section 10-105 as follows:

7 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

8 Sec. 3-101. Definitions. The following definitions are  
9 applicable strictly in the context of this Article:

10 (A) Real Property. "Real property" includes buildings,  
11 structures, real estate, lands, tenements, leaseholds,  
12 interests in real estate cooperatives, condominiums, and  
13 hereditaments, corporeal and incorporeal, or any interest  
14 therein.

15 (B) Real Estate Transaction. "Real estate transaction"  
16 includes the sale, exchange, rental or lease of real property.

1 "Real estate transaction" also includes the brokering or  
2 appraising of residential real property and the making or  
3 purchasing of loans or providing other financial assistance:

4 (1) for purchasing, constructing, improving, repairing or  
5 maintaining a dwelling; or

6 (2) secured by residential real estate.

7 "Real estate transaction" includes loan modification  
8 services.

9 (C) Housing Accommodations. "Housing accommodation"  
10 includes any improved or unimproved real property, or part  
11 thereof, which is used or occupied, or is intended, arranged or  
12 designed to be used or occupied, as the home or residence of  
13 one or more individuals.

14 (D) Real Estate Broker or Salesman. "Real estate broker or  
15 salesman" means a person, whether licensed or not, who, for or  
16 with the expectation of receiving a consideration, lists,  
17 sells, purchases, exchanges, rents, or leases real property, or  
18 who negotiates or attempts to negotiate any of these  
19 activities, or who holds himself or herself out as engaged in  
20 these.

21 (E) Familial Status. "Familial status" means one or more  
22 individuals (who have not attained the age of 18 years) being  
23 domiciled with:

24 (1) a parent or person having legal custody of such  
25 individual or individuals; or

26 (2) the designee of such parent or other person having such

1 custody, with the written permission of such parent or other  
2 person.

3 The protections afforded by this Article against  
4 discrimination on the basis of familial status apply to any  
5 person who is pregnant or is in the process of securing legal  
6 custody of any individual who has not attained the age of 18  
7 years.

8 (F) Conciliation. "Conciliation" means the attempted  
9 resolution of issues raised by a charge, or by the  
10 investigation of such charge, through informal negotiations  
11 involving the aggrieved party, the respondent and the  
12 Department.

13 (G) Conciliation Agreement. "Conciliation agreement" means  
14 a written agreement setting forth the resolution of the issues  
15 in conciliation.

16 (H) Covered Multifamily Dwellings. As used in Section  
17 3-102.1, "covered multifamily dwellings" means:

18 (1) buildings consisting of 4 or more units if such  
19 buildings have one or more elevators; and

20 (2) ground floor units in other buildings consisting of 4  
21 or more units.

22 (I) Loan Modification Services. "Loan modification  
23 services" means any assistance offered to a loan borrower to  
24 obtain a modification to a term of an existing real estate loan  
25 or to obtain foreclosure relief, in exchange for a fee or other  
26 consideration, regardless of whether the person or entity has

1 the authority to affect the terms on which credit was extended  
2 to the borrower, provides or has provided any funds in  
3 connection with the loan, or is affiliated with any entity that  
4 provided funds for the loan.

5 (Source: P.A. 86-820; 86-910; 86-1028.)

6 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

7 Sec. 7-101. Powers and Duties. In addition to other powers  
8 and duties prescribed in this Act, the Department shall have  
9 the following powers:

10 (A) Rules and Regulations. To adopt, promulgate, amend, and  
11 rescind rules and regulations not inconsistent with the  
12 provisions of this Act pursuant to the Illinois Administrative  
13 Procedure Act.

14 (B) Charges. To issue, receive, investigate, conciliate,  
15 settle, and dismiss charges filed in conformity with this Act.

16 (C) Compulsory Process. To request subpoenas as it deems  
17 necessary for its investigations.

18 (D) Complaints. To file complaints with the Commission in  
19 conformity with this Act and to intervene in complaints filed  
20 under this Act pending before the Commission, a State court, or  
21 a federal court.

22 (E) Judicial Enforcement. To seek temporary relief and to  
23 enforce orders of the Commission in conformity with this Act.

24 (F) Equal Employment Opportunities. To take such action as  
25 may be authorized to provide for equal employment opportunities

1 and affirmative action.

2 (G) Recruitment; Research; Public Communication; Advisory  
3 Councils. To engage in such recruitment, research and public  
4 communication and create such advisory councils as may be  
5 authorized to effectuate the purposes of this Act.

6 (H) Coordination with other Agencies. To coordinate its  
7 activities with federal, state, and local agencies in  
8 conformity with this Act.

9 (I) Public Grants; Private Gifts. To accept public grants  
10 and private gifts as may be authorized.

11 (J) Education and Training. To implement a formal and  
12 unbiased program of education and training for all employees  
13 assigned to investigate and conciliate charges under Articles  
14 7A and 7B. The training program shall include the following:

15 (1) substantive and procedural aspects of the  
16 investigation and conciliation positions;

17 (2) current issues in human rights law and practice;

18 (3) lectures by specialists in substantive areas  
19 related to human rights matters;

20 (4) orientation to each operational unit of the  
21 Department and Commission;

22 (5) observation of experienced Department  
23 investigators and attorneys conducting conciliation  
24 conferences, combined with the opportunity to discuss  
25 evidence presented and rulings made;

26 (6) the use of hypothetical cases requiring the

1 Department investigator and conciliation conference  
2 attorney to issue judgments as a means to evaluating  
3 knowledge and writing ability;

4 (7) writing skills;

5 (8) computer skills, including but not limited to word  
6 processing and document management.

7 A formal, unbiased and ongoing professional development  
8 program including, but not limited to, the above-noted areas  
9 shall be implemented to keep Department investigators and  
10 attorneys informed of recent developments and issues and to  
11 assist them in maintaining and enhancing their professional  
12 competence.

13 (Source: P.A. 99-74, eff. 7-20-15.)

14 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

15 Sec. 7A-102. Procedures.

16 (A) Charge.

17 (1) Within 300 calendar days after the date that a  
18 civil rights violation allegedly has been committed, a  
19 charge in writing under oath or affirmation may be filed  
20 with the Department by an aggrieved party or issued by the  
21 Department itself under the signature of the Director.

