

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**  
69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

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Pat TREANOR, Complainant	)	
	)	
	)	Case No. 2013E027
v.	)	
	)	
EL REY MUSIC CENTER, Respondent	)	Entered: November 17, 2014
	)	

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**ORDER**

On September 3, 2013, Complainant Pat Treanor (“Treanor”) brought this action against Respondent El Rey Music Center (“El Rey”), alleging a violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). See Cook County Code of Ordinances (“County Code”), § 42-35(b)(1). Treanor teaches piano at El Rey, but claims that El Rey has not assigned her new students because of her age. Compl. ¶¶ I, II.B-C. Having completed its investigation into the charges, the Cook County Commission on Human Rights (“Commission”) now dismisses Treanor’s complaint for a lack of substantial evidence.

**Background**

At the time of her complaint, Treanor was a 61 year old piano teacher. Compl. ¶ I; Treanor Interview (Aug. 8, 2014). Although she taught students at El Rey, Treanor complained that she had only one student, and El Rey had not assigned her a new student in at least six months. Compl. ¶ II.C. Although Treanor frankly admitted to Commission investigators that she had no knowledge of whether El Rey assigned new students to any other teacher, she reasoned from the fact that El Rey had brought on new piano teachers who appeared to have students that there must have been new students to assign. Treanor Interview (Aug. 8, 2014). Because these new piano teachers are in their 20s, Treanor believes that her lack of new student referrals is attributable to her age. Compl. ¶ II.B.

William Manglaris (“Bill”) and Susan Manglaris (“Sue”) (collectively “The Manglarises”) own El Rey. Am. Questionnaire Resp. Nos. 2-3. The Manglarises explained that El Rey assigns new students to instructors on the basis of a match between the student’s schedule and the instructor’s availability, as well as what type of musical instrument or musical style the student wants to play. S. Manglaris Interview (Aug. 7, 2014); W. Manglaris Interview (Aug. 11, 2014). They dispute Treanor’s claim that El Rey made any deliberate decision to not refer new students to her. *Id.* Instead, Sue asserted that that the piano is just a less popular instrument among new students.<sup>1</sup> S. Manglaris Interview (Aug. 7, 2014). According to Sue, with respect to

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<sup>1</sup> Sue stated that the majority of El Rey’s students are now guitar players. S. Manglaris Interview (Aug. 7, 2014). As of August 7, 2014, the Commission’s investigation found that El Rey had only eight piano students among all of its instructors. See *id.*

the few new piano students coming to El Rey, Treanor was only available to teach a few evenings per week and refused to add a day to her schedule when Sue requested it so that Treanor could be available to more students. *Id.*; Questionnaire Resp. No. 9 (noting that Treanor stopped teaching on Fridays). Bill also blamed Treanor's demeanor for Treanor's dwindling number of students, alleging that parents and students had complained about her being difficult to get along with in the past. W. Manglaris Interview (Aug. 11, 2014). Sue also told Commission investigators that she observed Treanor showing up late for lessons and arguing with parents and students. S. Manglaris Interview (Aug. 7, 2014).

Treanor disputes any claim that her performance was less than satisfactory. Treanor Interview (Aug. 8, 2014). However, during the Commission's investigation of this matter, Treanor's sole remaining student switched instruments and stopped taking piano lessons with Treanor. *Id.*; Questionnaire Resp. No. 14 (complainant's last student notified El Rey in October 2013 that she wanted to learn how to play bass guitar). The Commission interviewed the mother of this student who stated that for the last several years Treanor took cigarette breaks when she was supposed to be teaching. McKay Interview (Aug. 7, 2014). This parent states that she complained on a number of occasions about Treanor to the Manglarises. *Id.* According to this parent, Treanor observed these complaints on one occasion when Treanor was 15 minutes late to a lesson. *Id.* Rather than apologizing, this witness told Commission investigators that Treanor confronted the Manglarises by loudly threatening to sue them. *Id.*

The Commission also interviewed El Rey's only other current piano teacher.<sup>2</sup> This 22 year old stated that she gets four or five new students from El Rey a year. Conrad Interview (Aug. 19, 2014). The Commission's investigation found that she worked three days per week and had eleven students, but six of them were guitar students because she teaches both instruments. Questionnaire Resp. Nos. 6, 10. She also claimed that she did not work at El Rey on the same days as Treanor because Treanor would "scowl" at her. Conrad Interview (Aug. 19, 2014).

Finally, the Commission interviewed a number of non-piano instructors at El Rey as old or older than Treanor.<sup>3</sup> A 61-year-old guitar and mandolin instructor who worked two nights per week stated that he had 15 students and had asked the Manglarises to only refer adult students to him. Henrichsen Interview (July 31, 2014). A 68-year-old drum teacher who taught two days per week also stated that he (and the other younger drum instructors) received new student referrals on the basis of the type of music they taught rather than their age. Duddles Interview (July 31, 2014). Treanor discounts the testimony of other El Rey instructors because she believes that the Manglarises told them to support El Rey's position in this dispute. Treanor Interview (Aug. 8, 2014).

