




City of Chicago
COMMISSION ON HUMAN RELATIONS
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COMPLAINT

COMPLAINANT'S NAME		TELEPHONE			
Mr. Armando Magana		(708) 759-8909			
STREET ADDRESS		CITY, STATE, ZIP CODE:			
17245 S Dobson Ave		South Holland, IL 60473			
RESPONDENT NAME(S)		TELEPHONE			
Pangea Properties, LLC		(312) 924-5745			
STREET ADDRESS:		CITY, STATE, ZIP CODE:			
549 W Randolph St, 2nd Fl		Chicago, IL 60661			
TYPE OF COMPLAINT:	<input checked="" type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> HOUSING	<input type="checkbox"/> PUBLIC ACCOMMODATION	<input type="checkbox"/> CREDIT	<input type="checkbox"/> BONDING
CHECK EACH DISCRIMINATION BASIS , and state your status in the space provided. For example, if you claim national origin discrimination, state your national origin. If age, state your age.					
<input checked="" type="checkbox"/> RACE Hispanic		<input type="checkbox"/> SEX		<input type="checkbox"/> DISABILITY	
<input type="checkbox"/> COLOR		<input type="checkbox"/> SEXUAL ORIENTATION		<input type="checkbox"/> AGE (over 40)	
<input checked="" type="checkbox"/> NATIONAL ORIGIN Mexico		<input type="checkbox"/> GENDER IDENTITY		<input type="checkbox"/> SOURCE OF INCOME	
<input type="checkbox"/> ANCESTRY		<input type="checkbox"/> MARITAL STATUS		<input type="checkbox"/> MILITARY STATUS	
<input type="checkbox"/> RELIGION		<input type="checkbox"/> PARENTAL STATUS		<input checked="" type="checkbox"/> RETALIATION	
<input type="checkbox"/> CREDIT HISTORY (Employment Only)		<input type="checkbox"/> CRIMINAL RECORD/HISTORY (Employment only)		<input type="checkbox"/> RETALIATION under Hotel Workers Ordinance	
DATE OF THE ALLEGED DISCRIMINATION				2017 - Present (ongoing)	
Month, day, and year. For <i>latest</i> incident if more than one.					
ALLEGED DISCRIMINATORY CONDUCT.					
*** PLEASE SEE ATTACHED ***					
I swear or affirm that I have read this complaint and that it is true and correct to the best of my knowledge, information and belief. I give permission to each named respondent to release to the Commission on Human Relations any records or other evidence relevant to the allegations in this complaint, including but not limited to internal investigations, personnel records, and medical records.					
COMPLAINANT SIGNATURE:				DATE SIGNED (month/day/year)	
				7/25/2020	

CCHR CASE NO:

Chicago Commission on Human Relations
Charge Attachment, Magana v. Pangea Properties, LLC

In 2010, Pangea Properties, LLC (“Pangea” or “the Company”) hired Armando Magana as a maintenance technician. Within just one year, Mr. Magana was promoted to a supervisor position for the Maintenance Department overseeing one of Pangea’s five (at the time, currently six) zones. In his supervisory role, Mr. Magana primarily oversaw and ensured that tenant work orders were completed correctly and efficiently, managing logistics within his 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. At the time, Mr. Magana was responsible for maintenance, pest control and renovations for approximately 500 units.

In 2011, Mr. Magana’s duties were expanded to oversee all zones in the Chicago market as a Maintenance Regional Manager; however, Pangea did not change Mr. Magana’s title to reflect his increased workload and responsibilities until 2015. In early 2019, Pangea became affiliated with a third-party company, Lumen Property Management (“Lumen”), which manages its own properties. At this time, Mr. Magana oversees the Lumen properties in addition to all six zones in the Chicago market. Throughout his employment, Mr. Magana has always met or exceeded Pangea’s legitimate performance expectations, including his most recent performance review in February 2020 in which he received his annual bonus.

