

U.S. Senator Lindsey Graham  
530 Johnnie Dodd Boulevard  
Suite 202  
Mount Pleasant, South Carolina 29464

20, August 2003

Honorable Senator Graham;

I am writing in follow up to a request your office handled for me in regards to a matter before the United States Equal Employment Opportunity Commission for retaliation in an attempt to hire an African-American female, fulltime: The Federal Communications Commission for violations of FCC regulations and law: and The Federal Bureau of Investigation for a terrorist inspired threat on my life received in inter-state email.

This issue has become larger than could ever be expected and demands immediate legal remedy and a public outcry of injustice, deception, collusion and federally originating intimidation.

A copy of this letter is being sent to both your Mount Pleasant office and your Washington D.C. office, addressed to your Chief of Staff. There are 131 counted pages in this document.

EEOC Charge number: 140A201867 filed 8/29/2002, received by EEOC 9/4/2002.

Dates of discrimination inclusive from 2/1/2002 to discharge and 7/25/2002:

I must inform you that there is a deep and serious situation hovering around my case and it has to deal with bigotry itself, being the cause of my first complaint, written 4, August, 2003, filed with your office and the cause of the reason for that complaint.

When I filed that complaint, I asked for a competent investigator and requested your assistance to have my case properly handled.

There was a reason the case was being held up.

It now appears, after the recent personal discussion I attended with the EEOC staff member Billy C. Sanders in a local public hotel lobby and the receipt of the email included in this letter, in response to my follow up to his request for me to call Ms. Patricia Thompson, and request a statement from her regarding what she knew about my case: that his mention to me in email referenced and copied below that "every thing you see ain't always how it is," has been identified.

I sent Ms. Thompson and Mr. Sanders this email as a contact per his hurried request following a phone call from Mr. Sanders, the day after the meeting:

---

Reply-To: "lkh" <lkh@enticy.org>  
From: "lkh" <lkh@enticy.org>  
To: <OnlyOnePatriciaT@aol.com>  
Cc: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
Subject: IMPORTANT FROM BILL SANDERS FOR YOU  
Date: Thu, 14 Aug 2003 14:16:02 -0400  
Organization: Enticy  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
          boundary="-----=\_NextPart\_000\_2673\_01C3626E.9768AC90"  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 6.00.2800.1158  
Disposition-Notification-To: "lkh" <lkh@enticy.org>  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_2673\_01C3626E.9768AC90  
Content-Type: text/plain;  
          charset="iso-8859-1"  
Content-Transfer-Encoding: quoted-printable

Good to hear you settled. Hope you are doing well.

If you remember, I wrote a supporting statement for your case to the =  
EEOC.

Now, Bill wants one from you in regards to my case.

I have copies of your letters to Martin talking about your knowledge  
of the 'out to get' me situation with Logan and others but this appears  
to be an additional request from Sanders.

He mentioned in his call to me today about your statement regarding  
things you were aware of in regards to the harrassment and retaliation  
being done against me.

Since all documents stand on their own from other sources I am unaware  
of why he needs your statement but he asked for it, so after telling him

I have not had contact with you in a long time I said I would attempt to get contact established and receive a letter from you in regards to = my case.=20

Since you are familiar with all aspects of the case I presume he is = seeking a letter similar to the one I submitted for you but in regards to my = case.

He seemed a bit hurried on the phone so I did not go into additional specifics.

At your earliest convenience kindly send it to me in email and send a = copy thereof to Bill at his mailing address.=20

Bill told me yesterday that you had agreed to testify on my behalf = should my case go to court.=20

I look forward to receiving your letter as soon as possible.

All The Best

Lee

---

He was insistent that I attempt the contact even though he was informed there has been no contact with Ms. Thompson for many months.

I wrote Ms. Thompson in email and copied Mr. Sanders in email. I followed that with copies of Ms. Thompson's editing of my original EEOC complaint script and the emailed job reference Ms. Thompson had written for me and submitted to a local radio station owner, who was very impressed with Ms. Thompson when they met personally.

Mr. Sanders also requested contacts from me in the meeting that were sent to his email address. These people have knowledge of the case regarding the radio station. Mr. Sanders had agreed to download my recently published book so I provided the link to that in the email as well.

---

Reply-To: "lkh" <lkh@enticy.org>  
From: "lkh" <lkh@enticy.org>  
To: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>

Subject: Contact info  
Date: Wed, 13 Aug 2003 14:53:00 -0400  
Organization: Enticy  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
          boundary="-----=\_NextPart\_000\_1BAB\_01C361AA.97211C50"  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 6.00.2800.1158  
Disposition-Notification-To: "lkh" <lkh@enticy.org>  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_1BAB\_01C361AA.97211C50  
Content-Type: text/plain;  
          charset="iso-8859-1"  
Content-Transfer-Encoding: quoted-printable

Bill,  
Here is the list of contacts. The direct link to my book is below.

Dan Williams Salesman 843-832-4868

Bobby Collins (Bob Spragg real name) Production Director 843-270-6822

Don Hallett, Consultant  
The Positioning Works  
5126 Glenaire Drive  
Dublin, OH 43017  
Office: 866-RADIO25  
Fax: 866-RADIO27

Attorney contact: (Interviewed by him and reported in fax to him of =  
continued harrassment.)  
ALLEN WILLIAM W ATTY=20  
201 W Short St  
Lexington, KY 40507  
office (859) 252-9000  
fax 859-233-4269

Ken French (I believe this is his access number and address as there is =  
only one Ken French in this town)  
French K=20

8 Town Park Ln=20  
Charleston SC =20  
(843) 795-7408 he has a cell phone but I don't know what it is..  
I have written to his email address (and it has not come back rejected =  
yet)  
so I'll let you know if a response is forthcoming on contact

Brain Book Available:

Announcing the publication of

The Brain Is A Wonderful Thing directly from

<http://64.176.52.217/enticy/index.cgi?f=3Ddownload>

Free versions in Acrobat PDF format are available to read online, at <http://www.enticypress.com> or download FREE at the above download link. Printed versions are available through LULU. No proceeds of the hardbound book are accepted by the author.

Topics Defined: Consciousness, self-awareness, memory, motion,=20 emotions, common-sense, senses, perception, creativity, and many more. Plus, you will learn how you think, how it feels to think differently and how you can overcome depression and other conditions of the brain.=20

Specific explanations and discussion are provided for Alzheimer's, Sexual Preference, Dissociation, Dyslexia, and more with Chapter 12 devoted to children.

The book is free in download and read online versions.

As I was suspect of Mr. Sanders' intentions and motives for requesting such a document when he knew full well my file contained quite a bit referencing Ms. Thompson's knowledge of my case, I sent him two email documents from her.

The first one shows Ms. Thompson had critiqued and edited my filing with the EEOC where the second one shows how Ms. Thompson offered an employment reference for me.

Reply-To: "lkh" <lkh@enticy.org>

From: "lkh" <lkh@enticy.org>

To: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
 Subject: Fw: my eeoc complaint summary  
 Date: Thu, 14 Aug 2003 14:28:52 -0400  
 Organization: Enticy  
 MIME-Version: 1.0  
 Content-Type: text/plain;  
     charset="iso-8859-1"  
 Content-Transfer-Encoding: 7bit  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 X-Mailer: Microsoft Outlook Express 6.00.2800.1158  
 Disposition-Notification-To: "lkh" <lkh@enticy.org>  
 X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

to know how much Trish knew about the situation with me here is her recommendations for my initial complaint to be filed with your department... her comments are included..

looking for more

----- Original Message -----

From: <OnlyOnePatriciaT@aol.com>  
 To: <leekent@comcast.net>  
 Sent: Wednesday, August 28, 2002 3:24 PM  
 Subject: Re: my eeoc complaint summary

> LK ... Suggestions and or corrections are indicated in blue or red below:  
 > Looks good. LONG but good ... let's call it detail oriented ... ;o)  
 >  
 > Had to get some new shoes for my baby blue (T-Bird) on the front it started  
 > shaking ... so I was out of the office until about 12:30 pm ... now I need  
 to  
 > do some work ... since I've been trying to work on this for you ... off  
 and  
 > on since I've been back ... ;o)  
 >  
 > In a message dated 8/28/2002 12:06:31 PM Eastern Daylight Time,  
 > leekent@comcast.net writes:  
 >  
 > <<  
 >

- > FORM 5 (Test 10/94)
- >
- >
- >
- > Chare of Discrimination:
- > Charge of Discrimination:
- >
- >
- >  FEPA
- >
- >  EEOC
- >
- >
- >
- > Name: Lee Kent Hempfling
- >
- > Home Phone: 843-327-1996
- >
- > Street Address: 53 Muirfield Parkway, Charleston S.C. 29414
- >
- > DOB: 09/09/52
- >
- >
- >
- > Employer: L.M. Communications Inc.
- >
- > # Employees: 15+
- >
- > Phone: 843-769-4799
- >
- > Street Address: 59 Windemere Blvd. Charleston S.C. 29407
- >
- >
- >
- > Cause of Discrimination Based On:
- >
- >  Age
- >
- >  Religion
- >
- >  Retaliation
- >
- >
- >

> The Particulars Are:

>

>

>

> I: I was subjected to discriminatory terms and conditions of  
> employment, harassed, denied employment, subjected to a hostile work  
> environment as it pertains to my religion, as well as a retaliatory  
> environment (instead of: religious and retaliatory work environment),  
denied

> employment by being discharged (instead of: and discharged) from my  
full

> time position in (instead of because of) retaliation for my attempt to  
offer

> equal employment opportunities (instead of ability) by my desire to  
comply

> with the United States EEO policies as they pertain to the (instead of in)

> hiring of minorities, in addition to complaining about the refusal of

> management to consider minorities for full time positions and objecting  
to

> and requesting management's intervention to stop harassment directed  
at me

in

> and out of the workplace (instead of and out of the workplace) which

> "contributed to the hostile environment" experienced at work in  
violation

of

> Title VII of the Civil Rights Act of 1964, as amended.

>

> A: Retaliatory Actions, Hostility, Threatening,  
> Intimidating and Humiliating factors (instead of: Intimidation) I was  
> subjected to included:

>

> 1: Threatening emails while employed.

>

> 2: Threatening email after discharge.

> I'd switch 2 & 3 around.

> 3: Threatening anti-Semitic terrorist

> photo sent in email.

>

> 4: Refusal to permit the carrying out

of

> my managerial position and work related (instead of job)  
responsibilities.

>



- > I'd switch 5 & 6 around 5: Blame for lost commercial revenue.
- >
- > 6: Sabotage of work performed.
- > I'd combine 6 & 12: and of program elements for my morning show.
- >
- > 7: Public humiliation and character
- > assassination.
- > I'd delete 8 by incorporating it into #7 by adding:
- > by management to include in the presence of
- other
- > staff employees.
- > 8: Humiliation to staff by
- management.
- >
- > 9: Attempts to trick me into
- violating
- > corporate policy.
- > For # 9, I'd say: Attempts to manipulate me to violate verbal guidance
- > received from the owner and/or violate other federal policies.
- >
- > 10: Sabotage of transmitter power to
- > damage performance.
- >
- > 11: Sabotage of station audio
- processing
- > to damage performance.
- >
- > 12: Sabotage of program elements for my morning
- show.
- > I'd delet 12 and add to #6.
- >
- > 13: My wife and I (instead of: I AND my wife)
- were
- > ordered not to access any phone number in the
- > Lexington KY area code.
- >
- > 14: Refusal by management to permit necessary work
- > tools in order to accomplish required work specific tasks. Work tools
- were
- > supplied and/or made available (instead of: Supplied) after I was
- discharged.
- >
- > 15: Repeatedly referred to and called a liar.
- > (instead of: Called a liar repeatedly.)

