

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy Act Statement before completing this form.

#

AGENCY IDHR EEOC

CHARGE NUMBER

Illinois Department of Human Rights and EEOC

NAME OF COMPLAINT (indicate Mr. Ms. Mrs.)

Mr. Armando Magana

TELEPHONE NUMBER (include area code)

(708) 759-8909

STREET ADDRESS

17245 S Dobson Ave

CITY, STATE, ZIP CODE

South Holland, IL 60473

DATE OF BIRTH

04/17/1975

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE, LIST BELOW)

NAME OF RESPONDENT

Pangea Properties, LLC

NUMBER OF EMPLOYEES, MEMBERS +15

TELEPHONE NUMBER (include area code)

(312) 924-5745

STREET ADDRESS

549 W Randolph St, 2nd Fl

CITY, STATE, ZIP CODE

Chicago, IL 60661

COUNTY

COOK

CAUSE OF DISCRIMINATION BASED ON:

Race -- Hispanic
National Origin -- Mexico
Retaliation

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

2017 - present

 CONTINUING ACTION**S E E A T T A C H E D**

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IDHR INTAKE
JUL 30 '20 AM 10:31

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 25th DAY OF July, 2020.

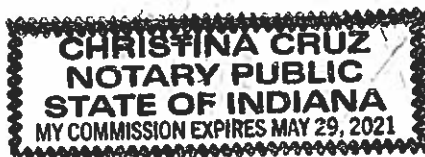
NOTARY SIGNATURE

X Armando Magana 7/25/20

SIGNATURE OF COMPLAINANT DATE

ILM 250-0057-5110

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that is is true to the best of my knowledge, information and belief



NOTARY STAMP

Magana v. Pangea Properties – Charge Attachment

Armando Magana v. Pangea Properties Charge Attachment

- I. A. ISSUE/BASIS
DISCRIMINATION ON THE BASIS OF MY RACE
- B. PRIMA FACIE ALLEGATIONS
 1. My race is Hispanic.
 2. I began working for Pangea Properties, LLC (“Pangea” or “the Company”) in 2010 as a maintenance technician.
 3. I was well qualified and able to perform all parts of my job satisfactorily.
 4. I was recognized as a good performer and within just one year, I was promoted to a supervisor position for the Maintenance Department overseeing one of Pangea’s five (at the time, currently six) zones.
 5. In my supervisory role, I was responsible for maintenance, pest control and renovations for approximately 500 tenant units. I primarily oversaw and ensured that tenant work orders were completed correctly and efficiently, managing logistics within my department, acquiring materials and supplies for technicians, organizing and completing the necessary paperwork for work orders, and recruiting, hiring and managing a team of approximately 100 employees.
 6. In 2011, my duties were expanded to oversee all zones in the Chicago market as a Maintenance Regional Manager; however, Pangea did not change my title to reflect the increased workload and responsibilities until 2015.
 7. In early 2019, Pangea became affiliated with a third-party company, Lumen Property Management (“Lumen”), which manages its own properties. At this time, I oversee the Lumen properties in addition to all six zones in the Chicago market.
 8. Throughout my employment, I have always met or exceeded Pangea’s legitimate performance expectations, including my most recent performance review in February 2020 in which I received my full annual bonus.
 9. Notwithstanding my exceptional performance, Pangea has repeatedly discriminated against me because of my Hispanic ethnicity and my Mexican national origin. Throughout my employment, Pangea has also subjected me to a hostile work environment based on numerous derisive

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and derogatory statements made by Pangea’s managers and executives regarding my ethnicity and national origin.