22 (2) The charge shall be in such detail as to  
23 substantially apprise any party properly concerned as to  
24 the time, place, and facts surrounding the alleged civil  
25 rights violation.

1           (3) Charges deemed filed with the Department pursuant  
2 to subsection (A-1) of this Section shall be deemed to be  
3 in compliance with this subsection.

4           (A-1) Equal Employment Opportunity Commission Charges.

5           (1) If a charge is filed with the Equal Employment  
6 Opportunity Commission (EEOC) within 300 calendar days  
7 after the date of the alleged civil rights violation, the  
8 charge shall be deemed filed with the Department for the  
9 purpose of preserving the complainant's rights under this  
10 Act on the date filed with the EEOC. If the EEOC is the  
11 governmental agency designated to investigate the charge  
12 ~~first~~, the Department shall take no action on the charge  
13 except as set forth in this Section ~~until the EEOC makes a~~  
14 ~~determination on the charge and after the complainant~~  
15 ~~notifies the Department of the EEOC's determination.~~

16           (1.5) After ~~In such cases, after~~ receiving notice from  
17 the EEOC that a charge was filed, the Department shall  
18 notify the parties that (i) a charge has been received by  
19 the EEOC and has been sent to the Department for the  
20 purpose of preserving the complainant's rights under this  
21 Act ~~dual filing purposes~~; (ii) the EEOC is the governmental  
22 agency responsible for investigating the charge and that  
23 the investigation shall be conducted pursuant to the rules  
24 and procedures adopted by the EEOC; (iii) the EEOC's  
25 determination shall automatically be adopted by the  
26 Department without any further action on behalf of the

1        Department; (iv) the Department is administratively  
2        closing its investigation; and (v) the complainant has the  
3        right, within 90 days after receipt of the EEOC's  
4        determination or the date of the Department's notice,  
5        whichever is later, to commence a civil action in the  
6        appropriate circuit court or other appropriate court of  
7        competent jurisdiction ~~it will take no action on the charge~~  
8        ~~until the EEOC issues its determination; (iv) the~~  
9        ~~complainant must submit a copy of the EEOC's determination~~  
10       ~~within 30 days after service of the determination by the~~  
11       ~~EEOC on complainant; and (v) that the time period to~~  
12       ~~investigate the charge contained in subsection (G) of this~~  
13       ~~Section is tolled from the date on which the charge is~~  
14       ~~filed with the EEOC until the EEOC issues its~~  
15       ~~determination.~~

16        (2) (Blank). ~~If the EEOC finds reasonable cause to~~  
17        ~~believe that there has been a violation of federal law and~~  
18        ~~if the Department is timely notified of the EEOC's findings~~  
19        ~~by complainant, the Department shall notify complainant~~  
20        ~~that the Department has adopted the EEOC's determination of~~  
21        ~~reasonable cause and that complainant has the right, within~~  
22        ~~90 days after receipt of the Department's notice, to either~~  
23        ~~file his or her own complaint with the Illinois Human~~  
24        ~~Rights Commission or commence a civil action in the~~  
25        ~~appropriate circuit court or other appropriate court of~~  
26        ~~competent jurisdiction. This notice shall be provided to~~



1 ~~the complainant within 10 business days after the~~  
2 ~~Department's receipt of the EEOC's determination. The~~  
3 ~~Department's notice to complainant that the Department has~~  
4 ~~adopted the EEOC's determination of reasonable cause shall~~  
5 ~~constitute the Department's Report for purposes of~~  
6 ~~subparagraph (D) of this Section.~~

7 (3) (Blank). ~~For those charges alleging violations~~  
8 ~~within the jurisdiction of both the EEOC and the Department~~  
9 ~~and for which the EEOC either (i) does not issue a~~  
10 ~~determination, but does issue the complainant a notice of a~~  
11 ~~right to sue, including when the right to sue is issued at~~  
12 ~~the request of the complainant, or (ii) determines that it~~  
13 ~~is unable to establish that illegal discrimination has~~  
14 ~~occurred and issues the complainant a right to sue notice,~~  
15 ~~and if the Department is timely notified of the EEOC's~~  
16 ~~determination by complainant, the Department shall notify~~  
17 ~~the parties, within 10 business days after receipt of the~~  
18 ~~EEOC's determination, that the Department will adopt the~~  
19 ~~EEOC's determination as a dismissal for lack of substantial~~  
20 ~~evidence unless the complainant requests in writing within~~  
21 ~~35 days after receipt of the Department's notice that the~~  
22 ~~Department review the EEOC's determination.~~

23 ~~(a) If the complainant does not file a written~~  
24 ~~request with the Department to review the EEOC's~~  
25 ~~determination within 35 days after receipt of the~~  
26 ~~Department's notice, the Department shall notify~~

1 ~~complainant, within 10 business days after the~~  
2 ~~expiration of the 35-day period, that the decision of~~  
3 ~~the EEOC has been adopted by the Department as a~~  
4 ~~dismissal for lack of substantial evidence and that the~~  
5 ~~complainant has the right, within 90 days after receipt~~  
6 ~~of the Department's notice, to commence a civil action~~  
7 ~~in the appropriate circuit court or other appropriate~~  
8 ~~court of competent jurisdiction. The Department's~~  
9 ~~notice to complainant that the Department has adopted~~  
10 ~~the EEOC's determination shall constitute the~~  
11 ~~Department's report for purposes of subparagraph (D)~~  
12 ~~of this Section.~~

13 ~~(b) If the complainant does file a written request~~  
14 ~~with the Department to review the EEOC's~~  
15 ~~determination, the Department shall review the EEOC's~~  
16 ~~determination and any evidence obtained by the EEOC~~  
17 ~~during its investigation. If, after reviewing the~~  
18 ~~EEOC's determination and any evidence obtained by the~~  
19 ~~EEOC, the Department determines there is no need for~~  
20 ~~further investigation of the charge, the Department~~  
21 ~~shall issue a report and the Director shall determine~~  
22 ~~whether there is substantial evidence that the alleged~~  
23 ~~civil rights violation has been committed pursuant to~~  
24 ~~subsection (D) of Section 7A-102. If, after reviewing~~  
25 ~~the EEOC's determination and any evidence obtained by~~  
26 ~~the EEOC, the Department determines there is a need for~~