- >
- > 16: Insulted continuously behind my back.
- > I'd delete 16 ... it's a part of #7 already.
- >
- > 17: Ignoring every instance reported by me of
- > alleged illegal activity.
- >
- > 18: Receipt of edited audio music file obviously
- > claiming responsibility for my discharge.
- > I'd place this along with #3 after you make the switch between # 2 and
- > #3,
- > or
- > make it the new #4.
- >
- > 19: Equipment was damaged.
- > I'd delete #19 or add it to #'6 above.
- >
- > 20: Notices of unsafe working conditions were
- > ignored.
- > I'd combine #20 with #17 using the verbage of #17 after the verbage
- > of
- > #20.
- > i.e., additionally, reports of alleged illegal activity taking place in
- > the
- > work environment went without investigation and/or ignored.
- >
- > 21: Music scheduling software was tampered with.
- > I'd combine #21 with #6.
- >
- > 22: Attack continued after employment.
- > Already stated in #2 above ... new #3
- >
- > 23: Retaliated against for continuously asking
- > for
- > permission to hire a minority full time staff
- > member
- > for my department in effort to maximize the
- > full
- > potential of the Programming Department's on
- > air
- > staff in the quality of work performed and
- > professionalism required to increase the
- > stations
- > ratings and enhance the public relations and

imaging  
 > of the station. (instead of: Penalized for  
 wanting  
 > to improve the midday show by  
 > reducing the show to part time if I wanted to  
 > replace the current staff member.)  
 >  
 > 24: Rumors and innuendos.  
 > I'd combine #24 with #7  
 >  
 > 25: Threatened with legal action.  
 >  
 > 26: Refusal to repair equipment.  
 > I'd place with #11 or #14.  
 >  
 >  
 > 27: Replacing equipment with inferior parts.  
 > I'd place with #11 or #14.  
 >  
 > 28: Hatred for 'black' music.  
 > I'd be more specific ...  
 >  
 > 29: Branded a 'complainer'.  
 > I'd combine #29 with #7  
 >  
 > 30: Intimidation of new employees before  
 starting  
 > date.  
 > I'd combine #30 with #1  
 >  
 > 31: Software was deleted from production  
 > equipment.  
 > I'd combine #31 with #6  
 >  
 > 32: Given a broken 'boom box' to suffice for  
 an  
 > aircheck  
 > machine.  
 > I'd combine #32 with #6  
 >  
 > 33: Retaliation for stopping 'Plugola' on the  
 > air.  
 > I'd combine #33 with #17.  
 >

- > 34: Continual reference to changing format.
- > I'd combine #34 with #28.
- >
- > 35: Phone call from engineer yelling about a
- > memo I
- > was told to write asking for his help in
- > changing
- > microphones.
- > I'd combine #35 with # 7
- >
- > 36: Show prep stolen from my desk.
- > I'd combine #36 with #6
- >
- > 37: Equipment in my desk was damaged.
- > I'd combine #37 with #6
- >
- > 38: Given a non-working phone for my desk.
- > I'd combine #38 with #6
- >
- > 39: Ethics questioned.
- > I'd combine #39 with #4 and/or #15
- >
- > 40: Interruptions on the 'hotline' while
- doing
- > my show.
- > I'd combine #40 with #6
- >
- > 41: Tampering with the station's Legal ID
- > I'd combine #41 with #9 and/or #17
- >
- > 42: Given worst computer in the building for
- my
- > desk.
- > I'd combine #42 with #6
- >
- > 43: Degradation of my wife for having spoken
- to
- > Lynn Martin.
- > I'd combine #43 with #13 with the verbage already at 13 placed after
- the
- > beginning of the current #43.
- >
- > Don't forget to renumber ... ;o) Don't add anything else ... just
- renumber

- > ;o)
- >
- >
- >
- >
- >
- > II:       The reason I was given for discharge was "poor performance of the station" however the Arbitron ratings results for the period in question showed "significant gains" according to Mindy Spar, entertainment writer for the Charleston Post & Courier. I tried repeatedly to hire a minority person full time but was forced out of my employment for doing so.
- >
- >
- >
- > III:       I believe I have been discriminated against because of my religion, Jewish, in retaliation for complaining about discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.
- >
- >
- >
- > IV:       At-Will employment does not apply as an implied contract was in force.
- >
- >
- >
- > V:        The company discriminates against Blacks as a class relative to hiring, job assignments, wages, promotions, transfers, discipline and discharge.
- >
- > VI.       The company discriminates against those who object to such actions and discriminates against those who attempt to comply with the United States Equal Employment Opportunities rules, policies, and regulations or who try to correct such violations and actions as they pertain to Title VII of the Civil Rights Act of 1964, as amended.

>  
>  
>  
>  
>  
>  
>

And

Reply-To: "lkh" <lkh@enticy.org>  
 From: "lkh" <lkh@enticy.org>  
 To: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
 Subject: Trish's reference for a job I was applying for  
 Date: Thu, 14 Aug 2003 14:36:40 -0400  
 Organization: Enticy  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
     boundary="-----=\_NextPart\_000\_2EDA\_01C36271.793FD9C0"  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 X-Mailer: Microsoft Outlook Express 6.00.2800.1158  
 Disposition-Notification-To: "lkh" <lkh@enticy.org>  
 X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

This is a multi-part message in MIME format.

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 Content-Type: text/plain;  
     charset="iso-8859-1"  
 Content-Transfer-Encoding: quoted-printable

(Sent to the owner of MEGA100.9 new in town)

I think the same of Trish.

Ms. Aidoo,

First let me personally welcome you to the Charleston Radio Market.=20  
 Welcome,  
 it is a pleasure to have you here! ;o)

I have heard a great deal of wonderful things about you from Mr. Lee  
 Kent,

and his enthusiasim, insight and vision has reinspiried my outlook on radio in the Charleston market.

I'd like to share a piece of my heart and mind with you in regard to Mr. Kent and pray that you give what I share with you your utmost consideration while you go through your decision making process in effort to bringing MEGA 100 to its full on-air capacity.

First, and by far, Mr. Kent is a true and consummate professional. I hope you can appreciate when I state that, it's truly a breath of fresh air to be associated, in any endeavor, with such a professional of Mr. Kent's caliber. And, just as refreshing as it is, I'm sure you are aware that it's also very rare.

Mr. Kent's vision, coupled with his vast experience, knowledge and long time radio perspective is only surpassed by his work ethic, business knowledge, and managerial expertise.

Ms. Aidoo, I know I'm baking a six layer cake here, but the thoughts I possess of this man and that I graciously share with you, do not come from me lightly, I assure you.

However, when I think of all the wonderful things I could fill your eyes and ears up with in regard to Mr. Kent, if I had to just narrow it down to one thing about Mr. Kent that strikes me the most, I would have to say it's his passion for people. And along with that comes integrity, honesty, trustworthyness, and relentlessness.

Need I say more, Ms. Aidoo? I certainly can and will if you'd like me to,

but Mr. Kent is a man whose actions are enough to speak for his professionalism and character.

I pray that you will highly consider Mr. Kent for the position of General Manager with Caswell Communications, Inc., and allow him to manifest on your behalf, the behalf of the community, the Charleston market and beyond, and become a valued, regarded member of your team as you grow into the "MEGA" Millennium.

Hurry, before I purchase my own station (smile)!!!

Thank you for your time Ms. Aidoo. Take care.

Respectfully,

Patricia (Trish) Thompson  
Executive Administrative Assistant  
Millie Lewis International &  
The American Modeling & Talent Convention;  
Former Radio Announcer, Charleston Market

---

My wife and Ms. Thompson became what was purported to be good friends shortly after we arrived in Charleston as my wife did not know anyone in town and remained good friends with Ms. Thompson over the period Ms. Thompson was dealing with her case issues.

Ms. Thompson, later filed an EEOC complaint that has been allegedly settled, according to Mr. Sanders in the face-to-face meeting held in a local hotel.

I responded to Mr. Sanders' question if I had an attorney, by saying I did not have an 'attorney'; as I could not afford an attorney, and was surprised to hear Mr. Sanders announce I did not want a government attorney, saying repeatedly that he did not care if that comment came back to haunt him, to which after numerous statements to that effect, I agreed: as it would appear to me that a government attorney would be in it for the job and keeping one.

The day after that meeting, which cell phone and Knology home phone records will show, conversations were held with Mr. Sanders in an attempt to find the hotel that become an increasingly shorter distance apart, leading up to the time



of the meeting. Records of that progression will be in both Mr. Sanders' phone and my phone accounts.

One of the first topics brought up by Mr. Sanders was the statement out of the blue that Ms. Thompson had settled her case.

After my congratulating her, the topic turned to his compassion for my suffering during the period the case refers to.

Throughout the entire conversation his method was of attempting to 'feel me out' as to how I would address the issues of my case. On first glance, that would be the job of an investigator and I gave him the benefit of the doubt in that issue and told him the exact situation.

In fact, I presented him with a time-line of documented incidents from the case referenced and a summary of the case. He was genuinely surprised I had been so prepared.

Those are included here for public record:

---

SUMMARY: August 13, 2003

EEOC Charge number: 140A201867 filed 8/29/2002, received by EEOC 9/4/2002.

Dates of discrimination inclusive from 2/1/2002 to discharge and 7/25/2002:

}	Lee Kent Hempfling: vs.
}	
}	LM Communications Inc,
}	LM Communications of South Carolina Inc.,
}	LM Communications II of South Carolina Inc.,
}	All owners of stock in above companies,
}	Lynn Martin,
}	Charles Cohn,
}	Robert Brooks,
}	Michael Almond,
}	Bruce Musso,
}	Linda Grumbein, et al.

Adverse action took place throughout my employment with LM Communications for my attempt to hire a minority full time staff member. It started before I was hired with attempts to stop the hiring process through intimidation for not having a credit card and last minute reduction of authority, title and salary.

Agreement to accept position was partially predicated on immediate health insurance coverage, which took months of prodding to acquire.

It continued throughout the employment through email, letter and phone call intimidation, equipment destruction, sabotage of equipment and signal of the station to damage my ratings results and refusal to provide equipment, equipment repairs and refusal to approve all promotional presentations made, other than the first promotion offered. Immediately after my discharge ALL equipment needs were fulfilled and repairs were completed.

It escalated after being interviewed by the company attorney and owner for allegations made for violation of laws enforced by the EEOC.

It continued through the attempt to order me to violate a rule established by the owner for direct contact with the EEOC complainant.

It continued through prohibition of calling the area code for the main company office, which included prohibition of my family members.

It continued through the use of external relationships to intimidate and threaten through email correspondence.

It continued through refusal to accept an application from an African-American female for a job position that was in the process of searching for a replacement by the General Manager.

It continued through refusal of management to allow me access to the company engineer.

It continued through false accusation of missing commercials during a computer break down period even after the production director informed the general manager that I was not responsible and was in fact the person who brought the issue to the attention of management.

It continued through threats of legal action against me from a former employee who was discharged yet remained in contact with the general manager.

It continued AFTER discharge with the receipt of a claim of responsibility from Bruce Musso including a photo and an audio file.

With continuous praise of job performance by the company consultant I was discharged with malice and in an attempt to hide the retaliatory motive for 'poor performance' of the station. The station has performed worse after I was discharged and continues to perform worse.

The retaliation was the result of malice and reckless indifference to my federally protected rights.

I am entitled to compensatory as well as punitive damages for illegal retaliation from

LM Communications Inv., LM Communications Of South Carolina Inc., LM Communications II of South Carolina Inc., the company attorney and the attorney's firm, the general manager of the station, and the individuals responsible for the retaliatory actions and those individuals used by the company and its employees to assist in the retaliatory actions.

I am further entitled to relief from the deliberate actions of the company to refuse prosecution of these claims through their repeated frivolous attempts to escape jurisdiction.

I am further entitled to the investigation of illegal activity by the FBI and the FCC for laws and regulations violated during the period of employment on behalf of or caused by the company and persons mentioned.

The FCC has ignored the charges filed.

The FBI ignored the charges until I called the field office where an agent refused investigation as the threat on my life was not 'current'. That reasoning would prohibit their investigation of any crime.

Retaliatory Motive:

To stop my participation in Patricia Thompson's complaint;

To eliminate my credibility in opposing illegal discrimination by the company;

To remove me from my position to stop my attempt to resolve such discrimination:

Specific EEOC Compliance Manual Details:

The Protected Employee:

(1) Protested repeatedly

(2) Answered questions of company attorney as assistance of discrimination investigation

(3) Asserted my rights under laws enforced by EEOC, even at first refusing to discuss the issues until granted, by the attorney, the judgment that discharge would not occur from being honest.