10. In 2017, one of my supervisors, Derek Reich, Pangea’s now-Senior Director of Operations, told me that I should avoid being seen working with an African-American work colleague (Christopher Milliner) if I did not want to be viewed the same way as that “lazy nigger.”
11. On or about December 21, 2018, I met with Mr. Reich to discuss my performance evaluation. During the meeting, I expressed frustration about recruiting staff with the appropriate skills and experience due to Pangea’s unwillingness to offer competitive pay and benefits. Mr. Reich responded by asking me “where are the illegals?” and suggested hiring “illegals” because they will accept less compensation.
12. Shortly after my 2018 performance evaluation, I provided Mr. Reich with my recommendations for employees who merited raises. Mr. Reich called me to complain that the staff members I recommended were making too much money, that the employees could not make the same type of money anywhere else, and commented, “besides, aren’t these guys illegal?”
13. On or about March 13, 2019, I met with Mr. Reich, Pete Martay, Pangea’s CEO, and others regarding future projects. The meeting topic turned to a new acquisition, a high-end residential building near Loyola University in Chicago. My African American colleague asked, “who will be managing the building” to which Mr. Reich responded, “they’ve never seen a Regional Manager of *your kind* in that area.” I asked about getting access to the roof top, to which Mr. Martay stated, “Yeah, I can imagine Armando showing up with his trash can and saying ‘Hello, I’m Armando, the janitor here to clean up after you.’”
14. On or about April 2, 2019, I reported the discriminatory communications and behavior of Mr. Reich and Mr. Martay to Lori Bysong, Pangea’s HR Manager, Jenny Dean, Pangea’s Corporate Counsel, and Christopher Milliner, Pangea’s Senior Regional Manager.
15. On or about April 9, 2019, I met with Mr. Reich and Pangea’s CFO, Patrick Borchard, about property management, maintenance performance and budgetary projections. Mr. Borchard asked me how things were going in the field and what I was struggling with. I responded by raising concerns about recruiting and hiring competent staff. Mr. Reich then asked me, “where are the illegals?”
16. In June 2019, I was given the additional responsibilities of fully managing pest control and custodian teams, along with managing the maintenance teams.

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17. On or about June 21, 2019, I met with Mr. Reich for a field evaluation meeting in which we discussed salaries for custodians, pest control, and maintenance technicians. The meeting focused on the custodians' salaries in relation to the minimum wage increasing in Chicago. I also shared several complaints from employees about Pangea's low wages, many of whom could earn more money working at McDonald's for doing less work than they perform for the Company. A few days later, Mr. Reich called me to read me an article about Panera Bread experiencing 100% employee turnover annually and McDonald's having 75% annual turnover. Mr. Reich then commented that "when these Mexicans call you asking for more money or else they're going to McDonald's, you can tell them they can go but won't have a fucking job in a year."
18. On or about August 30, 2019, I met with Mr. Reich at a property that Pangea had recently begun to manage. During a discussion regarding employee staff assignments, Mr. Reich remarked that "Mexicans are for custodial and maintenance, Blacks for property management, and Whites for the back office, that's it."
19. On or about September 26, 2019, Mr. Martay and Mr. Reich set up another meeting with operations staff, new Regional Manager Bryan Cullers, Daniel Meister and me. After the meeting, Mr. Martay explicitly told me, "You know what, I should make you pull your fucking tools back out and make you clean shit out of the fucking tubs, like you used to."
20. The next morning, during a meeting with Mr. Reich and others, I complained to Mr. Reich regarding Mr. Martay's mistreatment, degrading comments and aggressive behavior towards me the day prior. I raised concerns about Mr. Martay's derogatory comments comparing me to a low-level janitor, suggesting that I should be made to "go clean shit out of tubs" and ridiculing me in front of others during management meetings.
21. On or about September 29, 2019, I reported the recent incident with Mr. Martay to Ms. Bysong. Later, in October 2019, I had discussions with Mr. Borchard about the hostile and derogatory comments made by Mr. Martay at the end of September.
22. Around the time that Mr. Martay made his vulgar and abusive comments to me about cleaning the tubs, I met with Steve Joung, Founder and Co-Owner of Pangea, and Mr. Milliner at a restaurant in Hyde Park to complain about Mr. Martay's behavior. I further explained to Mr. Joung and Mr. Milliner that I was considering leaving the Company because of the ongoing discrimination directed towards me. Mr. Joung listened to me, then responded by saying that he doubted workplace discrimination was occurring. Mr. Joung further stated that the reason he thought I was

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complaining was because he spoiled me when he was managing me and that he should have made me work harder. Mr. Joung ended by claiming that I do not know budgets and he should talk to Mr. Reich about hiring my next boss.