1 ~~further investigation of the charge, the Department~~  
2 ~~may conduct any further investigation it deems~~  
3 ~~necessary. After reviewing the EEOC's determination,~~  
4 ~~the evidence obtained by the EEOC, and any additional~~  
5 ~~investigation conducted by the Department, the~~  
6 ~~Department shall issue a report and the Director shall~~  
7 ~~determine whether there is substantial evidence that~~  
8 ~~the alleged civil rights violation has been committed~~  
9 ~~pursuant to subsection (D) of Section 7A-102 of this~~  
10 ~~Act.~~

11 (4) (Blank). ~~Pursuant to this Section, if the EEOC~~  
12 ~~dismisses the charge or a portion of the charge of~~  
13 ~~discrimination because, under federal law, the EEOC lacks~~  
14 ~~jurisdiction over the charge, and if, under this Act, the~~  
15 ~~Department has jurisdiction over the charge of~~  
16 ~~discrimination, the Department shall investigate the~~  
17 ~~charge or portion of the charge dismissed by the EEOC for~~  
18 ~~lack of jurisdiction pursuant to subsections (A), (A 1),~~  
19 ~~(B), (B 1), (C), (D), (E), (F), (G), (H), (I), (J), and (K)~~  
20 ~~of Section 7A-102 of this Act.~~

21 (5) (Blank). ~~The time limit set out in subsection (C)~~  
22 ~~of this Section is tolled from the date on which the charge~~  
23 ~~is filed with the EEOC to the date on which the EEOC issues~~  
24 ~~its determination.~~

25 (6) (Blank). ~~The failure of the Department to meet the~~  
26 ~~10 business day notification deadlines set out in~~

1 ~~paragraph (2) of this subsection shall not impair the~~  
2 ~~rights of any party.~~

3 (B) Notice and Response to Charge. The Department shall,  
4 within 10 days of the date on which the charge was filed, serve  
5 a copy of the charge on the respondent and provide all parties  
6 with a notice of the complainant's right to opt out of the  
7 investigation within 60 days as set forth in subsection (C-1).  
8 This period shall not be construed to be jurisdictional. The  
9 charging party and the respondent may each file a position  
10 statement and other materials with the Department regarding the  
11 charge of alleged discrimination within 60 days of receipt of  
12 the notice of the charge. The position statements and other  
13 materials filed shall remain confidential unless otherwise  
14 agreed to by the party providing the information and shall not  
15 be served on or made available to the other party during  
16 pendency of a charge with the Department. The Department may  
17 require the respondent to file a response to the allegations  
18 contained in the charge. Upon the Department's request, the  
19 respondent shall file a response to the charge within 60 days  
20 and shall serve a copy of its response on the complainant or  
21 his or her representative. Notwithstanding any request from the  
22 Department, the respondent may elect to file a response to the  
23 charge within 60 days of receipt of notice of the charge,  
24 provided the respondent serves a copy of its response on the  
25 complainant or his or her representative. All allegations  
26 contained in the charge not denied by the respondent within 60

1 days of the Department's request for a response may be deemed  
2 admitted, unless the respondent states that it is without  
3 sufficient information to form a belief with respect to such  
4 allegation. The Department may issue a notice of default  
5 directed to any respondent who fails to file a response to a  
6 charge within 60 days of receipt of the Department's request,  
7 unless the respondent can demonstrate good cause as to why such  
8 notice should not issue. The term "good cause" shall be defined  
9 by rule promulgated by the Department. Within 30 days of  
10 receipt of the respondent's response, the complainant may file  
11 a reply to said response and shall serve a copy of said reply  
12 on the respondent or his or her representative. A party shall  
13 have the right to supplement his or her response or reply at  
14 any time that the investigation of the charge is pending. The  
15 Department shall, within 10 days of the date on which the  
16 charge was filed, and again no later than 335 days thereafter,  
17 send by certified or registered mail, or electronic mail if  
18 elected by the party, written notice to the complainant and to  
19 the respondent informing the complainant of the complainant's  
20 rights to either file a complaint with the Human Rights  
21 Commission or commence a civil action in the appropriate  
22 circuit court under subparagraph (2) of paragraph (G) and under  
23 subsection (C-1), including in such notice the dates within  
24 which the complainant may exercise these rights. In the notice  
25 the Department shall notify the complainant that the charge of  
26 civil rights violation will be dismissed with prejudice and

1 with no right to further proceed if a written complaint is not  
2 timely filed with the Commission or with the appropriate  
3 circuit court by the complainant pursuant to subparagraph (2)  
4 of paragraph (G) or subsection (C-1) or by the Department  
5 pursuant to subparagraph (1) of paragraph (G).

6 (B-1) Mediation. The complainant and respondent may agree  
7 to voluntarily submit the charge to mediation without waiving  
8 any rights that are otherwise available to either party  
9 pursuant to this Act and without incurring any obligation to  
10 accept the result of the mediation process. Nothing occurring  
11 in mediation shall be disclosed by the Department or admissible  
12 in evidence in any subsequent proceeding unless the complainant  
13 and the respondent agree in writing that such disclosure be  
14 made.

15 (C) Investigation.

16 (1) If the complainant does not elect to opt out of an  
17 investigation pursuant to subsection (C-1), the Department  
18 shall conduct an investigation sufficient to determine  
19 whether the allegations set forth in the charge are  
20 supported by substantial evidence.

21 (2) The Director or his or her designated  
22 representatives shall have authority to request any member  
23 of the Commission to issue subpoenas to compel the  
24 attendance of a witness or the production for examination  
25 of any books, records or documents whatsoever.

26 (3) If any witness whose testimony is required for any

1 investigation resides outside the State, or through  
2 illness or any other good cause as determined by the  
3 Director is unable to be interviewed by the investigator or  
4 appear at a fact finding conference, his or her testimony  
5 or deposition may be taken, within or without the State, in  
6 the same manner as is provided for in the taking of  
7 depositions in civil cases in circuit courts.