Notwithstanding Mr. Magana’s exceptional performance, Pangea has repeatedly discriminated against him because of his Hispanic ethnicity and his Mexican national origin. Throughout his employment, Pangea has also subjected Mr. Magana to a hostile work environment based on numerous derisive and derogatory statements made by Pangea’s managers and executives regarding Mr. Magana’s ethnicity and national origin. For instance, in 2017, Pangea’s now-Senior Director of Operations, Derek Reich, told Mr. Magana that he should avoid being seen working with his African-American colleague (Christopher Milliner) if he did not want to be viewed the same way as that “lazy nigger.”

On or about December 21, 2018, Mr. Magana and Mr. Reich had a meeting to discuss Mr. Magana’s performance evaluation. During the meeting, Mr. Magana 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 Mr. Magana “where are the illegals?” and again suggested hiring “illegals” because they will accept less compensation.

By way of another example, after completing performance evaluations for 2018, Mr. Magana provided Mr. Reich with recommendations for employees who merited raises, Mr. Reich called Mr. Magana to complain that the staff members were making too much money already, that the employees could not make the same type of money anywhere else, and commented, “besides, aren’t these guys illegal?”

On or about March 13, 2019, during a meeting with Mr. Reich, Pangea CEO Pete Martay, Mr. Magana and others regarding future projects, the topic turned to a new acquisition, a high-end residential building near Loyola University in Chicago. Mr. Magana’s 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." Mr. Magana inquired 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.'"

On or about April 2, 2019, Mr. Magana reported Mr. Reich and Mr. Martay's above discriminatory communications and behavior to Lori Bysong, Pangea's HR Manager, Jenny Dean, Pangea's Corporate Counsel, and Christopher Milliner, Pangea's Senior Regional Manager.

On or about April 9, 2019, after a meeting regarding property management and maintenance performance and projections, Pangea's CFO, Patrick Borchard, asked Mr. Magana how things are going in the field and what Mr. Magana was struggling with. Mr. Magana responded by raising concerns about recruiting and hiring competent staff. Mr. Reich then asked, "where are the illegals?" In June 2019, the Company gave Mr. Magana additional responsibilities of fully managing pest control and custodian teams, along with managing the maintenance teams.

On or about June 21, 2019, Mr. Magana met with Mr. Reich for a field evaluation meeting in which they 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. Mr. Magana 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 at Pangea. A few days later, Mr. Reich called Mr. Magana to read him 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."

On or about August 30, 2019, Mr. Reich and Mr. Magana met 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." 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 Mr. Magana. After the meeting, Mr. Martay told Mr. Magana, "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."

The next morning, at a meeting with Mr. Reich, Mr. Magana and others, Mr. Magana complained to Mr. Reich regarding Mr. Martay's mistreatment, degrading comments and aggressive behavior towards Mr. Magana. Specifically, Mr. Magana raised concerns about Mr. Martay's derogatory comments comparing Mr. Magana to a low-level janitor, suggesting that Mr. Magana should be made to "go clean shit out of tubs" and ridiculing Mr. Magana in meetings with management.

On or about September 29, 2019, Mr. Magana reported the recent incident with Mr. Martay to Ms. Bysong. Later, in October 2019, Mr. Magana had discussions with Mr. Borchard about the hostile and derogatory comments made by Mr. Martay at the end of September.

Around the time that Mr. Martay made vulgar and abusive comments to Mr. Magana about cleaning the tubs, Mr. Magana 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. Mr. Magana further explained to Mr. Joung and Mr. Milliner that he was considering leaving the Company because of the ongoing discrimination directed at him. Mr. Joung listened, then responded by saying that he doubted workplace discrimination was occurring. Mr. Joung further stated that the reason he thought Mr. Magana was complaining was because he spoiled Mr. Magana when Mr. Joung managed him and that Mr. Joung should have made Mr. Magana work harder. Mr. Joung ended by claiming that Mr. Magana does not know budgets and Mr. Joung should talk to Mr. Reich about hiring his next boss.