23. On or about December 19, 2019, I discussed with Sean McQuade, an Operations Manager at one of Pangea's affiliates, a status update regarding recruitment efforts for additional staff members. I relayed that one of the candidates was requesting \$22/hour as a condition of employment. Mr. McQuade responded by asking, "Do you know if he's illegal? Do you think he has papers?" I responded that I did not know one way or another, but Mr. McQuade continued to repeat the question. Mr. McQuade then asked, "Do you think this guy is worth \$22/hour?" implying that "illegals" (i.e., individuals without legal work authorization) should be willing to work for less compensation. I subsequently reported Mr. McQuade's comments to Ms. Dean, Ms. Bysong, Mr. Milliner and Mr. Cullers.
24. Despite my excellent performance, I have never been promoted to a senior position. Rather, I have remained the Maintenance Regional Manager since 2011. Mr. Martay and Mr. Reich have repeatedly sought to micromanage my work, unfairly scrutinized my performance, set unrealistic expectations and standards, falsely accused me and my team of performance failures, mischaracterized my work, and created a more hostile and discriminatory environment.
25. The Company's treatment of me is far different and worse than how the Company treats my non-Hispanic or non-Mexican work colleagues.
26. Despite having complained on multiple occasions directly to multiple members of Pangea management, no one at the Company ever responded to, investigated or otherwise communicated with me regarding my several complaints. Rather, Mr. Reich continues to make derogatory, discriminatory comments toward me. Specifically, on May 12, 2020, Mr. Reich called me and stated, "stop treating me like a shine. Last time I checked I was white."
27. Based upon the above, Pangea is discriminating against me on the basis of my race in violation of the Illinois Human Rights Act. Furthermore, I am being subjected to a hostile work environment in violation of the Illinois Human Rights Act.

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- II. A. ISSUE/BASIS
DISCRIMINATION ON THE BASIS OF MY NATIONAL ORIGIN
- B. PRIMA FACIE ALLEGATIONS
1. My national origin is Mexico.
 2. I began working for Pangea Properties, LLC (“Pangea” or “the Company”) in 2010 as a maintenance technician.
 3. I was well qualified and able to perform all parts of my job satisfactorily.
 4. I was recognized as a good performer and within just one year, I was promoted to a supervisor position for the Maintenance Department overseeing one of Pangea’s five (at the time, currently six) zones.
 5. In my supervisory role, I was responsible for maintenance, pest control and renovations for approximately 500 tenant units. I primarily oversaw and ensured that tenant work orders were completed correctly and efficiently, managing logistics within my department, acquiring materials and supplies for technicians, organizing and completing the necessary paperwork for work orders, and recruiting, hiring and managing a team of approximately 100 employees.
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 7. In early 2019, Pangea became affiliated with a third-party company, Lumen Property Management (“Lumen”), which manages its own properties. At this time, I oversee the Lumen properties in addition to all six zones in the Chicago market.
 8. Throughout my employment, I have always met or exceeded Pangea’s legitimate performance expectations, including my most recent performance review in February 2020 in which I received my full annual bonus.
 9. Notwithstanding my exceptional performance, Pangea has repeatedly discriminated against me because of my Hispanic ethnicity and my Mexican national origin. Throughout my employment, Pangea has also subjected me to a hostile work environment based on numerous derisive and derogatory statements made by Pangea’s managers and executives regarding my ethnicity and national origin.