Retaliation Charge Asserts:

1. Opposition to discrimination or participation in covered proceedings;
2. An adverse employment action; and
3. A causal connection between the protected activity and the adverse action.

Protected From

1. Complaining to anyone about the alleged discrimination against oneself or others;
2. Refusing to obey an order because of a reasonable belief that it is discriminatory:

I was protected from retaliation, as I had a reasonable and good faith belief that the employment practices I was opposed to were illegal under anti-discrimination laws.

The "Participation Clause" covers me.

Adverse Employment Action:

I was subjected to:

Denial of job benefits as my health insurance that was to start immediately took months to acquire:

Discharge and threats as I was threatened repeatedly with outside legal action and received threats repeatedly including a terrorism inspired threat on my life:

Negative evaluation was provided as the reason for discharge without prior information:

Harassment was continuous as indicated by the time line of incidents.

Suspending access to internal grievance procedure, as I, and my family were forbidden to call the area code of, or contact the owner.

Any adverse treatment based upon retaliatory motive and reasonably likely to deter a charging party or others from engaging in protected activity is illegal.

Retaliation was the motive as:

1. Evidence raises an inference that retaliation was the cause of the challenged action;
2. The employer produces evidence of a legitimate, non-retaliatory reason for the challenged action; and

3. Complainant proves that the reason advanced by the respondent is a pretext to hide the retaliatory motive.

An "inference of retaliation", results from evidence that the adverse action occurred shortly after the protected activity, and the person who undertook the adverse action was aware of the individual's protected activity.

Company's explanation is a pretext to mask retaliatory action.

Poor job performance (performance of the station) was given as the reason for discharge without any prior indication of such insubordination (as well as being branded as a complainer) was cited numerous times for having raised objections to illegal activity.

According to the compliance manual the EEOC takes the position that all anti-discrimination laws provide for compensatory as well as punitive damages for illegal retaliation.

The retaliation was the result of malice and reckless indifference to my federally protected rights.

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<b>Doc No</b>	<b>Doc Date</b>	<b>Doc Title</b>	<b>Synopsis</b>
187	10/1/2001	Hallett	Logs in to read Radio-Aid.Org
56	12/19/2001	Hallett	Already in the 'loop' don't apply
114	12/19/2001	Hallett	Cohn spends time at my resume web site
115	12/19/2001	Hallett	Allen places job ad for shift I was contacted about
116	12/19/2001	Hallett	Position pays 50K+ is OM TWO stations
117	12/19/2001	Hallett	First explanation of potential job.
55	12/26/2001	Hallett	a diverse air staff, leaning black'
104	1/3/2002	Hallett	In the finalists
75	1/4/2002	Hallett	Letter to references for Operations Manager
82	1/6/2002	Ron Jacobs	Copy of reference
106	1/14/2002	Hallett	Where do things stand with Cohn?
107	1/14/2002	Hallett	Survivor' promotion idea
24	1/16/2002	Cohn	Ready to make offer
13	1/16/2002	Hallett	Advising of hire meeting.
101	1/16/2002	Hallett	Interview set up
101	1/16/2002	Hallett	Offer to come tomorrow for job per Cohn's email
54	1/17/2002	Hallett	Not coming to interview
175	1/21/2002	Hire Date	Hire Logan full time (Cohn) effective 2/1/02
57	1/22/2002	Cohn	Call him
53	1/23/2002	Hallett	I don't have credit cards causes a 'concern'?
81	1/23/2002	Hallett	Concern about way hire was handled
95	1/23/2002	Hallett	Issue was pay for trip not credit cards
95	1/23/2002	Hallett	What is the problem with frugal?
52	1/28/2002	Hallett	Congratulations on job.
99	1/28/2002	Hallett	Trip underway soon

175	2/1/2002 Payroll Authorization	Hire Logan full time (Cohn) 1/21/02 for 2/1/02
80	2/6/2002 Hallett Cohn	Copy of meeting synopsis sent in email
16	2/7/2002 Meeting Synopsis	First air staff meeting synopsis
156	2/8/2002 Memo	Voice tracking detailed memo
12	2/9/2002 Hallett	First mention of Thompson doing good work.
79	2/9/2002 Hallett	No building key for morning man
143	2/9/2002 Hallett	Tread lightly
12	2/9/2002	Hallett wants airchecks
12	2/9/2002	Trish sounding good
11	2/10/2002 Hallett	First mention of Thompson as potential hire.
96	2/12/2002 Hallett	Hunt is backup in case 'Skip' can't do the job
72	2/14/2002 Hallett	First day on air report
159	2/20/2002 Format Rules	Everyone was to adhere to. Known.
10	2/20/2002 Hallett	About Musso taking Cool Computer
51	2/20/2002 Hallett	Digging with Charlie on OM Position
68	2/20/2002 Hallett	Is Mike OM?
100	2/20/2002 Hallett	Format execution rules posted.
100	2/20/2002 Hallett	Update of events
134	2/20/2002 Memo	To Cohn, Sprinkle resignation
10	2/20/2002	At a loss for intimidation
10	2/20/2002	My computer taken
49	2/24/2002 Hallett	Real Life Survivor Promotion
50	2/24/2002 Hallett	Cool Kids Promotion
102	2/24/2002 Hallett	Musso acting tough and demeaning
181	2/25/2002 Dr Note	Skip work restrictions
158	2/28/2002 Memo	Programming things
163	2/28/2002 Trish Thompson	Resignation letter
8	3/2/2002 Hallett	feel your pain' about engineer
65	3/2/2002 Hallett	No memo on Musso
66	3/2/2002 Hallett	Hotline attack, production sabotage
66	3/2/2002	Advised management of serious fire hazard
66	3/2/2002	Airchecks wanted
66	3/2/2002	Batteries ruined in my desk
66	3/2/2002	Dead roll in spots
66	3/2/2002	Identification of bad on air sound quality
66	3/2/2002	Jocks Such put on computer terminal
66	3/2/2002	Musso says not responsible for dead transmitter
66	3/2/2002	No direct contact permitted to Musso
66	3/2/2002	No idea why
35	3/3/2002 Hallett	Response to my letter of concern "don't lose passion"
105	3/3/2002 Hallett	Santa Claus music sabotage
34	3/4/2002 Hallett	Told to copy Martin and Cohn on everything
166	3/5/2002 Complaint letter	From friend of Linda Logan
166	3/5/2002 Complaint letter	Shown to 'sales' before I saw it.
33	3/6/2002 Hallett	Compliments
183	3/6/2002 Hand Notes	Cohn does not like Cool format
183	3/6/2002 Hand Notes	Cohn suggests midday person from Citadel
183	3/6/2002 Hand Notes	Linda meeting 9:40AM on complaint critique

32	3/7/2002 Hallett	One day notice of Martin meeting.
71	3/7/2002 Hallett	Unable to meet Martin for High Blood Pres DR appt.
172	3/7/2002 Memo	Weekend clocks
173	3/7/2002 Memo	Remotes Policy Memo
7	3/8/2002 Hallett	Response to his 'break down the walls'
47	3/8/2002 Hallett	Let lieing dogs lay in their own crap'
48	3/8/2002 Hallett	"Tough days ahead"
87	3/8/2002 Hallett	I will never lie.. Or abuse right to work here.'
87	3/8/2002 Hallett	Musso's temporary replacement
88	3/8/2002 Hallett	Character ethics questioned
88	3/8/2002 Hallett	Wife calls Logan: in letter to Hallett
89	3/8/2002 Hallett	Break down the walls
89	3/8/2002 Hallett	Tough days ahead'.
90	3/8/2002 Hallett	Approved Majhor salary
90	3/8/2002 Hallett	Bruce hangs up, Bruce objects to memo
90	3/8/2002 Hallett	Logan complains about getting critique
90	3/8/2002 Hallett	Martin tells meeting "if not work, fire them"
90	3/8/2002 Hallett	Musso calls at my home to yell about memo
90	3/8/2002 Hallett	Musso quits
90	3/8/2002 Hallett	Sales knows about complaint letter
90	3/8/2002 Hallett	Show prep stolen
90	3/8/2002 Hallett	Wall hanger smashed in my office
142	3/8/2002 Hallett	Break down the walls
131	3/8/2002 Skip St. John	"I can see nothing you have done differently"
131	3/8/2002 Skip St. John	Complains no rules posted. Yes they were.
131	3/8/2002 Skip St. John	Complaint letter about his critique.
131	3/8/2002 Skip St. John	Not driving company vehicle : Cohn order
131	3/8/2002 Skip St. John	St. John demands equal remote time w/ Logan
7	3/8/2002	Hallett: break down walls
7	3/8/2002	Logan calling Collins about rumors
7	3/8/2002	Wife calls Logan to calm her down.. Rejected
48	3/8/2002	Break Down Walls
6	3/9/2002 Majhor	Shows date of changing leekent.com
168	3/9/2002 Trish Thompson	alledges Clique association with Cohn
168	3/9/2002 Trish Thompson	Lee has become aware of obvious activities
168	3/9/2002 Trish Thompson	Letter to Martin
168	3/9/2002 Trish Thompson	Logan calls Kent "Fucking asshole" in public
168	3/9/2002 Trish Thompson	No sales African-Americans
168	3/9/2002 Trish Thompson	Not afforded equal opportunity
168	3/9/2002 Trish Thompson	Notice that EEOC was being considered.
168	3/9/2002 Trish Thompson	Only African-American female on air
168	3/9/2002 Trish Thompson	Passed up for position held by Logan
6	3/9/2002	New LK site
92	3/10/2002 Hallett	Complaints lodged against me for fixing things
92	3/10/2002 Hallett	Demand removal of problem employees
92	3/10/2002 Hallett	Group out to get me out
92	3/10/2002 Hallett	Not permit them to drive me out of station
92	3/10/2002 Hallett	Thompson calls about Logan comments public

144	3/10/2002	Logan Memo	A critique constitutes harrassment?
144	3/10/2002	Logan Memo	Complaint letter from logan critique
144	3/10/2002	Logan Memo	Demands letter of retraction for critique
144	3/10/2002	Logan Memo	Worked for station over 2 years" (Not true)
124	3/11/2002	Email complaint	Complaint about Kent (MUSC)
169	3/11/2002	Email Contact Form	Compliment
5	3/11/2002	Hallett	Reference Logan threat
43	3/11/2002	Hallett	"Its's been tough"
44	3/11/2002	Hallett	Try to get aircheck machine and ...
45	3/11/2002	Hallett	Charlie will oust her"
46	3/11/2002	Hallett	Request for Logan aircheck and response
64	3/11/2002	Hallett	Musso destroys morning show
86	3/11/2002	Hallett	Cohn tears up critique letter
86	3/11/2002	Hallett	Don't put anything in writing :Cohn
86	3/11/2002	Hallett	Still No med ins papers, high blood pressure
5	3/11/2002		Blood pressure mentioned
155	3/13/2002	Email	You suck
174	3/13/2002	Email	Musso 'you suck'
122	3/13/2002	Email	Real radio to Charleston
149	3/15/2002	Email	Best wishes on the new job, Yasser! (life threat)
149	3/15/2002	Email	Mr. Morning Dick Jockey
149	3/15/2002	Email	This man would love to kiss yo cheeks!
149	3/15/2002	Email	Threatening terrorist photo 'best wishes on job'
152	3/15/2002	Email	Musso 'dream on' don't post address
153	3/15/2002	Email	Musso signs "Bruce Mussolina"
154	3/15/2002	Email	Musso you still suck
25	3/16/2002	Cohn	Ignore Musso too dangerous (mgt refuses)
26	3/16/2002	Cohn	Musso: What has he written now?
146	3/16/2002	Email	Ignore anything he may send. (mgt refuses)
146	3/16/2002	Email	Ignore Musso too dangerous (mgt refuses)
146	3/16/2002	Email	Imagine him doing something to Cool TXMTR?
146	3/16/2002	Email	Musso capable of doing strange things (mgt refuses)
147	3/16/2002	Email	Finished as soon as get replacement
147	3/16/2002	Email	Please save emails he is litigious
147	3/16/2002	Email	What has he written now?
26	3/16/2002		Cohn wants musso emails
125	3/17/2002	Hit Tracking	Musso identified: visits site 5:17PM
91	3/18/2002	Hallett	Advising I will not go against Martin
91	3/18/2002	Hallett	Will not do order it goes against Martin's order
176	3/18/2002	Thompson	Martin letter.
108	3/19/2002	Hallett	Aircheck machine "not a priority" I am told
108	3/19/2002	Hallett	call it home if we're allowed to stay
108	3/19/2002	Hallett	Why was logan ad done behind my back?
140	3/19/2002	Hallett	Aircheck sounds good Found a home Mr. Kent
119	3/19/2002	Hallett	(Home made) Aircheck sounds great.
119	3/19/2002	Hallett	Found a home Mr. Kent"
125	3/19/2002	Hit Tracking	Musso's friend computer visits site 2 days later
180	3/19/2002	Mike Memo	To Musso engineering