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<sup>2</sup> Treanor identified two other younger piano instructors who had previously worked at El Rey. The Commission was able to interview one of these individuals who confirmed that at the time he was in his 20s, and received four or five new students per year from El Rey. Fritzell Interview (Aug. 19, 2014).

<sup>3</sup> In spite of repeated efforts, the Commission was not able to interview a 68-year-old banjo instructor.

## Discussion

The Human Rights Ordinance prohibits an employer from “directly or indirectly discriminat[ing] against any individual in hiring . . . discharge . . . or the term, privilege, or condition of employment on the basis of unlawful discrimination.” County Code, § 42-35(b)(1). Unlawful discrimination includes discrimination on the basis of an individual’s age where an individual is over 40 years old. *See id.* at § 42-31.

In the absence of direct evidence that El Rey assigned new students in an ageist manner, the Commission applies an indirect burden shifting test to Treanor’s claim. To proceed to a hearing, an investigation of Treanor’s complaint must establish a *prima facie* case for discrimination consisting of evidence of the following: (1) that Treanor is over the age of 40; (2) that she suffered some adverse employment action; (3) that she was performed in the position that she held to her employer’s reasonable satisfaction; and (4) that similarly situated individuals who were not members of the same protected class were treated more favorably. *See Robinson v. Community & Economic Development Association of Cook County, Inc.*, 2012E015, \*3 (CCHRC July 25, 2014). If during the course of the Commission’s investigation, the respondent can articulate a “legitimate, nondiscriminatory reason for the action,” then the burden shifts back to the complainant to demonstrate that proffered reason is pretextual or otherwise discriminatory in nature. *See id.* In other words, as this Commission stated in *Robinson*, “a *prima facie* showing is not relevant if the respondent has a legitimate, nondiscriminatory reason for the adverse employment action.” *Id.*

Here, the Commission’s investigation has failed to find substantial evidence to support *prima facie* case of the discrimination. The Commission confirmed that Treanor, as an individual in her 60s, is a member of a class protected against employment discrimination by the Human Rights Ordinance. In addition, looking only at piano instructors at El Rey, the Commission has confirmed that the only other piano instructor, who is also younger than 40 years old, received more student referrals from El Rey than Treanor on a yearly basis.

The evidence before the Commission as to whether Treanor was performing satisfactory is mixed and stacked badly against Treanor. Treanor asserts without any more support than her say so that she was a good teacher. This assertion was contested by every other witness with knowledge of Treanor’s performance, including the mother of Treanor’s only student who reportedly quit playing piano in part because of Treanor’s supposedly unprofessional behavior. The Commission, however, does not need to resolve this factual dispute prior to an administrative hearing and will instead assume, for the purpose of this order, that Treanor has presented substantial evidence of this element of her *prima facie* case.

Instead, the fatal shortcoming in Treanor’s case is that there is not substantial evidence that she has suffered any adverse employment action at all. Treanor believes that El Rey is steering new students away from her. And if there were any evidence to prove this assertion, the Commission would consider such steering to be an adverse employment action. But the Manglarises assert that new students are assigned to instructors on the basis of a schedule and instrument/musical style match, and Treanor has presented no evidence that any of the new students assigned to El Rey’s younger piano teacher could have been assigned to her on the basis of this criteria. Indeed because the Commission’s investigation discovered that this younger

instructor and Treanor do not work on the same days, the logical inference is that none of these new students' schedules match Treanor's availability. Treanor has been invited to expand her availability, including to days on which the younger instructor currently teaches, and has refused to do so. In the absence of even one student assigned to the younger teacher who could have been assigned to Treanor on the basis of availability and musical interest, the Commission does not have enough evidence to conclude that El Rey took the adverse action of passing over Treanor for new assignments.<sup>4</sup>

### Conclusion

For the foregoing reasons, the Commission orders that complaint 2013E027 be DISMISSED for LACK OF SUBSTANTIAL EVIDENCE of a violation of the Human Rights Ordinance. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

November 17, 2014

By delegation:



Ranjit Hakim  
Executive Director of the Cook County  
Commission on Human Rights

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<sup>4</sup> Even if Treanor had been able to present such evidence, the Commission would not necessarily infer that Treanor's lack of assignments is attributable to her age and not some other non-discriminatory reason (such as receiving complaints, valid or not, from the parents of students). After all, the Commission's investigation shows that other El Rey instructors in their 60s received new students on the basis of availability and musical interest and did not consider themselves to be the victims of some general ageist animus on the part of their employer.