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11. On or about December 21, 2018, I met with Mr. Reich to discuss my performance evaluation. During the meeting, I expressed frustration about recruiting staff with the appropriate skills and experience due to Pangea’s unwillingness to offer competitive pay and benefits. Mr. Reich responded by asking me “where are the illegals?” and suggested hiring “illegals” because they will accept less compensation.
12. Shortly after my 2018 performance evaluation, I provided Mr. Reich with my recommendations for employees who merited raises. Mr. Reich called me to complain that the staff members I recommended were making too much money, that the employees could not make the same type of money anywhere else, and commented, “besides, aren’t these guys illegal?”
13. On or about March 13, 2019, I met with Mr. Reich, Pete Martay, Pangea’s CEO, and others regarding future projects. The meeting topic turned to a new acquisition, a high-end residential building near Loyola University in Chicago. My African American colleague asked, “who will be managing the building” to which Mr. Reich responded, “they’ve never seen a Regional Manager of your kind in that area.” I asked about getting access to the roof top, to which Mr. Martay stated, “Yeah, I can imagine Armando showing up with his trash can and saying ‘Hello, I’m Armando, the janitor here to clean up after you.’”
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15. On or about April 9, 2019, I met with Mr. Reich and Pangea’s CFO, Patrick Borchard, about property management, maintenance performance and budgetary projections. Mr. Borchard asked me how things were going in the field and what I was struggling with. I responded by raising concerns about recruiting and hiring competent staff. Mr. Reich then asked me, “where are the illegals?”
16. In June 2019, I was given the additional responsibilities of fully managing pest control and custodian teams, along with managing the maintenance teams.
17. On or about June 21, 2019, I met with Mr. Reich for a field evaluation meeting in which we discussed salaries for custodians, pest control, and

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maintenance technicians. The meeting focused on the custodians' salaries in relation to the minimum wage increasing in Chicago. I also shared several complaints from employees about Pangea's low wages, many of whom could earn more money working at McDonald's for doing less work than they perform for the Company. A few days later, Mr. Reich called me to read me an article about Panera Bread experiencing 100% employee turnover annually and McDonald's having 75% annual turnover. Mr. Reich then commented that "when these Mexicans call you asking for more money or else they're going to McDonald's, you can tell them they can go but won't have a fucking job in a year."

18. On or about August 30, 2019, I met with Mr. Reich at a property that Pangea had recently begun to manage. During a discussion regarding employee staff assignments, Mr. Reich remarked that "Mexicans are for custodial and maintenance, Blacks for property management, and Whites for the back office, that's it."
19. On or about September 26, 2019, Mr. Martay and Mr. Reich set up another meeting with operations staff, new Regional Manager Bryan Cullers, Daniel Meister and me. After the meeting, Mr. Martay explicitly told me, "You know what, I should make you pull your fucking tools back out and make you clean shit out of the fucking tubs, like you used to."
20. The next morning, during a meeting with Mr. Reich and others, I complained to Mr. Reich regarding Mr. Martay's mistreatment, degrading comments and aggressive behavior towards me the day prior. I raised concerns about Mr. Martay's derogatory comments comparing me to a low-level janitor, suggesting that I should be made to "go clean shit out of tubs" and ridiculing me in front of others during management meetings.
21. On or about September 29, 2019, I reported the recent incident with Mr. Martay to Ms. Bysong. Later, in October 2019, I had discussions with Mr. Borchard about the hostile and derogatory comments made by Mr. Martay at the end of September.
22. Around the time that Mr. Martay made his vulgar and abusive comments to me about cleaning the tubs, I met with Steve Joung, Founder and Co-Owner of Pangea, and Mr. Milliner at a restaurant in Hyde Park to complain about Mr. Martay's behavior. I further explained to Mr. Joung and Mr. Milliner that I was considering leaving the Company because of the ongoing discrimination directed towards me. Mr. Joung listened to me, then responded by saying that he doubted workplace discrimination was occurring. Mr. Joung further stated that the reason he thought I was complaining was because he spoiled me when he was managing me and that he should have made me work harder. Mr. Joung ended by claiming

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25. The Company's treatment of me is far different and worse than how the Company treats my non-Hispanic or non-Mexican work colleagues.
26. Despite having complained on multiple occasions directly to multiple members of Pangea management, no one at the Company ever responded to, investigated or otherwise communicated with me regarding my several complaints. Rather, Mr. Reich continues to make derogatory, discriminatory comments toward me. Specifically, on May 12, 2020, Mr. Reich called me and stated, "stop treating me like a shine. Last time I checked I was white."
27. Based upon the above, Pangea is discriminating against me on the basis of my national origin in violation of the Illinois Human Rights Act. Furthermore, I am being subjected to a hostile work environment in violation of the Illinois Human Rights Act.