126	3/19/2002 New Engineer	Contacted (comments)
4	3/19/2002 To Majhor	Asking for advice
4	3/19/2002	Ordered to call Thompson (Martin said no)
30	3/20/2002 Cohn	Private meeting 'contact Trish'
123	3/20/2002 Email Contact Form	Compliment again
67	3/20/2002 Hallett	Stop doing such a good job.
30	3/20/2002 Majhor	Going to answer for Trish sooner or later
161	3/21/2002 Fax Cover Sheet Martin	Charleston's Promise connection
161	3/21/2002 Fax Cover Sheet Martin	Do not believe her motivation is money.
161	3/21/2002 Fax Cover Sheet Martin	Had high hopes for Trish.
161	3/21/2002 Fax Cover Sheet Martin	Original
161	3/21/2002 Fax Cover Sheet Martin	Sending Thompson's resignation letter
161	3/21/2002 Fax Cover Sheet Martin	Station needs community connection.
160	3/21/2002 Fax receipt	Successful receipt by Martin
17	3/21/2002 Fax To Martin	Cover sheet about 'Trish' letter.
3	3/23/2002 Cohn, Hallett	Begging to have harrassment stopped.
145	3/23/2002 Email	"Why are you still here"
145	3/23/2002 Email	Headers and mail you still suck with visit
148	3/23/2002 Email Contact Form	Musso contact (forwarded paper trail)
162	3/23/2002 Fax cover sheet lawyer	Copies of intimidation demanded atty get it stopped
162	3/23/2002 Fax cover sheet lawyer	Copies of Musso threatening emails to Atty
162	3/23/2002 Fax cover sheet lawyer	Has not stopped it 'fear' of Musso?
162	3/23/2002 Fax cover sheet lawyer	How long is this going to be permitted?
162	3/23/2002 Fax cover sheet lawyer	I am tired of being bullied to get me to leave.
162	3/23/2002 Fax cover sheet lawyer	I expect something will be done to stop this
162	3/23/2002 Fax cover sheet lawyer	Logan upset then Musso letter.
162	3/23/2002 Fax cover sheet lawyer	Management asked to stop it
125	3/23/2002 Hit Tracking	Musso visits site
29	3/23/2002 Majhor	List of Musso attack mail.
164	3/23/2002 Virus Email	Sent from 'Broadcast Engineer'
3	3/23/2002	Enough get psycho off back
151	3/25/2002 Email forward	looks like a threat to me (wife concerned)
150	3/25/2002 Email name	Source of photo mail (Musso friend, engineer)
15	3/25/2002 Hallett Call Notes	checking if I had talked to 'Trish'
28	3/26/2002 Majhor	Martin wants him to stay before hiring, setup
28	3/26/2002	Martin: getting to the bottom of it
28	3/26/2002	Martin: Not going anywhere
62	3/27/2002 Lynn Martin	His email sends email to mine.
83	3/28/2002 Hallett	Plugola-Payola compliance
84	3/28/2002 Hallett	I find no plugola-payola forms
85	3/28/2002 Hallett	Plugola problems
27	3/30/2002 Cohn	Stops promotions, rejects plans
60	4/3/2002 Bobby Collins	Dwight weekend incident with Logan
61	4/3/2002 Bobby Collins	Trish 'attacked' by Logan
2	4/3/2002 Martin, Hallett, Cohn	Forward letter from Bobby Collins.
2	4/3/2002	Lane catches Logan tampering in CR
2	4/3/2002	Logan verbally attacks Thompson
2	4/3/2002	Logan voice tracks placed without code

23	4/6/2002 Email To Majhor	From Musso
133	4/8/2002 Memo	In studio voice tracking rules memo
103	4/15/2002 Hallett	Article about Logan attempted in paper
103	4/15/2002 Hallett	Bruce tirade, 'problem child' situation
103	4/15/2002 Hallett	Friend of St. John complains about prizes of his
103	4/15/2002 Hallett	Lunch with French
103	4/15/2002 Hallett	Trying to push sales for promotions submitted
103	4/15/2002 Hallett	VT with receptionist not going to work Middays
103	4/15/2002 Hallett	Who am I supposed to report to?
103	4/15/2002 Hallett	Why was Logan hired full time before I got here?
37	4/16/2002 Hallett	Being a shoulder
38	4/16/2002 Hallett	Terms agreed to a midday hire
39	4/16/2002 Hallett	All I wanted was to know the chain of command
40	4/16/2002 Hallett	Not aware Logan was hired February full time
41	4/16/2002 Hallett	Protecting station gets me accused of whining
42	4/16/2002 Hallett	Don't let anyone 'hijack the bus'.
38	4/16/2002	Trish case holding everything up
39	4/16/2002	Find Logan hire payroll authorization record
39	4/16/2002	French takes me to lunch
39	4/16/2002	Hallett: not aware of Logan hire
39	4/16/2002	Hallett: suggests co-O.M.
41	4/16/2002	Hallett: You are jealous?
130	4/22/2002 Bobby Collins	Memo original
127	4/22/2002 Copy memo	Extra hand note to Logan
121	4/22/2002 Production Memo	Collins on Logan
59	4/23/2002 Bobby Collins	Logan complaint
129	4/23/2002 Bobby Collins	Lee not long for the station.
129	4/23/2002 Bobby Collins	Musso and Logan in studio bad mouthing
1	4/23/2002 Lynn Martin Advised	Demanding stop of harrassment.
1	4/23/2002	Cool edit pro tampered with files destroyed
1	4/23/2002	Demand stop of harrassment
1	4/23/2002	Denise Moseley scared for her job being black
1	4/23/2002	Logan complains about Collins memo
1	4/23/2002	Logan in production room at cool edit time
1	4/23/2002	Logan say Kent not long for the station
1	4/23/2002	Martin advised of harrassment again
1	4/23/2002	Notice of 'drug's information not followed up
1	4/23/2002	Station on back up transmitter
4	4/23/2002	What do I do?
59	4/23/2002	Friction in workplace
76	4/26/2002 Hallett	Cohn says decision on Logan
76	4/26/2002	Lost midday as full time if to be replaced
36	4/27/2002 Hallett	Cohn: Happen soon on Logan
113	5/1/2002 Hallett	Skip aircheck on my own time at home
132	5/2/2002 ARBITRON	Advising of low power condition for ratings.
110	5/2/2002 Hallett	About lower power status and objections of Cohn
110	5/2/2002 Hallett	accused of not being 'focused' (all I am)
110	5/2/2002 Hallett	being a former cop is the problem?...

110	5/2/2002 Hallett	calls from listeners unable to pick up mornings
110	5/2/2002 Hallett	Cohn says beauty shop 50 miles away
110	5/2/2002 Hallett	Did not know primary was bad
110	5/2/2002 Hallett	doing ABSOLUTELY NOTHING WRONG
110	5/2/2002 Hallett	French tells of Logan going off about Thompson
110	5/2/2002 Hallett	He (Cohn) wants me out.
110	5/2/2002 Hallett	I can't talk to Thompson Martin said no.
110	5/2/2002 Hallett	I know I don't matter
110	5/2/2002 Hallett	I'm not leaving.
110	5/2/2002 Hallett	Insulted every single day.
110	5/2/2002 Hallett	Its making me literally sick
110	5/2/2002 Hallett	Last week call from beauty shop (can't hear)
110	5/2/2002 Hallett	Linda advises 35-50% of power
110	5/2/2002 Hallett	Not permitted to call Lexington area code (or wife)
110	5/2/2002 Hallett	Not permitted to talk to Martin
110	5/2/2002 Hallett	Tell 'Pam' I didn't dump this load.
110	5/2/2002 Hallett	They are going to get rid of me.
110	5/2/2002 Hallett	Trish only one I know of that loves the station
110	5/2/2002 Hallett	Unable to hear morning show 2 miles away
110	5/2/2002 Hallett	watch back more than watch music
110	5/2/2002 Hallett	when and how is job going to be destroyed?
110	5/2/2002 Hallett	YES DAMMIT I WANT A BLACK FEMALE TALENT
111	5/2/2002 Hallett	Finally back full power today
111	5/2/2002 Hallett	How to do aircheck machine for less
111	5/2/2002 Hallett	Still no aircheck machine
112	5/2/2002 Hallett	All promotions died on the vine.
112	5/2/2002 Hallett	building station site on my own time
112	5/2/2002 Hallett	May buy domain name myself to get it done.(did)
112	5/2/2002 Hallett	Prefer aircheck machine over website
109	5/3/2002 Hallett	Cool down in power Logan gets publicity
35	5/3/2002	Hallett: any cuts mean TPW not me
35	5/3/2002	Hallett: Are doing the job
35	5/3/2002	Hallett: Future looks great for me
35	5/3/2002	Hallett: Get out from under rock
35	5/3/2002	Hallett: Management style
35	5/3/2002	Hallett: maybe an engineer or two
35	5/3/2002	Hallett: No one out to get me
35	5/3/2002	Hallett: Wrongful firing all accountable
74	5/4/2002 Hallett	No contact provided for Cohn
22	5/6/2002 Summary of meeting	Cohn and French intimidate with law suit threat
22	5/6/2002	Cohn cancels business cards
22	5/6/2002	Cohn prohibits internet for Cool
22	5/6/2002	Cohn says I'm being sued
22	5/6/2002	French confronts Cohn
21	5/7/2002 Ratings Evaluation	Not addressed by Cohn
21	5/7/2002	Call for serving the black core audience
135	5/16/2002 Hand Memo	Thompson, Martin said to submit application
73	5/17/2002 Hallett	Thompson applies for job.