8 (4) Upon reasonable notice to the complainant and the  
9 respondent, the Department may ~~shall~~ conduct a fact finding  
10 conference, ~~unless prior to 365 days after the date on~~  
11 ~~which the charge was filed the Director has determined~~  
12 ~~whether there is substantial evidence that the alleged~~  
13 ~~civil rights violation has been committed, the charge has~~  
14 ~~been dismissed for lack of jurisdiction, or the parties~~  
15 ~~voluntarily and in writing agree to waive the fact finding~~  
16 ~~conference.~~ When requested by the Department, any ~~Any~~  
17 party's failure to attend the conference without good cause  
18 shall result in dismissal or default. The term "good cause"  
19 shall be defined by rule promulgated by the Department. A  
20 notice of dismissal or default shall be issued by the  
21 Director. The notice of default issued by the Director  
22 shall notify the respondent that a request for review may  
23 be filed in writing with the Commission within 30 days of  
24 receipt of notice of default. The notice of dismissal  
25 issued by the Director shall give the complainant notice of  
26 his or her right to seek review of the dismissal before the

1 Human Rights Commission or commence a civil action in the  
2 appropriate circuit court. If the complainant chooses to  
3 have the Human Rights Commission review the dismissal  
4 order, he or she shall file a request for review with the  
5 Commission within 90 days after receipt of the Director's  
6 notice. If the complainant chooses to file a request for  
7 review with the Commission, he or she may not later  
8 commence a civil action in a circuit court. If the  
9 complainant chooses to commence a civil action in a circuit  
10 court, he or she must do so within 90 days after receipt of  
11 the Director's notice.

12 (C-1) Opt out of Department's investigation. At any time  
13 within 60 days after receipt of notice of the right to opt out,  
14 a complainant may submit a written request seeking notice from  
15 the Director indicating that the complainant has opted out of  
16 the investigation and may commence a civil action in the  
17 appropriate circuit court. The Department shall respond to a  
18 complainant's opt-out request within 10 business days by  
19 issuing the complainant a notice of the right to commence an  
20 action in circuit court. The Department shall also notify the  
21 respondent that the complainant has elected to opt out of the  
22 administrative process within 10 business days of receipt of  
23 the complainant's request. If the complainant chooses to  
24 commence an action in a circuit court under this subsection, he  
25 or she must do so within 90 days after receipt of the  
26 Director's notice of the right to commence an action in circuit



1 court. The complainant shall notify the Department and the  
2 respondent that a complaint has been filed with the appropriate  
3 circuit court and shall mail a copy of the complaint to the  
4 Department and the respondent on the same date that the  
5 complaint is filed with the appropriate circuit court. Upon  
6 receipt of notice that the complainant has filed an action with  
7 the appropriate circuit court, the Department shall  
8 immediately cease its investigation and dismiss the charge of  
9 civil rights violation. Once a complainant has commenced an  
10 action in circuit court under this subsection, he or she may  
11 not file or refile a substantially similar charge with the  
12 Department arising from the same incident of unlawful  
13 discrimination or harassment.

14 (D) Report.

15 (1) Each charge investigated under subsection (C)  
16 shall be the subject of a report to the Director. The  
17 report shall be a confidential document subject to review  
18 by the Director, authorized Department employees, the  
19 parties, and, where indicated by this Act, members of the  
20 Commission or their designated hearing officers.

21 (2) Upon review of the report, the Director shall  
22 determine whether there is substantial evidence that the  
23 alleged civil rights violation has been committed. The  
24 determination of substantial evidence is limited to  
25 determining the need for further consideration of the  
26 charge pursuant to this Act and includes, but is not

1 limited to, findings of fact and conclusions, as well as  
2 the reasons for the determinations on all material issues.  
3 Substantial evidence is evidence which a reasonable mind  
4 accepts as sufficient to support a particular conclusion  
5 and which consists of more than a mere scintilla but may be  
6 somewhat less than a preponderance.

7 (3) If the Director determines that there is no  
8 substantial evidence, the charge shall be dismissed by  
9 order of the Director and the Director shall give the  
10 complainant notice of his or her right to seek review of  
11 the dismissal order before the Commission or commence a  
12 civil action in the appropriate circuit court. If the  
13 complainant chooses to have the Human Rights Commission  
14 review the dismissal order, he or she shall file a request  
15 for review with the Commission within 90 days after receipt  
16 of the Director's notice. If the complainant chooses to  
17 file a request for review with the Commission, he or she  
18 may not later commence a civil action in a circuit court.  
19 If the complainant chooses to commence a civil action in a  
20 circuit court, he or she must do so within 90 days after  
21 receipt of the Director's notice.

22 (4) If the Director determines that there is  
23 substantial evidence, he or she shall notify the  
24 complainant and respondent of that determination. The  
25 Director shall also notify the parties that the complainant  
26 has the right to either commence a civil action in the

1 appropriate circuit court or request that the Department of  
2 Human Rights file a complaint with the Human Rights  
3 Commission on his or her behalf. Any such complaint shall  
4 be filed within 90 days after receipt of the Director's  
5 notice. If the complainant chooses to have the Department  
6 file a complaint with the Human Rights Commission on his or  
7 her behalf, the complainant must, within 30 days after  
8 receipt of the Director's notice, request in writing that  
9 the Department file the complaint. If the complainant  
10 timely requests that the Department file the complaint, the  
11 Department shall file the complaint on his or her behalf.  
12 If the complainant fails to timely request that the  
13 Department file the complaint, the complainant may file his  
14 or her complaint with the Commission or commence a civil  
15 action in the appropriate circuit court. If the complainant  
16 files a complaint with the Human Rights Commission, the  
17 complainant shall give notice to the Department of the  
18 filing of the complaint with the Human Rights Commission.

19 (E) Conciliation.

20 (1) When there is a finding of substantial evidence,  
21 the Department may designate a Department employee who is  
22 an attorney licensed to practice in Illinois to endeavor to  
23 eliminate the effect of the alleged civil rights violation  
24 and to prevent its repetition by means of conference and  
25 conciliation.

26 (2) When the Department determines that a formal

1 conciliation conference is necessary, the complainant and  
2 respondent shall be notified of the time and place of the  
3 conference by registered or certified mail at least 10 days  
4 prior thereto and either or both parties shall appear at  
5 the conference in person or by attorney.

6 (3) The place fixed for the conference shall be within  
7 35 miles of the place where the civil rights violation is  
8 alleged to have been committed.

9 (4) Nothing occurring at the conference shall be  
10 disclosed by the Department unless the complainant and  
11 respondent agree in writing that such disclosure be made.