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- III. A. ISSUE/BASIS
RETALIATION FOR COMPLAINING ABOUT RACE/NATIONAL ORIGIN
DISCRIMINATION
- C. PRIMA FACIE ALLEGATIONS
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24. Despite my excellent performance, I have never been promoted to a senior position. Rather, I have remained the Maintenance Regional Manager since 2011. Mr. Martay and Mr. Reich have repeatedly sought to micromanage my work, unfairly scrutinized my performance, set unrealistic expectations and standards, falsely accused me and my team of performance failures, mischaracterized my work, and created a more hostile and discriminatory environment.
25. The Company's treatment of me is far different and worse than how the Company treats my non-Hispanic or non-Mexican work colleagues.
26. Despite having complained on multiple occasions directly to multiple members of Pangea management, no one at the Company ever responded to, investigated or otherwise communicated with me regarding my several complaints. Rather, Mr. Reich continues to make derogatory, discriminatory comments toward me. Specifically, on May 12, 2020, Mr. Reich called me and stated, "stop treating me like a shine. Last time I checked I was white."
27. On May 13, 2020, through counsel, I sent a letter to Mr. Martay detailing the harassment and discrimination I have experienced with the Company.
28. Shortly thereafter, I was approved for and took FMLA leave. I returned from my medical leave on July 20, 2020. On my first day back in the office following my medical leave, I was brought into a meeting with Mr. Martay and Ms. Bysong. During this meeting, I was told that even though I am a high-level employee, the Company had lost trust in me. Prior to my medical leave and my counsel's letter raising allegations of workplace harassment and discrimination, the Company had never indicated any lack

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of trust with me. Further, Pangea would require me to have an additional member of management present in all meetings that I conduct with my direct reports.

29. The Company's treatment of me is far different from other managers who have not complained about workplace discrimination.
30. During the July 20th meeting, I was also questioned about why I gave my personal cell phone number to some employees. To my knowledge, the Company does not question other managers who have not complained about workplace discrimination regarding why they provide personal cell phone numbers to employees.
31. At one point, Ms. Bysong left the July 20th meeting, and Mr. Martay brought Mr. Reich and Mr. Meister into the room, at which point they told me that I have to check in with them on a weekly basis to keep them apprised of my whereabouts and to give them daily updates as to what I was working on. Mr. Meister asked that I send him a recap email describing everything I do for the week.
32. I was not required to submit such reporting requirements prior to my counsel's letter raising allegations of workplace harassment and discrimination or my medical leave. The Company claims that these are new policies that were put in place while I was out on medical leave; however, I am not aware of any other maintenance managers having to perform similar additional reporting tasks.
33. Later on July 20, 2020, Ms. Bysong emailed me a partial recap of our meeting from earlier in the day, though the email failed to reference all of the topics discussed during the meeting. Ms. Bysong's email alleges that I took paid time off without proper notification and that I allegedly did not enter the time off in the payroll system. To the contrary, I have provided proper notice and have entered all time off in Ultipro, the Company's payroll system that tracks employee time off. Moreover, Ms. Bysong's email suggests that I am not responding to all calls received on my company cell phone. To the contrary, I always answer my work phone and reply to all work emails. Yet, individuals that Mr. Martay referenced during the meeting fail to answer or return my phone calls.
34. Based upon the above, Pangea is retaliating against me for complaining about race and national origin discrimination in violation of the Illinois Human Rights Act.