58	5/21/2002 Bobby Collins	DCS freezes up.
184	6/4/2002 Hand Notes	Cohn Meeting: No Trish
63	6/9/2002 Hallett	List of problems
31	6/10/2002 Hallett	To Hallett I've been 'stymied'
93	6/10/2002 Hallett	Both stations severe transmission problems
93	6/10/2002 Hallett	Commit to any format the owner wants
93	6/10/2002 Hallett	R&B Festival 8000 people for Cool
93	6/10/2002 Hallett	Trying to stop format change
31	6/10/2002	98 Rock temperature inversion
31	6/10/2002	Allen tells Musso to answer his phone
31	6/10/2002	Branded a complainer
31	6/10/2002	Bullshit going to stop
31	6/10/2002	Bully threat to use gun
31	6/10/2002	Cohn recommends part timer
31	6/10/2002	Cohn says "take musso to coffee"
31	6/10/2002	Considering restraining order
31	6/10/2002	French questions why I am quiet
31	6/10/2002	Hallett: buck stops here and now
31	6/10/2002	Hallett: Cohn always talks format change
31	6/10/2002	Hallett: complains no A-B tape
31	6/10/2002	Hallett: 'give me a break'
31	6/10/2002	Hallett: You've been 'stymied'
31	6/10/2002	Hostile, abusive working environment
31	6/10/2002	It's a viper snake pit
31	6/10/2002	Logan: Musso brags about low power
31	6/10/2002	Logan's husband's phone call
31	6/10/2002	Musso conducts weekend tour
31	6/10/2002	Musso installs defective microphone
31	6/10/2002	Musso refuses to fix phone system
31	6/10/2002	Musso threat to shoot cool transmitter
31	6/10/2002	Musso threatens legal action against me
31	6/10/2002	Musso, Logan "horrible Kent"
31	6/10/2002	Sound quality complaint
31	6/10/2002	Told NOT to hire Thompson
120	6/13/2002 To Logan Memo	Letter of Warning for instigating divisive problems
167	6/16/2002 Musso Memo	Refusal to deal with me or staff with engineering
78	6/18/2002 Cohn Hallett	Cohn slips in Thompson replacement suggestion
118	6/21/2002 Memo	Memo do not talk to engineer
118	6/21/2002 Memo	Not permitted to talk to engineer
190	6/21/2002 Visit Message	Aretta Jenkins wants job (Cohn says no openings)
97	7/2/2002 Hallett	Suggests I submit proposal to increase revenue
98	7/2/2002 Hallett	Suggestion letter run past Hallett
171	7/3/2002 Memo	Offering revenue plan to Cohn, Bob
77	7/4/2002 Hallett	About Musso sabotaging microphone
94	7/4/2002 Hallett	branded the complainer.. Why not again
94	7/4/2002 Hallett	Musso removes microphone
191	7/8/2002 Commercials missed	I mention it, I get blamed, I didn't do anything.
9	7/8/2002 Dwight Landon	Complaint letter on Musso

170	7/9/2002 Dwight Landon	Complaint of Musso incident on weekend
141	7/9/2002 Hallett	I admire your take and detailed work
141	7/9/2002 Hallett	Response to ratings trends
141	7/9/2002 Hallett	tracking Cool with current come is really hard
	7/15/2002 Week of	Blamed for missed commercials
	7/15/2002 Week of	Brooks yells at me for not managing staff on spots
69	7/23/2002 Hallett	Final day events
70	7/23/2002 Hallett	I got fired
185	7/23/2002 Hand Notes	Cohn announces to sales Cool marketing plan
185	7/23/2002 Hand Notes	Cohn: fired not happy with performance of station
185	7/23/2002 Hand Notes	Last day Sales meeting
189	7/24/2002 in FBI Complaint	Email photo Kent Victim of Musso Madness
189	7/24/2002 in FBI Complaint	FCC Complaint of low power and violations
176	7/26/2002 Me	Logan was aware of my firing on previous Friday
176	7/26/2002 Me	My letter to Martin after firing.
176	8/1/2002 Patricia Thompson EEOC	Complaint. Contains #175
14	8/1/2002 Personal Notes	Cohn learns about my filing.
20	8/2/2002 Majhor	Comment regarding his 'attitude'
14	8/2/2002	Bob says What do we do if Lee does this.
18	8/12/2002 Email Martin, Cohn	Legal request for personnel file contents. Ignored.
186	8/13/2002 FBI Complaint	Entire complaint
138	8/27/2002 EEOC	Introduction of original complaint.
177	8/29/2002 Lee Hempfling EEOC	Charge of Discrimination
178	10/17/2002 EEOC	Confirmation
76	4/26/2003	Denise Moseley to try on air fist time
139 law	At Will Condition	Examination of At Will Implied Contract
139 law	At Will Condition	Implied contract of 'till retirement' employment
128 past	Copy of Hallett Critique	Skip in Hallett's words
179 undated	Hand Memo	Jessica Mickey missing voice tracks
137 undated	Hand Notes	"just about gotten rid of everyone you wanted to"
137 undated	Hand Notes	Another attempt to get Lee out.
137 undated	Hand Notes	I had no idea about the call
137 undated	Hand Notes	Logan "beat her ass for trying to get my job"
137 undated	Hand Notes	Logan sexual innuendo complaint
137 undated	Hand Notes	Notes from call to Martin by my wife.
137 undated	Hand Notes	Threatening emails from Musso
137 undated	Hand Notes	Why 'heavy handed memo' to Logan?
188 undated	map	Contour map for WCOO
136 undated	Promisory note	Non dated agreement shows 3 year term
182 undated	Sales Pitch	Promotion attempt (only one I was aware of)
157 undated	Schedule	Weekend after Thompson left station

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The above documents were created to show the progression of the first retaliation claim, the one against the radio station ownership.

Mr. Sanders knows, that a great deal of the documents in my case are: email correspondence, and he undoubtedly believes that they cannot be traced to the source of the document and is either unaware or disrespectful of the recent court acceptance of email headers and body from the original received document.

When he called me the day after the private meeting to tell me quite directly that I 'needed' to contact Ms. Thompson and get a statement from her about my case: I knew he either demanded because he knew a letter was coming from Ms. Thompson, (mother of Moe Thompson, the Gamecock's football player) or he demanded because he desperately needed a letter from Ms. Thompson; and either way would need a record of my asking for it, either for evidence to prove she had not violated her settlement agreement in responding to a logical request or for another email situation that Ms. Thompson could deny ever receiving or would never know about.

If she denied ever having email correspondence with me and my wife in numerous separate email accounts, personal visits to our home where the cat dander bothered her, and holiday and friendship cards exchanged with my wife, then the account of the events leading up to my illegal discharge for retaliation in attempting to hire an African American female full time with the radio station would have been turned to make it appear, as if I was the one who was trying to keep from hiring her and the radio station was a knight in shining armor for getting rid of the 'harasser' as Mr. Sanders puts it in his email to me of this date.

As is documented in my case files, not of the email variety, Ms. Thompson highly praised me in her letter of resignation to the owner of the radio station. It is my assumption that both Mr. Sanders and Mr. Martin (Lynn Martin, owner of L.M. Communications companies) must be under the impression that since Ms. Thompson's case is supposed to be settled, the documents within her case are sealed.

Those very same documents are contained in my case filing with the EEOC. Ms. Thompson included quite a few emails from my document collection as part of her filing with the EEOC. I have a copy of her EEOC filing provided to me, in bound form by Ms. Thompson.

If the federal judges in South Carolina uphold their pledge to release sealed cases Ms. Thompson's case would be opened and within that case would possibly be a statement from Ms. Thompson about my case and implicating me in the topics Mr. Sanders referred to in his email letter of this date.

---

Return-Path: <BILLY.SANDERS@EEOC.GOV>  
Delivered-To: iggit@knology.net

Received: (qmail 5013 invoked from network); 20 Aug 2003 16:40:04 -0000  
Received: from unknown (HELO iris2.directnic.com) (204.251.10.82) by spamlite4.knology.net with SMTP; 20 Aug 2003 16:40:04 -0000  
Received: by iris2.directnic.com (iris/0.98:relay); 20 Aug 2003 16:40:06 +0000  
Forwarded-By: lkh@enticy.org  
Received: by iris2.directnic.com (iris/0.98:470161); 20 Aug 2003 16:40:06 +0000  
Received: from [64.35.224.3] (EHLO HQF2.eeoc.gov) (64.35.224.3) by iris2.directnic.com (iris/0.98:470161) with ESMTP id 470161 for lkh@enticy.org; 20 Aug 2003 16:40:06 +0000  
Return-Path: BILLY.SANDERS@EEOC.GOV  
Received: from HEADQUARTERS-MTA by HQF2.eeoc.gov with Novell\_GroupWise; Wed, 20 Aug 2003 12:39:42 -0500  
Message-Id: <sf436c0e.018@HQF2.eeoc.gov>  
X-Mailer: Novell GroupWise Internet Agent 6.5.0  
Date: Wed, 20 Aug 2003 12:41:19 -0500  
From: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
To: <lkh@enticy.org>  
Subject: Re: Good morning  
Mime-Version: 1.0  
Content-Type: multipart/alternative; boundary="=\_E8B6994E.EB8ADD29"

This is a MIME message. If you are reading this text, you may want to consider changing to a mail reader or gateway that understands how to properly handle MIME multipart messages.

--=\_E8B6994E.EB8ADD29  
Content-Type: text/plain; charset=US-ASCII  
Content-Transfer-Encoding: 7bit

Does not work that way. In fact, the documents in her file don't mention you in a positive way because she feels you were part of her problem and did not go to bat for her for a full time job so you will need a statement from her to support some of your case. RE: Harassment you need

to know that if they took some type of discipline against the harasser and it ended we might not find a violation of the law despite having the graphic info. But we will cross them bridges when we get to them. I am waiting to hear from their attorney re the Fact Finding Conference. I will be leaving the office shortly and will not be back until next Wednesday so if you need me you can call me on my cell @ (704) 564-9464.

## C U Later

---

By settling Ms. Thompson's case, two problems were to go away for Mr. Sanders.

1: His connection with the NAACP, of which I have copies of emails, supplied by Ms. Thompson referring to and from The Reverend Joseph Darby: the current President of the South Carolina NAACP and candidate for Presidency of the National NAACP, wherein The Reverend Darby, was contacted by Ms. Thompson in regards to her case. During that discussion, Ms. Thompson's emails will show that the result was acquisition of a backdoor entrance into the EEOC.

The email correspondence from Ms. Thompson would further show that my case was mentioned in that meeting and Mr. Sanders was mentioned in numerous emails, including some forwarded emails from Mr. Sanders that detail the knowledge of Mr. Sanders that the connection of the NAACP to the case being under his guidance was a direct result of the backdoor entrance the state NAACP President and or Vice-President has with the EEOC.

I have emails from Mr. Sanders where my reference to The Reverend Darby were included in responses but never addressed. Neither was my specific request for his supervisor's name and contact information ever addressed.

The case I filed with the EEOC was never handled properly.

There was no point in time where Mr. Sanders acted on the behalf of justice or law.

There was no point in time, from the initial contact I had with Mr. Sanders, where upon calling his office I was abruptly ushered off of the phone, as he had no time for me, till now that Mr. Sanders has acted any differently towards this case.

The only time Mr. Sanders acted differently to me was in the phone conversations immediately after your office had submitted my initial 4, August 2003 letter requesting your assistance, when his attitude changed from what it had always been, to what had to be either defensive or offensive friendliness.

Friendly so much, in fact, that in the hotel lobby, just as we met, Mr. Sanders, who happened to be at a 'conference' at that hotel in Charleston just the week after he was informed of my first complaint, greeted me with a large bear hug, much to my amazement.

This was the reaction I received from the man who had just been told through the EEOC Directorate that I had filed a complaint against him with a United States Senator. I had informed your assistant, Ms. Price that there was a connection in this case to a prominent Charleston area Reverend. That comment was left out of



the complaint to you, since I was not sure if my case was a victim of racial bigotry by the NAACP and the EEOC at that time.

The face-to-face meeting in the hotel lobby said a great deal to that issue.

Not once did I raise the topic of the NAACP, and had no intention of doing so: the possibility existed that Mr. Sanders was simply swamped with work and mine had fallen through the cracks.

It was not until near the end of the conversation that Mr. Sanders abruptly stated, without being part of any topic being discussed, that the way the NAACP connection went down was that: **Ms. Thompson asked Reverend Darby for help, he recommended the EEOC where she filed a complaint, and Mr. Sanders had asked her if there was anyone else with a similar problem and she recommended me, then Mr. Sanders is supposed to then have requested my case information as well.**

That is a lie.

There was a pause from me after that story became center focus for no other reason than the reaction I was expected to display.

My reaction was a cautious, curious and inquisitive ok!?!?

I knew he had just told me what the story was going to be whether I liked it or not.

It would be either the story that was told to cover the NAACP and EEOC illegal collusion or the connection the Reverend Darby has with the 'EEOC's backdoor' as stated in Ms. Thompson's emails is not as it is written to be.

There was never an intention for the EEOC to do anything with my case, as the connection that made the cases to be filed at all must have only supported the African American complainant.

Throughout the case time line after filing, Mr. Sanders has repeatedly (emails with headers from U.S. Government email servers) attempted to ignore the case, ignore my attempts to have the case investigated, canceled a fact-finding meeting for a supposed trip to Washington, urged me to accept a letter of authorization from the EEOC to have that action release him from any performance requirements: in fact, when my case was filed with the EEOC I did not receive a confirmation for that filing, as it was handled directly by Billy Sanders, until I requested one a month later.

That is not the beginning of the racial discrimination against me in this atrocity of justice.