On or about December 19, 2019, Mr. Magana discussed with Sean McQuade, an Operations Manager at one of Pangea's affiliates, a status update regarding recruitment efforts for additional staff members. Mr. Magana relayed that one of the candidates was requesting \$22/hour as a condition of employment. Mr. McQuade responded by asking Mr. Magana, "Do you know if he's illegal? Do you think he has papers?" Mr. Magana said he 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?" which implied that "illegals" (i.e., individuals without legal work authorization) should be willing to work for less compensation. Mr. Magana subsequently reported Mr. McQuade's comments to Ms. Dean, Ms. Bysong, Mr. Milliner and Mr. Cullers.

Throughout his employment, Pangea's conduct and treatment of Mr. Magana's employment has become increasingly strained. Despite his excellent performance, he has never been promoted to a senior position. Mr. Martay and Mr. Reich have repeatedly sought to micromanage Mr. Magana's work, unfairly scrutinized his performance, set unrealistic expectations and standards, falsely accused him and his team of performance failures, mischaracterized his work, and created a more hostile and discriminatory environment. Pangea's treatment of Mr. Magana stands in stark contrast to Pangea's treatment of Mr. Magana's non-Hispanic or non-Mexican peers.

As noted above, Mr. Magana directly complained that Pangea's treatment and workplace conduct towards him was improper, citing the derogatory discriminatory comments. Despite having raised these concerns directly to Pangea, no one at Pangea ever responded to, investigated or otherwise communicated with him regarding his complaints. To this day, Mr. Reich continues to make derogatory discriminatory comments to Mr. Magana. On May 12, 2020, Mr. Reich called Mr. Magana and stated, "stop treating me like a shine. Last time I checked I was white."

On May 13, 2020, through counsel, Mr. Magana sent a letter to Mr. Martay detailing the harassment and discrimination that he has experienced with the Company. Shortly thereafter,

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Mr. Magana was approved for and took FMLA leave. Mr. Magana returned from his medical leave on July 20, 2020. On the first day back in the office following his medical leave, Mr. Magana was brought into a meeting with Mr. Martay and Ms. Bysong. During this meeting, Mr. Magana was told that even though he is a high-level employee, the Company had lost trust in him (prior to Mr. Magana's medical leave and his counsel's letter raising allegations of workplace harassment and discrimination, the Company had never indicated any lack of trust with Mr. Magana). Further, Pangea would require Mr. Magana to have an additional member of management present in all meetings that he conducts with his direct reports. During the July 20th meeting, Mr. Magana was also questioned about why he gave his personal cell phone number to some employees. To Mr. Magana's 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.

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 Mr. Magana that he had to check in with them on a weekly basis to keep them apprised of his whereabouts and to give them daily updates as to what he was working on. Mr. Meister asked that Mr. Magana send him a recap email describing everything he does for the week. Mr. Magana was not required to submit such reporting requirements prior to his counsel's letter raising allegations of workplace harassment and discrimination or his medical leave. The Company claims that these are new policies that were put in place while Mr. Magana was out on medical leave; however, Mr. Magana is not aware of any other maintenance managers having to perform similar additional reporting tasks.

Later on July 20, 2020, Ms. Bysong emailed Mr. Magana a partial recap of the 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 Mr. Magana took paid time off without proper notification and that Mr. Magana allegedly did not enter the time off in the payroll system. To the contrary, Mr. Magana provided proper notice and has entered all time off in Ultipro, the Company's payroll system that tracks employee time off. Moreover, Ms. Bysong's email suggests that Mr. Magana is not responding to all calls received on his company cell phone. To the contrary, Mr. Magana always answers his work phone and replies to all work emails. Yet, individuals that Mr. Martay referenced during the meeting fail to answer or return Mr. Magana's phone calls.

Pangea has discriminated against Mr. Magana based on his race and national origin. Moreover, the Company is retaliating against Mr. Magana after he engaged in protected activity by complaining about the discriminatory treatment he experienced.