12 (5) The Department's efforts to conciliate the matter  
13 shall not stay or extend the time for filing the complaint  
14 with the Commission or the circuit court.

15 (F) Complaint.

16 (1) When there is a failure to settle or adjust any  
17 charge through a conciliation conference and the charge is  
18 not dismissed ~~the complainant requests that the Department~~  
19 ~~file a complaint with the Commission on his or her behalf,~~  
20 the Department shall prepare a written complaint, under  
21 oath or affirmation, stating the nature of the civil rights  
22 violation ~~substantially as alleged in the charge~~  
23 ~~previously filed~~ and the relief sought on behalf of the  
24 aggrieved party. The complaint shall be based on the final  
25 investigation report and does not need to be limited to the  
26 facts or grounds alleged in the charge filed under

1        subsection (A). ~~The Department shall file the complaint~~  
2        ~~with the Commission.~~

3            (2) The Department shall file the complaint with the  
4        Commission. ~~If the complainant chooses to commence a civil~~  
5        ~~action in a circuit court, he or she must do so in the~~  
6        ~~circuit court in the county wherein the civil rights~~  
7        ~~violation was allegedly committed. The form of the~~  
8        ~~complaint in any such civil action shall be in accordance~~  
9        ~~with the Illinois Code of Civil Procedure.~~

10        (G) Time Limit.

11            (1) When a charge of a civil rights violation has been  
12        properly filed, the Department, within 365 days thereof or  
13        within any extension of that period agreed to in writing by  
14        all parties, shall issue its report as required by  
15        subparagraph (D). Any such report shall be duly served upon  
16        both the complainant and the respondent.

17            (2) If the Department has not issued its report within  
18        365 days after the charge is filed, or any such longer  
19        period agreed to in writing by all the parties, the  
20        complainant shall have 90 days to either file his or her  
21        own complaint with the Human Rights Commission or commence  
22        a civil action in the appropriate circuit court. If the  
23        complainant files a complaint with the Commission, the form  
24        of the complaint shall be in accordance with the provisions  
25        of paragraph (F)(1). If the complainant commences a civil  
26        action in a circuit court, the form of the complaint shall

1 be in accordance with the Illinois Code of Civil Procedure.  
2 The aggrieved party shall notify the Department that a  
3 complaint has been filed and shall serve a copy of the  
4 complaint on the Department on the same date that the  
5 complaint is filed with the Commission or in circuit court.  
6 If the complainant files a complaint with the Commission,  
7 he or she may not later commence a civil action in circuit  
8 court.

9 (3) If an aggrieved party files a complaint with the  
10 Human Rights Commission or commences a civil action in  
11 circuit court pursuant to paragraph (2) of this subsection,  
12 or if the time period for filing a complaint has expired,  
13 the Department shall immediately cease its investigation  
14 and dismiss the charge of civil rights violation. Any final  
15 order entered by the Commission under this Section is  
16 appealable in accordance with paragraph (B)(1) of Section  
17 8-111. Failure to immediately cease an investigation and  
18 dismiss the charge of civil rights violation as provided in  
19 this paragraph (3) constitutes grounds for entry of an  
20 order by the circuit court permanently enjoining the  
21 investigation. The Department may also be liable for any  
22 costs and other damages incurred by the respondent as a  
23 result of the action of the Department.

24 (4) (Blank).

25 (5) The failure of the Department to meet the  
26 notification deadlines in subsections (B) and (C-1) shall

1           not impair the rights of any party.

2           (H) This amendatory Act of 1995 applies to causes of action  
3 filed on or after January 1, 1996.

4           (I) This amendatory Act of 1996 applies to causes of action  
5 filed on or after January 1, 1996.

6           (J) The changes made to this Section by Public Act 95-243  
7 apply to charges filed on or after the effective date of those  
8 changes.

9           (K) The changes made to this Section by this amendatory Act  
10 of the 96th General Assembly apply to charges filed on or after  
11 the effective date of those changes.

12           (L) The changes made to this Section by this amendatory Act  
13 of the 100th General Assembly apply to charges filed on or  
14 after the effective date of this amendatory Act of the 100th  
15 General Assembly.

16           (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;  
17 100-1066, eff. 8-24-18.)

18           (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

19           Sec. 7B-102. Procedures.

20           (A) Charge.

21           (1) Within one year after the date that a civil rights  
22 violation allegedly has been committed or terminated, a  
23 charge in writing under oath or affirmation may be filed  
24 with the Department by an aggrieved party or issued by the  
25 Department itself under the signature of the Director.

1           (2) The charge shall be in such detail as to  
2 substantially apprise any party properly concerned as to  
3 the time, place, and facts surrounding the alleged civil  
4 rights violation.

5           (B) Notice and Response to Charge.

6           (1) The Department shall serve notice upon the  
7 aggrieved party acknowledging such charge and advising the  
8 aggrieved party of the time limits and choice of forums  
9 provided under this Act. The Department shall, within 10  
10 days of the date on which the charge was filed or the  
11 identification of an additional respondent under paragraph  
12 (2) of this subsection, serve on the respondent a copy of  
13 the charge along with a notice identifying the alleged  
14 civil rights violation and advising the respondent of the  
15 procedural rights and obligations of respondents under  
16 this Act and may require the respondent to file a response  
17 to the allegations contained in the charge. Upon the  
18 Department's request, the respondent shall file a response  
19 to the charge within 30 days and shall serve a copy of its  
20 response on the complainant or his or her representative.  
21 Notwithstanding any request from the Department, the  
22 respondent may elect to file a response to the charge  
23 within 30 days of receipt of notice of the charge, provided  
24 the respondent serves a copy of its response on the  
25 complainant or his or her representative. All allegations  
26 contained in the charge not denied by the respondent within



1 30 days after the Department's request for a response may  
2 be deemed admitted, unless the respondent states that it is  
3 without sufficient information to form a belief with  
4 respect to such allegation. The Department may issue a  
5 notice of default directed to any respondent who fails to  
6 file a response to a charge within 30 days of the  
7 Department's request, unless the respondent can  
8 demonstrate good cause as to why such notice should not  
9 issue. The term "good cause" shall be defined by rule  
10 promulgated by the Department. Within 10 days of the date  
11 he or she receives the respondent's response, the  
12 complainant may file his or her reply to said response. If  
13 he or she chooses to file a reply, the complainant shall  
14 serve a copy of said reply on the respondent or his or her  
15 representative. A party may supplement his or her response  
16 or reply at any time that the investigation of the charge  
17 is pending.