The beginning was either when The Reverend Darby saw the graphic image sent to me as part of the intimidation I was being subjected to at the radio station for attempting to support the case of a violation of Title 7 of the Equal Employment Opportunities Act, where in my actions were protected from retaliation: to wit: an image of Yassar Arafat on a billboard with two Terrorist gunmen holding AK-47's standing before it and the inscription being that 'Mr. Dick Jocky, these guys would love to kiss yo cheeks!'

The Reverend Darby became aware in Ms. Thompson's meeting with him that I was offended by that image not just because it was a threat on my life, but because I am Jewish and it was so close after 9-11 to have a terrorist image emailed to my home by a minion of the radio station general manager.

Or it was after that, when the case left The Reverend Darby's office and was handed to Dwight James, the Vice-President of the South Carolina Chapter of the NAACP through an email from Reverend Darby and then to Bill Sanders of the EEOC. I would prefer to believe the Reverend Darby to be more of a person than that. I tend to believe Mr. Sanders, who has now shown his deceitful and meticulous manner in both handling my case, and in corrupting it in an obvious threat on my case in the above referenced and copied email responses, is the one responsible for this sad and publicly damaging situation I am found to be in.

The only thing that would not connect and be left without a reasonable doubt is the issue of why Mr. Sanders settled for Ms. Thomson and why Ms. Thompson simply stopped responding to my wife's telephone calls, emails and contacts in mid March, 2003.

I find it very implausible that any radio station ownership with as few stations as Mr. Martin's would be in a position to buy off an EEOC regional manager.

I do not find it implausible that common goals were met between the EEOC regional manager and the attorney of the defendant in the first case, Mr. William Allen.

The simple act of Ms. Thompson's genuine desire to receive justice in her case, and her deciding to do the case after realizing how bad my situation had become, was used by both to rid them of my case and cause a threat to be placed against me from Mr. Sanders and resolve the problems of both parties by settling and locking up all evidence that might be contrary to the story of my having been involved in 'harassment' as Mr. Sanders put in today's email correspondence.

The other possibility is actually an additional situation:

2: Mr. Sanders was not to have to answer to his collusion with the radio station attorney who was implicated in my case against the radio station.

The attorney, one William Allen of Lexington Kentucky, the attorney of Mr. Martin for many years, became involved in my case when he called me at home, after work to ask me questions about the allegations of Ms. Thompson's resignation letter and follow up letter.

Allen did not know that I had a copy of both of those letters as they, were provided by Ms. Thompson. I had a copy of the first letter after it was distributed to persons involved in her position issue and a copy of the second letter as, Ms. Thompson dropped it off for me at the radio station.

I knew what the content of the letters were although I did not remember the specifics of each allegation.

He proceeded to ask me questions about the allegations where I stopped him and told him, I did not feel comfortable with answering those questions. It was necessary to tell the truth to those questions and I wanted to know if my job was on the line for responding to them. He assured me it was not on the line.

I responded to each of his questions and followed the orders of Mr. Martin over a conference call with the general manager and the consultant that I have no personal contact with Ms. Thompson. That did not preclude my wife from continuing a deep friendship.

I answered affirmative to all of the allegations and informed Mr. Allen of additional problems I was having, including being threatened with death in a terrorist inspired email message attachment. An email was sent after I was fired containing a photo of me with "A Victim of Musso Madness" across the image and an included audio file, sent to Mr. Sanders via CD of 'Crying Time Again', claiming responsibility for the intimidation and firing.

I demanded that the intimidation stop to which he replied he expected Mr. Martin to do what was best.

From that point on, the station ownership and its legal counsel had been aware, repeatedly, as I faxed the attorney a summary of the call and have that confirmation page in records, and spoke with Mr. Martin on the phone at length about the situation at the radio station and my situation of being intimidated and threatened, of the situation I was in, having supported the rights of a former employee under Title 7.

That was the second part of my case: retaliation with motive and in a vengeance.

In his email response today he said, "In fact, the documents in her file don't mention you in a positive way because she feels you were part of her problem and did not go to bat for her for a full time job so you will need a statement from her to support some of your case."

That statement would have to coincide with the story presented in this part: "RE: Harassment you need to know that if they took some type of discipline against the harasser and it ended we might not find a violation of the law despite having the graphic info," which addressed my second motive issue.

His stating this in the email: "But we will cross them bridges when we get to them. I am waiting to hear from their attorney re the Fact Finding Conference. I will be leaving the office shortly and will not be back until next Wednesday so if you need me you can call me on my cell @ (704) 564-9464. C U Later", was only intended to give me a sense of urgency by which he would trick me into calling him and potentially becoming abusive or threatening, even though he knew and had wondered numerous times out loud in the hotel lobby meeting why I had not 'kicked his ass' (referring to Bruce Musso) for the threats and intimidation against me, where I told him I was above that kind of response: where he would twist the story into supporting the concocted story that I somehow managed to be at fault for all of the abuse I was subjected to.

His letter is full of blatant, bold-faced lies, documented otherwise.

My wife and I are **shocked** at Mr. Sanders' actions and totally baffled as to how Mr. Sanders could have imagined it was possible to lie, accuse a plaintiff within a federally protected Title 7 case in government email, with an interpretation of the case dependent upon both his lie and the lie of the defendant in that case and expect to not have to face the legalities of that stupidity.

I not only tried to hire Ms. Thompson at that radio station, repeatedly but I had planned and included her in employment with a different radio station for which she provided the reference. All of which took place after the incidents at L.M. Communications.

To elude in that email that I was a part of the reason she was not working full time with that employer is absurd. Her case entails events prior to my arrival as an employee with that company and documentation, backed up by numerous sources, prove beyond any reasonable doubt that I was responsible for trying to get her hired as a full time employee and suffered immense consequences for having dared to uphold the law as protected in Title 7.

The reference to "she feels you were part of her problem and did not go to bat for her for a full time job" is counter to the letter I wrote to consultant Don

Hallett of which a copy was sent to Ms. Thompson much later, in the first part of this year.

---

From: "Lee Kent Hempfling" <iggit@knology.net>  
 To: <OnlyOnePatriciaT@aol.com>  
 Subject: Fw: Meeting synopsis  
 Date: Sat, 26 Apr 2003 16:41:09 -0400  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
     boundary="-----=\_NextPart\_000\_0EF9\_01C3422F.0E4F9AE0"  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 X-Mailer: Microsoft Outlook Express 6.00.2800.1158  
 Disposition-Notification-To: "Lee Kent Hempfling" <iggit@knology.net>  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_0EF9\_01C3422F.0E4F9AE0  
 Content-Type: text/plain;  
     charset="iso-8859-1"  
 Content-Transfer-Encoding: quoted-printable

This is something for you as well as me. You wanted to know when the =  
 first time was  
 that I started talking about making you a full time hire. Here it is. =  
 Feb 9, 2002. Don  
 Hallett's response was he had never heard you. See below.

----- Original Message -----=20  
 From: Lee Kent=20  
 To: DWHALLETT@aol.com=20  
 Sent: Sunday, February 10, 2002 9:35 PM  
 Subject: Re: Meeting synopsis

not at all on Stevie... we had a good talk on the phone last night... =  
 and he actually sounded better having to do things fresh... he's coming =  
 in Wednesday for a sit down session... also... Skip suffered another =  
 stroke today.. either partial or a full one we don't know... one side is =  
 partially paralyzed right now... Trish will be filling in tomorrow until =  
 we hear what is going on...=20  
 lee

----- Original Message -----=20

From: DWHALLETT@aol.com=20  
To: lk@leekent.com=20  
Sent: Sunday, February 10, 2002 3:57 PM  
Subject: Re: Meeting synopsis

In a message dated 2/9/02 8:02:37 PM Eastern Standard Time, =  
lk@leekent.com writes:

I'm starting  
to think with a little coaching Trish could make one hell of a good =  
night  
girl.... thoughts?

I've never heard her. Forward an aircheck or an abbreviated one via =  
MP3 and I'll tell you what I think.

Don't make "the grounds" for change in Stevie's role the things you =  
found parked on the hard drives. Again, be careful here and walk each =  
move through with your GM.

---

The first part of my case is based in Charles Cohn, radio station general manager and his minions causing me the serious harm of intimidation and threat. Mr. Sanders thinks that case is based in racial bigotry because I am Jewish. He told me after the hotel lobby meeting, while walking to my car, that Mr. Martin's 'attorneys' had argued since Mr. Cohn was Jewish as well, there could be no discrimination case against him.

The case against Mr. Cohn is not a discrimination case against me, it is a discrimination case for me having been retaliated against for having supported the rights afforded to persons of color in this nation under Title 7 of the EEOC law. It started before I was hired, is documented for each act of EEO rule and law violation and continued through the hiring process and deeply into my firing process.

There was never a claim that it was Jew upon Jew bigotry.

That was only implied in the threatening Palestinian terrorist email. Another email invoked a world war two tyrant but the case is not about Italian Mussolini discrimination either.

It was checked in my case filing form because the case involved racial discrimination.

Where Mr. Martin's defense was intended to defray a potential costly legal situation, which could cost him his FCC license to own a radio station: Mr. Sanders was in need of disposing with my case in the least amount of effort required.

In the meeting Mr. Sanders told me he knew something I did not know. I wondered what he could have meant by that.

The reason documents in Ms. Thompson's case do not address me, after the initial letter she wrote to Mr. Martin, which may or may not be a part of the sealed case records, but reside in my custody as copies from Ms. Thompson and are submitted in my pending case with the EEOC, is that she was no longer an employee and her case was for a period prior to my arrival.

In fact, Ms. Thompson borrowed my micro cassette recorder, of which I still have the original tape recording, where she met with Charles Cohn and he blatantly stated the radio stations were separate colors, one for white and one for black and he tried to buy her off with a lure of a sales position but only for the black radio station.

In that tape, of which the original is not locked up in a settlement case, only a copy I made for Ms. Thompson may be: Charles Cohn states the reason for my discharge and eloquently praised my abilities and her apparent relationship with me which included respect and whatever his fishing expedition could find out.

It is quite evident in the tape.

Mr. Allen came into the case as a co-defendant due to his collusion to plan and cause harm to my employment relationship in order to stop me from supporting and because I supported the allegations made by Ms. Thompson, which is a federally protected position under Title 7. His involvement in knowing of an existing and continuing crime and his failure to stop, attempt to stop or withdraw from representation is a violation of his code of ethics.

The agreement might not have been mutually attested, but it was mutually agreeable.

Was Ms. Thompson's case was to be settled wherein she would ignore or lie about her involvement in my case, which would take care of the second motive and the Jew upon Jew issue would take care of the first motive?

The only thing that has happened has been a compounded total illegal disaster.

In the hotel meeting with Mr. Sanders, which was not the hotel he informed me he was staying at, but the one where the conference was being held, he informed me in another incident with no relation to the discussion topic, that Ms. Thompson would testify in court. That was a reference that was out of topic and out of reason, unless it was to inform me that his story would be backed up from both within and without the NAACP-EEOC's backdoor.

After my curious and inquisitive 'ok?!?' regarding his other blurted out hook in that discussion, his topic changed from how horrible it must have been for me to have lived through all, that I had been given in retaliation for having supported the EEO laws of this land: he stopped trying to 'feel me out' and started to promise the world.

Documents filed in my case with the EEOC sent to the consultant detail in specifics the times and means I used during my attempt to hire her, even after she resigned.

He calculated an estimated 30 years of potential income lost due to the illegal firing, even though my letter requesting the EEOC's prosecution of the case discussed a real loss of a realistic retirement age: he came up with 1.5 million dollars of which he said should be my settlement offer. He then proceeded to offer his assistance in acquiring a civil rights attorney to handle the case, because it would be 'so good that it is a retaliation case' and a local attorney would want to do this case at 1.5 million dollars. He promised to make the offer the following week, after he returned to his office to Mr. Martin's attorneys for me and get back to me even if they counter offered just one dollar.

And he personally knew of an 'ass-kicking' local civil rights attorney who might be interested in calling me to talk about taking the case.

He became like a happy child who had just acquired the toy that would fulfill his life.

It is not ethical for an EEOC regional manager to offer to find an attorney for a complainant. It is not lawful for an EEOC regional manager to make an offer for settlement before the agency has officially investigated and fact-found the case.



