

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

MATTHEW MCCREA and
STEVEN WHITE,

Complainants,

vs.

SUN TAXI ASSOCIATION, INC.,
MONICA CORPORATION, and
JAMA ANSHUR,

Respondents.

CHARGE OF DISCRIMINATION

Complainants Matthew McCrea and Steven White charge Respondents Sun Taxi Association, Inc., Monica Corporation, and Jama Anshur with unlawful discrimination under Article 5 of the Illinois Human Rights Act, 775 Ill. Comp. Stat. 5/5-102 ("Human Rights Act"). As set forth herein, Complainants, two gay men, were involuntarily ejected from a taxicab after the driver objected to their exchanging a brief kiss. As a result, Complainants were denied equal enjoyment of

a public accommodation on account of their sexual orientation in violation of the Human Rights Act.

THE PARTIES

1. Complainant Matthew McCrea (“McCrea”) resides in Chicago, Illinois and is dating Complainant Steven White (“White”). White resides in West Hollywood, California.

2. Respondent Sun Taxi Association, Inc. (“Sun Taxi”) is a taxicab affiliation licensed by the City of Chicago.

3. Respondent Monica Corp. (“Monica”) is an affiliate of Sun Taxi Association and is the owner of the taxicab medallion affixed to the taxicab at issue in this case.

4. Respondent Jama Anshur (“Anshur”) is a taxicab driver. Anshur leases a taxicab from Monica and the taxicab bears the logo and colors of affiliate Sun Taxi.

FACTUAL ALLEGATIONS

5. On May 30, 2013, McCrea and White traveled by airplane from Los Angeles, California, to Chicago’s O’Hare International Airport. McCrea had been

visiting his boyfriend White in Los Angeles and, together, the two of them had come to spend time in McCrea's home city, Chicago.

6. It was just before midnight when McCrea and White hired a taxicab at the dispatch line outside the O'Hare terminal. The taxicab was a white van that bore the logo and colors of Sun Taxi. The taxicab number was 46TX and was driven by Anshur.

7. After they hired the taxicab, the taxicab proceeded to take McCrea and White to their destination via the John F. Kennedy Expressway. Shortly into the journey, McCrea leaned in toward his boyfriend and gave him a simple, one second in length, kiss. Their driver, Anshur, then quickly turned the interior light of the van on and off. When McCrea asked if everything was OK, Anshur responded, "This is public transportation." Then White asked if there was a problem, to which Anshur repeated "This is public transportation."

8. After delivering the admonishments about public transportation to the couple, Anshur proceeded to pull over on the shoulder of the expressway and demanded that McCrea and White exit the taxicab. There was considerable traffic on the expressway that night. It was raining and dark outside. Concerned for the couple's safety, McCrea refused to exit the taxicab on the shoulder of an

expressway and insisted that Anshur continue driving. Meanwhile, White called the Chicago City Services number (“311”) to report the incident and seek advice.

9. Anshur then abruptly pulled back on to the expressway. He began driving recklessly, swerving into traffic. Driving at an excessive rate of speed, Anshur took the nearest exit, Cumberland. Anshur’s driving caused McCrea and White to fear for their safety. White described what was happening to the 311 operator who then promptly transferred their call to 911.

10. Shortly after exiting from the expressway, Anshur stopped the taxicab at Dominick’s grocery store on Cumberland in Park Ridge, Illinois, and demanded that the couple exit the cab. McCrea and White did not exit the cab at that moment, but instead waited until the police arrived.

11. Officer Kearns of the Park Ridge Police Department responded to the 911 call. When Officer Kearns arrived at Dominick’s grocery store where the taxicab had pulled over, he began to question Anshur. Anshur informed the officer that McCrea and White had been “making sex” in the taxicab. Officer Kearns then confirmed that Anshur was denying the couple service. Upon confirmation, the officer allowed Anshur to depart. McCrea and White properly withheld payment.

12. Officer Kearns waited with McCrea and White until they were able to obtain the services of a different taxicab.

13. On June 4, 2013, McCrea filed a complaint with Chicago's Department of Business Affairs and Consumer Protection ("the DBACP"), the agency that regulates the taxi industry in Chicago.

14. On July 2, 2013, the DBACP sent notice to Anshur ordering him to appear at an Administrative Hearing regarding his behavior on May 30, 2013 involving McCrea and White. The notification stated that the Administrative Hearing was to be held on July 26, 2013, at 10:30 AM.

15. The Administrative Hearing was held as planned on July 26, 2013. Anshur was charged with three violations of the Chicago Municipal Code:

- Count 1: 9-104-040/Rule 5.08d Unsafe Driving is Prohibited
- Count 2: 9-104-040/Rule 5.02 Refusal of Service
- Count 3: 9-104-040/Rule 5.08a Discourteous Conduct is Prohibited.

16. Anshur failed to attend the Hearing. Consequently, Anshur was found in Default – Liable by prove-up. He was assessed the statutory maximum fine (\$500) for each Count. In addition, he was charged a \$40.00 administrative cost resulting in a total fine of \$1,540.00.

17. The taxicab operated by Sun Taxi, Monica, and Anshur is a place of public accommodation governed by the Illinois Human Rights Act. *See* 775 ILCS 5/5-101(A).

18. McCrea and White were denied the full and equal enjoyment of the taxicab service on account of their sexual orientation. As a result, Respondents' conduct constitutes a civil rights violation under the Illinois Human Rights Act, 775 ILCS 5/5-102 (A).

RELIEF REQUESTED

WHEREFORE, Matthew McCrea and Steven White, through their undersigned attorneys, request that the Illinois Human Rights Commission issue an order that:

- (a) holds that Respondents deprived McCrea and White of the full and equal enjoyment of a public accommodation on account of their sexual orientation in violation of the Illinois Human Rights Act, 775 ILCS 5/5-102 (A);
- (b) awards compensatory and other damages to McCrea and White for their injury;
- (c) awards McCrea and White the costs associated with bringing and maintaining this action, including reasonable attorney fees; and
- (d) grants such further and different relief as the Commission deems proper to make McCrea and White whole and to further the interests of justice.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christopher R. Clark". The signature is written in black ink and is positioned above the typed name.

Christopher R. Clark

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