18 (2) A person who is not named as a respondent in a  
19 charge, but who is identified as a respondent in the course  
20 of investigation, may be joined as an additional or  
21 substitute respondent upon written notice, under  
22 subsection (B), to such person, from the Department. Such  
23 notice, in addition to meeting the requirements of  
24 subsections (A) and (B), shall explain the basis for the  
25 Department's belief that a person to whom the notice is  
26 addressed is properly joined as a respondent.

1 (C) Investigation.

2 (1) The Department shall conduct a full investigation  
3 of the allegations set forth in the charge and complete  
4 such investigation within 100 days after the filing of the  
5 charge, unless it is impracticable to do so. The  
6 Department's failure to complete the investigation within  
7 100 days after the proper filing of the charge does not  
8 deprive the Department of jurisdiction over the charge.

9 (2) If the Department is unable to complete the  
10 investigation within 100 days after the charge is filed,  
11 the Department shall notify the complainant and respondent  
12 in writing of the reasons for not doing so.

13 (3) The Director or his or her designated  
14 representative shall have authority to request any member  
15 of the Commission to issue subpoenas to compel the  
16 attendance of a witness or the production for examination  
17 of any books, records or documents whatsoever.

18 (4) If any witness whose testimony is required for any  
19 investigation resides outside the State, or through  
20 illness or any other good cause as determined by the  
21 Director is unable to be interviewed by the investigator or  
22 appear at a fact finding conference, his or her testimony  
23 or deposition may be taken, within or without the State, in  
24 the same manner as provided for in the taking of  
25 depositions in civil cases in circuit courts.

26 (5) Upon reasonable notice to the complainant and the

1       respondent, the Department may ~~shall~~ conduct a fact finding  
2       conference, ~~unless prior to 100 days from the date on which~~  
3       ~~the charge was filed, the Director has determined whether~~  
4       ~~there is substantial evidence that the alleged civil rights~~  
5       ~~violation has been committed or the parties voluntarily and~~  
6       ~~in writing agree to waive the fact finding conference. When~~  
7       ~~requested by the Department, a~~ ~~A~~ party's failure to attend  
8       the conference without good cause may result in dismissal  
9       or default. A notice of dismissal or default shall be  
10      issued by the Director and shall notify the relevant party  
11      that a request for review may be filed in writing with the  
12      Commission within 30 days of receipt of notice of dismissal  
13      or default.

14      (D) Report.

15           (1) Each charge investigated under subsection (C)  
16      shall be the subject of a report to the Director. The  
17      report shall be a confidential document subject to review  
18      by the Director, authorized Department employees, the  
19      parties, and, where indicated by this Act, members of the  
20      Commission or their designated hearing officers.

21           The report shall contain:

22           (a) the names and dates of contacts with witnesses;

23           (b) a summary and the date of correspondence and  
24      other contacts with the aggrieved party and the  
25      respondent;

26           (c) a summary description of other pertinent

1 records;

2 (d) a summary of witness statements; and

3 (e) answers to questionnaires.

4 A final report under this paragraph may be amended if  
5 additional evidence is later discovered.

6 (2) Upon review of the report and within 100 days of  
7 the filing of the charge, unless it is impracticable to do  
8 so, the Director shall determine whether there is  
9 substantial evidence that the alleged civil rights  
10 violation has been committed or is about to be committed.  
11 If the Director is unable to make the determination within  
12 100 days after the filing of the charge, the Director shall  
13 notify the complainant and respondent in writing of the  
14 reasons for not doing so. The Director's failure to make  
15 the determination within 100 days after the proper filing  
16 of the charge does not deprive the Department of  
17 jurisdiction over the charge.

18 (a) If the Director determines that there is no  
19 substantial evidence, the charge shall be dismissed  
20 and the aggrieved party notified that he or she may  
21 seek review of the dismissal order before the  
22 Commission. The aggrieved party shall have 90 days from  
23 receipt of notice to file a request for review by the  
24 Commission. The Director shall make public disclosure  
25 of each such dismissal.

26 (b) If the Director determines that there is

1           substantial evidence, he or she shall immediately  
2           issue a complaint on behalf of the aggrieved party  
3           pursuant to subsection (F).

4           (E) Conciliation.

5           (1) During the period beginning with the filing of  
6           charge and ending with the filing of a complaint or a  
7           dismissal by the Department, the Department shall, to the  
8           extent feasible, engage in conciliation with respect to  
9           such charge.

10           When the Department determines that a formal  
11           conciliation conference is feasible, the aggrieved party  
12           and respondent shall be notified of the time and place of  
13           the conference by registered or certified mail at least 7  
14           days prior thereto and either or both parties shall appear  
15           at the conference in person or by attorney.

16           (2) The place fixed for the conference shall be within  
17           35 miles of the place where the civil rights violation is  
18           alleged to have been committed.

19           (3) Nothing occurring at the conference shall be made  
20           public or used as evidence in a subsequent proceeding for  
21           the purpose of proving a violation under this Act unless  
22           the complainant and respondent agree in writing that such  
23           disclosure be made.

24           (4) A conciliation agreement arising out of such  
25           conciliation shall be an agreement between the respondent  
26           and the complainant, and shall be subject to approval by

1 the Department and Commission.

2 (5) A conciliation agreement may provide for binding  
3 arbitration of the dispute arising from the charge. Any  
4 such arbitration that results from a conciliation  
5 agreement may award appropriate relief, including monetary  
6 relief.

7 (6) Each conciliation agreement shall be made public  
8 unless the complainant and respondent otherwise agree and  
9 the Department determines that disclosure is not required  
10 to further the purpose of this Act.

11 (F) Complaint.

12 (1) When there is a failure to settle or adjust any  
13 charge through a conciliation conference and the charge is  
14 not dismissed, the Department shall prepare a written  
15 complaint, under oath or affirmation, stating the nature of  
16 the civil rights violation and the relief sought on behalf  
17 of the aggrieved party. Such complaint shall be based on  
18 the final investigation report and need not be limited to  
19 the facts or grounds alleged in the charge filed under  
20 subsection (A).