I wrote him today to inform him that I had not heard from Ms. Thompson, as I had not heard from him as he had implied he would do, and I said the following:

---

">>> "lkh" <lkh@enticy.org> 08/20/03 10:49AM >>>  
FYI

no response contact from Ms. Thompson.

But that's ok.

Pretty much all of her complaint was filed in my complaint as supporting documentation. They may have settled her complaint but that does not lock up the documents in my complaint. After all, if that was the case, she referred to many of my documents in hers. There is no judge in this land who would prohibit my case just because it was referenced in her case.

And anyway, the federal judges here declared in 2001 that cases settled in private that involved current cases will be opened upon request. It was an interesting article where all 10 federal judges in South Carolina stated their intention to open any closed file needed to be made public for another case.

Hope all is well with you.

Lee"

---

His response referenced above in its parts addressed the original topic of his desire for a meeting and the desired outcome of the case in that I had not requested a letter of authorization and I would not go away.

His meeting managed to convince him that he knew what my case was about, and most importantly what my reaction would be to his offering to settle the case, therefore establishing I had a price.

So I informed him in that meeting, yet it appears to not have been heeded, that if there was anyway to receive justice for ALL I had been through, it was justice I was intending to receive whether that meant money or not and if there was another way I could receive justice that did not involve money I would do it.

He said then, that the only way I could get justice was through money. He misread my entire presentation in that meeting and based his further actions on his misrepresentation.

By stating: "the documents in her file don't mention you in a positive way" he admits to having tampered with evidence: as I have a copy of that filing and the letters referencing me in very supportive fashion that were received by others than just me are contained in both it and my filing with the EEOC.

The others to receive those documents are also defendants in the first case against the radio station.

By stating: "because she feels you were part of her problem and did not go to bat for her for a full time job" will be embarrassing for Ms. Thompson in a court of law with presentation of documents showing her involvement in attempting to secure employment for me at another radio station, her involvement in developing a new community minded promotional program for that radio station and in very numerous email correspondences where she is not only supportive, she is openly discussing her case in the EEOC and mine. It will further be confirmed that emails from her will show I had attempted through the ability of my position to cause her to be hired and it was that very reason I was being subjected to harassment and terrorist inspired threats for having done so in violation of Title 7.

Today's email from Mr. Sanders is the first time he has ended a message with a closure. This one ends with "C U Later".

Mr. Sanders knows that one of the stipulations of Ms. Thompson's alleged settlement in somehow refers to her inability to speak with me as it was shortly after I told Ms. Thompson on the phone that I was no longer in 'radio' and I would not participate in any radio station she decided to buy with her EEOC proceeds, that she stopped corresponding with my wife as the very close friends they had been.

Mr. Sanders knows that if there is such a stipulation in the settlement Patricia Thompson would not be permitted to respond to a letter requesting a statement from me unless it was a court order or a subpoena and he could cover up the request by saying he did not need it anymore or never said it, and Ms. Thompson would never know the difference: if she was not involved in the entire NAACP, EEOC discrimination case and only upset that I had been driven out of the business.

In that conversation I also informed Ms. Thompson that I had, had about enough of the foot dragging going on at the EEOC and I would do something

about it, which was after Mr. Sanders declared to me in email that the EEOC did not have jurisdiction in the case. I followed that with proof of the law Mr. Sanders is sworn to uphold which resulted in his hateful attack on me for daring to argue legalities with him.

Every single contact regarding my case was accomplished by Ms. Thompson, directly to Mr. Sanders with me receiving information in email about it from her or a telephone conversation between Ms. Thompson and my wife.

There is even evidence that Mr. Sanders was making the same excited child with a new toy act with Ms. Thompson, calling her to discuss her son Moe and no reference to the pending case before the EEOC. Documented in email.

He knows that I once told Ms. Thompson that I had an attorney standing by, which was true, as is all of my upcoming testimony, both in and out of court, as I had just joined the Pre-Paid Legal Service and had access to an attorney if one was needed. His asking me if I had an attorney and how was I currently making it and what was I doing for income, was intended to determine if her telling him I had an attorney was true, and if so was I able to afford to retain that attorney.

But he does not know that Ms. Thompson corresponded with me regarding a bigotry allegation at the Millie Lewis Modeling Agency where she was then working, that involved one of the part owners she had become friendly with.

She asked my advice and would never have done so if she had not felt comfortable enough in my tolerance and belief, that bigotry of any nature is totally wrong.

She was fired from Millie Lewis Modeling Agency. Not much contact from her after that.

It is beyond me that a man in the position of Mr. Sanders would go to such lengths to destroy a case he is proven beyond any reasonable doubt to have mishandled, ignored, refused to prosecute without a single investigation of a legally filed claim, refused to provide access to his superior and his very noticeable anger to each point I objected to, by providing legal documents that supported my assertions.

His attempt to quash my case included an attempt to agree with the defendant's attorney that the EEOC did not have jurisdiction in the case, after numerous emails to him, resulted in an admission that the very law the regional manager of the EEOC is charged with enforcing did indeed make a very specific case for jurisdiction. It is a clear-cut case of malfeasance of a public official involved in fraud.

He is counting on my not having the money to fight his illegal actions. He knows I am not making a living wage, working freelance, spending most of my time writing and publishing scientific material that is my life's focus and has been intensely so for 10 years.

He is confident that even though I complained through your office and he heard through his office, that I did not include the NAACP or The Reverend Darby in that public complaint, that I do not have evidence connecting the NAACP and the EEOC, through an illegal backdoor access, with special privileges.

That I do not have supporting evidence of his motive in settling the first case of an African American female and his refusal in writing to even consider prosecuting, then ignoring any investigation of my case.

He does not know I have this email:

---

>From: OnlyOnePatriciaT@aol.com

>To: suesiekent@hotmail.com

>Subject: Re: Revisions

>Date: Tue, 13 Aug 2002 18:48:00 EDT

>

>He is the contact Reverand Darby told me to call at the Charlotte EEOC

>Regional office ... remember ...???

---

And he is not aware of this one, where Ms. Thompson becomes scared about intimidation, an exact fear only able to have been considered knowing what she knew about my case:

The most important part is **"Please give me some guidance ... As soon as possible ... I need to be able to think and right now ... I can't think about anything else ... I know what these people did to Lee ... my God Billy, what's going to happen to me next?"**

This letter alone shows beyond any reasonable doubt that Ms. Thompson, knew about my case, knew what I was subjected to and knew it was in retaliation.

The entire letter is contained in my files and here:

---

"Return-Path: <thompson@millielewis.com>

Received: from bright02.icomcast.net (bright02-qfe0.icomcast.net [172.20.4.9]) by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H1W006BGXIVUA@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 08:04:07 -0400 (EDT)

Received: from mtain04 (lb-ldap-155.icomcast.net [172.20.3.155]) by bright02.icomcast.net (8.11.6/8.11.6) with ESMTP id g84C45G25265 for <@msgstore03.icomcast.net:leekent@comcast.net>; Wed, 04 Sep 2002 08:04:05 -0400 (EDT)

Received: from millielewis.com (server37.aitcom.net [208.234.0.50]) by mtain04.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H1W004YGXIKWC@mtain04.icomcast.net> for leekent@comcast.net (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 08:03:57 -0400 (EDT)

Received: from mli1 (unused-186.wan-ip-uslec.net [63.243.39.186] (may be forged)) by millielewis.com (8.8.8/8.8.5) with ESMTP id IAA14394 for <leekent@comcast.net>; Wed, 04 Sep 2002 08:03:55 -0400

Date: Wed, 04 Sep 2002 08:03:43 -0400

From: "Patricia" <thompson@millielewis.com>

Subject: FW: Trish Thompson

To: <leekent@comcast.net>

Message-ID: <000501c2540b\$1e310e20\$0200000a@mli1>

MIME-Version: 1.0

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

X-Mailer: Microsoft Outlook, Build 10.0.3416

Content-Type: multipart/alternative;

boundary="-----=\_NextPart\_000\_6BAE\_01C3422F.6B4424F0"

Importance: Normal

X-Priority: 3

X-MSMail-Priority: Normal

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6BAE\_01C3422F.6B4424F0

Content-Type: text/plain;

charset="us-ascii"

Content-Transfer-Encoding: 7bit

-----Original Message-----

From: Patricia [mailto:thompson@millielewis.com]

Sent: Wednesday, September 04, 2002 8:03 AM

To: 'billy.sanders@eeoc.gov'

Subject: Trish Thompson

Billy,

I hope all is well with you. I need some advice. I need you to tell me something to keep me from being a nervous wreck. Last night Lynn Martin the owner of LM Communications called me at my HOME number ... I was shocked to hear from him ... How could he have obtained my number? Is it on my complaint form??? Is he allowed to contact me like that now, after it's been made official??? He called me from (859) 233-1515 at 7:11 pm.

I tried to have a decent / civil conversation with him, but I also know that he realizes how serious this is to me. He indicated that he was very disappointed with my actions and that he would fight it ... and I told him he could dispute whatever he felt he needed to ... He tried to imply that Charlie was offering me a position as a sales executive and I informed him that this was not the way Charlie presented it to me and that I specifically asked Charlie in what capacity was he presenting this whatever it was he was presenting to me ... and Charlie implied he didn't know ...

Because Mr. Martin kept implying that I misunderstood Charlie's intentions, I told him because I knew he would take this position for Charlie that I had recorded the conversation. He asked me if Charlie knew I was recording the conversation, I told him no and that I'm sure if he'd known he wouldn't have said the things in the manner in which he did. I further told Mr. Martin that I was further insulted and felt discriminated against because of how he went about presenting the so-called "opportunity" to me and that when all was said and done and I verbally presented my argument, that he would take the position like I had turned down a wonderful opportunity and now I had proof that that's now how it went.

Mr. Martin then asked me if he could hear the recording so that he could judge for himself ... I told him I'd have to think about it, that I indeed wanted him to hear the recording, that I wanted to watch him hear the recording, and asked when would he be coming to Charleston again. He told me it would be early October and he also asked if I would send him a copy in the mail. I told him I'd get back to him about that in a few days.

Afterwards, as I recapped our conversation, I began to feel like, Oh My

God what have I done. How did he get my phone number ... am I going to start being harassed ... am I safe at work now, or at home ... I began to feel that this might be some kind of intimidation tactic to try to ... I don't know what ... I just know it has me on edge right now ... and I'm concerned about his true intentions or is this just another ploy ...

If he contacted me and was not supposed to ... what can I do about it to ensure that he doesn't continue to contact me in this manner? Or, contact my current work place ... They all know where I work Billy, now I'm looking all around me, wondering if I'm being followed, all kind of stuff man.

Please give me some guidance ... As soon as possible ... I need to be able to think and right now ... I can't think about anything else ... I know what these people did to Lee ... my God Billy, what's going to happen to me next?

So, if I all of a sudden end up injured or dead ... this is becoming scary ... do please don't think I'm being playfully jokey right now, because I'm not ... Please do not let this go ... Please do not let this go, if something does happen to me.

And, even more so than me, he asked about my son, Moe, whom you know I don't mind talking about ... but now I'm worried about that ... Moe's team plays the University of Kentucky on October 12 in Kentucky ... Maybe I should not let him go there ... See, I did not want this to effect Moe in any way, now I'm worried what if they do something to him to get back at me ... what if they get somebody to hurt him on the football field ... Billy, I would never forgive myself ... EVAH ...

Billy my mind is spinning ... please email me, call me something ... before I explode from worry ... Thanks, Take Care, Patricia ;o)"

While working at Millie Lewis Modeling Agency Ms. Thompson requested an immediate phone call or email from Mr. Sanders.

She was so worried for her life and the life of her son, based on what she knew happened in my case and to me that it had her to the point of tears as she

begged him for guidance. He called her at her place of employment according to Ms. Thompson.

Ms. Thompson has not corresponded with my wife, her then best friend, or me since the first quarter of this year.

Mr. Sanders was comfortable that I had not told your office about the NAACP or EEOC collusion and that my word against his, with me having an assumed, so little evidence against him, and he, having the ability to make the Thompson case go away, he did not need to have the agreement or knowledge of Ms. Thompson to carry out his intention to destroy my civil rights and render them useless.