21 (2) The complaint shall be filed with the Commission.

22 (3) The Department may not issue a complaint under this  
23 Section regarding an alleged civil rights violation after  
24 the beginning of the trial of a civil action commenced by  
25 the aggrieved party under any State or federal law, seeking  
26 relief with respect to that alleged civil rights violation.

1 (G) Time Limit.

2 (1) When a charge of a civil rights violation has been  
3 properly filed, the Department, within 100 days thereof,  
4 unless it is impracticable to do so, shall either issue and  
5 file a complaint in the manner and form set forth in this  
6 Section or shall order that no complaint be issued. Any  
7 such order shall be duly served upon both the aggrieved  
8 party and the respondent. The Department's failure to  
9 either issue and file a complaint or order that no  
10 complaint be issued within 100 days after the proper filing  
11 of the charge does not deprive the Department of  
12 jurisdiction over the charge.

13 (2) The Director shall make available to the aggrieved  
14 party and the respondent, at any time, upon request  
15 following completion of the Department's investigation,  
16 information derived from an investigation and any final  
17 investigative report relating to that investigation.

18 (H) This amendatory Act of 1995 applies to causes of action  
19 filed on or after January 1, 1996.

20 (I) The changes made to this Section by Public Act 95-243  
21 apply to charges filed on or after the effective date of those  
22 changes.

23 (J) The changes made to this Section by this amendatory Act  
24 of the 96th General Assembly apply to charges filed on or after  
25 the effective date of those changes.

26 (Source: P.A. 100-492, eff. 9-8-17; 100-1066, eff. 8-24-18.)

1 (775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)

2 Sec. 8A-102. Hearing on Complaint.

3 (A) Services. Within five days after a complaint is filed  
4 by the Department, or the aggrieved party, as the case may be,  
5 the Commission shall cause it to be served on the respondent  
6 together with a notice of hearing before a hearing officer of  
7 the Commission at a place therein fixed.

8 (A-5) Election of Judicial Determination.

9 (1) When a complaint is filed under subsection (F) of  
10 Section 7A-102, a complainant may elect to have the claims  
11 asserted in that complaint decided in a civil action in a  
12 circuit court of this State, in which case the Code of  
13 Civil Procedure shall apply. The election shall be made no  
14 later than 20 days after the complainant's receipt of  
15 service of the complaint by the Commission. The complainant  
16 shall file the election with the Commission and shall give  
17 notice of doing so to the Department and to all other  
18 complainants and respondents to whom the charge relates.

19 (2) If an election is made, the Commission shall act no  
20 further on the complaint and shall administratively close  
21 the file on the complaint. The complainant shall file the  
22 civil action in the appropriate circuit court within 30  
23 days of the Commission's order of closure and serve a copy  
24 of the complaint on the Department on the same day the  
25 complaint is filed.



1           (3) If an election is not made, the Commission shall  
2           continue proceedings on the complaint in accordance with  
3           this Act and the hearing shall be before a hearing officer.

4           (B) Time and Location of Hearing. An initial hearing date  
5 shall be scheduled for not less than thirty nor more than  
6 ninety days after service of the complaint at a place that is  
7 within one hundred miles of the place at which the civil rights  
8 violation is alleged to have occurred. The hearing officer may,  
9 for good cause shown, extend the date of the hearing.

10           (B-5) Department Intervention. Within 60 days after the  
11 filing of the complaint by the Department or service of a  
12 complaint filed by a complainant on the Department, the  
13 Department may petition to intervene as a matter of right as a  
14 party in the proceeding if the Director determines: (1) the  
15 case involves matters of public interest or importance beyond  
16 the issues in the case; (2) the Department has an interest  
17 different from one or both of the parties; or (3) the  
18 Department's expertise makes it better suited to articulate a  
19 particular point of view.

20           (C) Amendment.

21           (1) A complaint may be amended under oath by leave of  
22 the presiding hearing officer, for good cause shown, upon  
23 timely written motion and reasonable notice to all  
24 interested parties at any time prior to the issuance of a  
25 recommended order pursuant to Section 8A-102(I) or  
26 8B-102(J). The amended complaint shall be served upon all

1 parties of record and the Department of Human Rights by the  
2 complainant, or by the Department if it prepared and filed  
3 the amended complaint, within 7 days of the date of the  
4 order permitting its filing or such additional time as the  
5 hearing officer may order. Amendments to the complaint may  
6 encompass any unlawful discrimination which is like or  
7 reasonably related to the charge and growing out of the  
8 allegations in such charge, including, but not limited to,  
9 allegations of retaliation.

10 (2) A motion that the complaint be amended to conform  
11 to the evidence, made prior to the close of the public  
12 hearing, may be addressed orally on the record to the  
13 hearing officer, and shall be granted for good and  
14 sufficient cause.

15 (D) Answer.

16 (1) The respondent shall file an answer under oath or  
17 affirmation to the original or amended complaint within 30  
18 days of the date of service thereof, but the hearing  
19 officer may, for good cause shown, grant further time for  
20 the filing of an answer.

21 (2) When the respondent files a motion to dismiss the  
22 complaint within 30 days and the motion is denied by the  
23 hearing officer, the time for filing the answer shall be  
24 within 15 days of the date of denial of the motion.

25 (3) Any allegation in the complaint which is not denied  
26 or admitted in the answer is deemed admitted unless the

1           respondent states in the answer that he is without  
2           sufficient knowledge or information to form a belief with  
3           respect to such allegation.

4           (4) The failure to file an answer is deemed to  
5           constitute an admission of the allegations contained in the  
6           complaint.

7           (5) The respondent has the right to amend his answer,  
8           upon leave of the hearing officer, for good cause shown.

9           (E) Proceedings In Forma Pauperis.

10           (1) If the hearing officer is satisfied that the  
11           complainant or respondent is a poor person, and unable to  
12           prosecute or defend the complaint and pay the costs and  
13           expenses thereof, the hearing officer may permit the party  
14           to commence and prosecute or defend the action as a poor  
15           person. Such party shall have all the necessary subpoenas,  
16           appearances, and proceedings without prepayment of witness  
17           fees or charges. Witnesses shall attend as in other cases  
18           under this Act and the same remedies shall be available for  
19           failure or refusal to obey the subpoena as are provided for  
20           in Section 8-104 of this Act.

21           (2) A person desiring to proceed without payment of  
22           fees or charges shall file with the hearing officer an  
23           affidavit stating that he is a poor person and unable to  
24           pay costs, and that the action is meritorious.

25           (F) Discovery. The procedure for obtaining discovery of  
26           information from parties and witnesses shall be specified by

1 the Commission in rules. If no rule has been promulgated by the  
2 Commission on a particular type of discovery, the Code of Civil  
3 Procedure may be considered persuasive authority. The types of  
4 discovery shall be the same as in civil cases in the circuit  
5 courts of this State, provided, however, that a party may take  
6 discovery depositions only upon leave of the hearing officer  
7 and for good cause shown.

8 (G) Hearing.

9 (1) Both the complainant and the respondent may appear  
10 at the hearing and examine and cross-examine witnesses.

11 (2) The testimony taken at the hearing shall be under  
12 oath or affirmation and a transcript shall be made and  
13 filed in the office of the Commission.

14 (3) The testimony taken at the hearing is subject to  
15 the same rules of evidence that apply in courts of this  
16 State in civil cases.

17 (H) Compelling Appearance of Parties at Hearing. The  
18 appearance at the hearing of a party or a person who at the  
19 time of the hearing is an officer, director, or employee of a  
20 party may be required by serving the party with a notice  
21 designating the person who is required to appear. The notice  
22 also may require the production at the hearing of documents or  
23 tangible things. If the party or person is a nonresident of the  
24 county, the hearing officer may order any terms and conditions  
25 in connection with his appearance at the hearing that are just,  
26 including payment of his reasonable expenses. Upon a failure to

1 comply with the notice, the hearing officer may enter any order  
2 that is just.

3 (I) Decision.

4 (1) When all the testimony has been taken, the hearing  
5 officer shall determine whether the respondent has engaged  
6 in or is engaging in the civil rights violation with  
7 respect to the person aggrieved as charged in the  
8 complaint. A determination sustaining a complaint shall be  
9 based upon a preponderance of the evidence.

10 (2) The hearing officer shall make findings of fact in  
11 writing and, if the finding is against the respondent,  
12 shall issue and cause to be served on the parties and the  
13 Department a recommended order for appropriate relief as  
14 provided by this Act.

15 (3) If, upon all the evidence, the hearing officer  
16 finds that a respondent has not engaged in the  
17 discriminatory practice charged in the complaint or that a  
18 preponderance of the evidence does not sustain the  
19 complaint, he shall state his findings of fact and shall  
20 issue and cause to be served on the parties and the  
21 Department a recommended order dismissing the complaint.

22 (4) The findings and recommended order of the hearing  
23 officer shall be filed with the Commission. The findings  
24 and recommended order may be authored by a hearing officer  
25 other than the hearing officer who presides at the public  
26 hearing if:

1 (a) the hearing officer who presides at the public  
2 hearing is unable to author the findings and  
3 recommended order by reason of death, disability, or  
4 separation from employment; and

5 (b) all parties to a complaint file a joint motion  
6 agreeing to have the findings and recommended order  
7 written by a hearing officer who did not preside at the  
8 public hearing.

9 (5) A recommended order dismissing a complaint may  
10 include an award of reasonable attorneys fees in favor of  
11 the respondent against the complainant or the  
12 complainant's attorney, or both, if the hearing officer  
13 concludes that the complaint was frivolous, unreasonable  
14 or groundless or that the complainant continued to litigate  
15 after it became clearly so.

16 (6) The hearing officer may issue a recommended order  
17 of dismissal with prejudice or a recommended order of  
18 default as a sanction for the failure of a party to  
19 prosecute his or her case, file a required pleading, appear  
20 at a hearing, or otherwise comply with this Act, the rules  
21 of the Commission, or a previous order of the hearing  
22 officer.

23 (Source: P.A. 92-472, eff. 1-1-02.)

24 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

25 Sec. 10-101. Applicability. With the exception of Sections

1 ~~Section~~ 10-104 and 10-105, this Article shall apply solely to  
2 civil actions arising under Article 3 of this Act.

3 (Source: P.A. 93-1017, eff. 8-24-04.)

4 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

5 Sec. 10-103. Circuit Court Actions Pursuant To Election.

6 (A) If an election is made under Section 8B-102, the Department  
7 shall authorize and not later than 30 days after the entry of  
8 the administrative closure order by the Commission ~~election is~~  
9 ~~made~~ the Attorney General shall commence and maintain a civil  
10 action on behalf of the aggrieved party in a circuit court of  
11 Illinois seeking relief under this Section. Venue for such  
12 civil action shall be determined under Section 8-111(B) (6).

13 (B) Any aggrieved party with respect to the issues to be  
14 determined in a civil action under this Section may intervene  
15 as of right in that civil action.

16 (C) In a civil action under this Section, if the court  
17 finds that a civil rights violation has occurred or is about to  
18 occur the court may grant as relief any relief which a court  
19 could grant with respect to such civil rights violation in a  
20 civil action under Section 10-102. Any relief so granted that  
21 would accrue to an aggrieved party in a civil action commenced  
22 by that aggrieved party under Section 10-102 shall also accrue  
23 to that aggrieved party in a civil action under this Section.  
24 If monetary relief is sought for the benefit of an aggrieved  
25 party who does not intervene in the civil action, the court

1 shall not award such relief if that aggrieved party has not  
2 complied with discovery orders entered by the court.

3 (Source: P.A. 86-910.)

4 (775 ILCS 5/10-105 new)

5 Sec. 10-105. Department Intervention. The Department may  
6 intervene as a matter of right in a civil action filed by a  
7 complainant in State or federal court under Section 7-109.1,  
8 subsection (A-1), (C-1), (D), or (G) of Section 7A-102, or  
9 subsection (A-5) of Section 8A-102 if the Director determines:  
10 (1) the case involves matters of public importance beyond the  
11 issues in the case; (2) the Department has an interest  
12 different from one or both of the parties; or (3) the  
13 Department's expertise makes it better suited to articulate a  
14 particular view. The Department's petition for intervention  
15 must be filed within 60 days after service of the complaint on  
16 the Department."