I did not know there was a 'backdoor' to the EEOC until it was done.

Return-Path: <OnlyOnePatriciaT@aol.com>  
 Received: from bright08.icomcast.net (bright08-qfe0.icomcast.net [172.20.4.65]) by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H0N008DNFPKR3@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Sat, 10 Aug 2002 18:27:20 -0400 (EDT)  
 Received: from mtain04 (bright-LB.icomcast.net [172.20.3.155]) by bright08.icomcast.net (8.11.6/8.11.6) with ESMTP id g7AMRH028347 for <@msgstore03.icomcast.net:leekent@comcast.net>; Sat, 10 Aug 2002 18:27:18 -0400 (EDT)  
 Received: from imo-r04.mx.aol.com (imo-r04.mx.aol.com [152.163.225.100]) by mtain04.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H0N004SQFPBCZ@mtain04.icomcast.net> for leekent@comcast.net (ORCPT leekent@comcast.net); Sat, 10 Aug 2002 18:27:11 -0400 (EDT)  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 Received: from OnlyOnePatriciaT@aol.com by imo-r04.mx.aol.com (mail\_out\_v33.5.) id i.3b.2ad6a44a (4238) for <leekent@comcast.net>; Sat, 10 Aug 2002 18:27:06 -0400 (EDT)  
 Date: Sat, 10 Aug 2002 18:27:06 -0400 (EDT)  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
 From: <OnlyOnePatriciaT@aol.com>  
 Subject: Re: From The Post & Courier  
 To: <leekent@comcast.net>  
 Message-ID: <3b.2ad6a44a.2a86ed3a@aol.com>  
 MIME-Version: 1.0



X-Mailer: AOL 5.0 for Windows sub 40  
 Content-Type: text/plain;  
     charset="US-ASCII"  
 Content-Transfer-Encoding: 7bit

I didn't mean it like that ... I know you're gonna tow your load ... I was saying just in case you were not around ... never mind ... I want to see this through for all of us ... and it was just a safety net kind of request ... in case something happened ... just like if something happens to me ... you can still carry on in my behalf and for all of us concerned, you, my SQ ... etc ... that's how I meant it but I didn't want to get that elaborate, detaily with saying it ... cause I don't want it to sound negative ... it's like having an insurance policy ... why do you have it ??? Just in case something happens ... you hope and pray that it doesn't ... but you pay each month ... just in case something does ... so your family will still be protected and be able to go on ...

Enough ...

Also, run that by me again ... about what you were saying last evening ... how the good ole boys ... came up with the idea to market this "type" of music and their true intent ... I know the logistics but re-explain the method to the madness so that I can figure a way to incorporate that into my document as well ... It may help cause the EEOC to take a look into all stations that operate this way ... how many more places is this going on ... and even moreso now that ...

you know what you know about the CC and SJ thing ... where else is it happening, that the ratings are being stacked ... This is MEGA LK MEGA SQ  
 MEGA Ya'll  
 and you have opened an area that will give us back what radio is supposed to be about ... Thank YOU LK ;o) ... Great God In Heaven ... Thank You Soooooo Much!

Thank you for being who I knew and felt you were ... the first time I met

you, and then again when we had our first staff meeting ... Thank you for being the true genuine human being you are ... Thanks for being strong, even  
 in the hours of what other would consider weakest ... Thanks for being a fighter for what's right and a  
 "kick ass" for what's wrong ...

I mean this with all my heart ... THANK YOU LK ... Thank you too SQ for being  
 the most supportive wife and friend ... and a very good friend to me ...  
 Thanks for believing in me as well ... Always ... ;o)

In that letter, reference is made to CC (Charlie Cohn) and SJ (Steve Jason). This is in reference to illegal copies of Arbitron ratings sent in faxes, of which I have copies, by Steve Jason, then General Manager of Citadel Communications radio stations in Charleston S.C., to Charlie Cohn that were used by Cohn to inform me how bad the radio station was doing in the ratings. They were selective results and without merit, to which the consultant addressed in a documented email on my behalf.

Steve Jason, Charlie Cohn's close personal friend, was later fired from Citadel with allegations that he was selling hard drugs in the radio station. That firing occurred after my complaint letter to the FBI had included reference to that potential.

From Mr. Sanders' letter of today in email his intentions are either to present an issue that Ms. Thompson has lied in all areas of her case including his allegations of her feelings about my involvement in the case per his letter, and she is a part of that conspiracy, which is extremely hard for I or my wife to comprehend as the Patricia Thompson we both knew well: or he is doing this without her knowledge as she will have no contact with me or my wife as long as the cases are active or perhaps forever.

He informed me at the face-to-face meeting that Ms. Thomson's case was settled, but negotiations were still going on as to the payment of the settlement.

Perhaps the temptation of a settlement for Ms. Thompson was enough to go against hard written evidence to the contrary in a settlement but regardless if it is with the complicity of Ms. Thompson or not, these actions and the horrible manner in which the first case was handled and the following cover up and the interim collusion with the defendant attorney can only speak to one outcome, besides being public in a letter to an Honorable United States Senator.

It is only due to the potential that Ms. Thompson is not aware of the allegations made in her name that this document is not now in the hands of every news organization with a fax machine.

If she is not involved there is no reason to damage her due to Mr. Sander's illegal actions.

Mr. Sanders has not used email since the face-to-face meeting so it would tend to look like this one was intended to be in writing and in so doing would implicate Patricia Thompson in the act.

The additional collection of emails from Patricia Thompson to both my wife's email accounts and mine will speak volumes of her friendship and her attitude regarding my situation in the case against the radio station.

Mr. Sanders is also not aware of this email:

"Return-Path: <OnlyOnePatriciaT@aol.com>

Received: from bright16. (bright16-qfe0.icomcast.net [172.20.4.105]) by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H1X00D3H7BUFC@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 11:35:54 -0400 (EDT)

Received: from mtain04 (bright-LB.icomcast.net [172.20.3.155]) by bright16. (8.11.6/8.11.6) with ESMTP id g84FZqG17349 for <@msgstore03.icomcast.net:leekent@comcast.net>; Wed, 04 Sep 2002 11:35:52 -0400 (EDT)

Received: from imo-r05.mx.aol.com (imo-r05.mx.aol.com [152.163.225.101]) by mtain04.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H1X006R37BC4Q@mtain04.icomcast.net> for leekent@comcast.net (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 11:35:37 -0400 (EDT)

X-Priority: 3

X-MSMail-Priority: Normal

Received: from OnlyOnePatriciaT@aol.com by imo-r05.mx.aol.com (mail\_out\_v34.10.) id i.5f.2caf5715 (3842) for <leekent@comcast.net>; Wed, 04 Sep 2002 11:35:34 -0400 (EDT)

Date: Wed, 04 Sep 2002 11:35:33 -0400 (EDT)

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

From: <OnlyOnePatriciaT@aol.com>

Subject: Re: more

To: <leekent@comcast.net>

Message-ID: <5f.2caf5715.2aa78245@aol.com>

MIME-Version: 1.0

X-Mailer: AOL 5.0 for Windows sub 40

Content-Type: text/plain;  
charset="US-ASCII"

Content-Transfer-Encoding: 7bit

just received a call from Billy ... HE IS GREAT !!!

WE ARE GONNA WIN THIS ONE ...

I'm sooooooooooooooooooooooooooooo excited ... anyway ...

**He's asked that both our cases be assigned to him ... He is going to be the investigator ...**

He received your hard copy yesterday ...

And, he's making arrangements to come to Charleston ...

He said not to worry about them or the phone call ... and that someone from that location must have given them my number ... I'm on the phone with Denise now ... and she has assured me that she did not give it to them.

She's telling me now that she was called into the office with Charlie and Mike and they asked her ... what do I want ... and that if this is going to continue they'll have to seek an attorney ...

Denise indicates that she felt as if she was supposed to be able to say something to me to make me change my mind ... hahaha

So, I have just now concluded that John is the only other one that has my number ... it is private and unlisted ...

Denise also indicated that she submitted a letter of resignation and they were already ape shit ... then when they saw that ... Charlie gave it back to her and said ... I don't see how you're leaving can help your situation, just keep it and think about it before you decide ...

Denise said she knows they are just trying to be nice to her now ... She said they didn't ask her opinion before about anything ... why were they asking her now ... and that she knows they are just trying to keep her in place as their token black ...

I have to get back to work ... but I had to tell you that ...

I'm concerned about John Majhor though ... & how much he knows and if what he knows could throw us an obstacle ..."

---

Her reference is to whether John Majhor knew that my wife and Ms. Thompson were close friends, or whether it was if John Majhor was aware of the so-called 'backdoor' at the EEOC. John Majhor knew that my wife and Ms. Thompson were friends. John Majhor (Walter John Majhor) is the current program director of the radio station, having been hired by me as part of the process of bringing professional staff into the radio station per Mr. Martin's request. He was hired for afternoon drive, where Ms. Thompson was intended to be further trained and placed in fulltime middays at the station.

John Majhor walked out of the station in disgust and quit on the spot when he learned I had been fired. He was talked into returning and eventually took the position I had as program director.

The motive of the statement "He's asked that both our cases be assigned to him ... He is going to be the investigator..." as having our cases under Mr. Sander's control, would mean he could service her's for Reverend Darby or Dwight James and use mine to get her's settled and not have to service the white guy.

In the first meeting with Mr. Sanders where Ms. Thompson informed me in advance that he wanted to 'see my stuff'. Mr. Sanders would not permit me in that meeting yet asked that Ms. Thompson bring my documentation with her.

She was provided with copies that she later incorporated into her EEOC filing.

Whatever the reason that prompted Mr. Sanders' response in the manner and words in which he phrased them to be sent to my email account today, it can only result in the further loss of my civil rights through a continuation of illegal, criminal fraud and intimidation.

Following the first request for assistance from your office, I spoke with Ms. Price who learned of the local prominent connection. Unless she informed the Directorate of the EEOC handling the case out of Greenville that a mention was made that was not in the public letter to you and the Directorate informed Mr. Sanders, Mr. Sanders was assured I did not have anything to speak of regarding a connection between the NAACP and the EEOC.

After the phone call to my cell phone voice mail (which has been retained) from Mr. Sanders the evening of the day after the EEOC acknowledged to Ms. Price they had received the request for assistance, where he requested to meet me and discuss moving forward in my case, his voice changed from acting as a concerned public servant to pleased that was all over. I called him the next day and left a message for him on his voice mail.

I expected his return call, from my Friday afternoon message, would come during business hours the following Monday, but it did not come until 9:00PM at night from his home telephone, as per caller ID, where he informed me he had read my entire case and wanted to get right on it and needed to meet, and that he would be in Charleston the next day for a conference and he would stay at a North Charleston hotel.

I told him the next day was not going to happen due to other duties so he agreed to the afternoon of the following day.

Instead of calling me in the afternoon of the following day, he called me at 10:20 to 10:30 AM asking for an immediate meeting.

He said we could meet at the hotel where his conference was being conducted, which was not the hotel he was staying at or he would meet me someplace else.

Shortly after I left home for the hotel, my wife received a phone call from Mr. Sanders asking if I was in. My wife informed him I had already left for the meeting and he said he had received a phone call and must have just missed my return call. He then proceeded to tell her, to tell me, he would meet me in the lobby of the hotel, which I already knew about.

After the face-to-face meeting he informed me the missed cell phone call was not my call, as I knew it was not, and my wife's not giving him my cell phone number at that time most probably kept the meeting active.

When I first arrived at the hotel I asked for him by introducing myself to a person who said he knew 'Bill Sanders' and had seen him earlier in the lobby.

When I could not find Mr. Sanders, since I did not know what he looked like, I had never met him before and he did not describe the person I was to meet, I walked back outside and called his cell phone from my cell phone where the short call ended with my walking inside to be greeted by a large overbearing bear hug.

I have been the victim of a massive, scandalous, racially motivated attack by a regional manager of the EEOC in what must be a connection to the NAACP

'backdoor' and the radio station attorney's collusion with being a defendant in the case.

It is quite possible that the Thompson case is not settled and the setup is taking place with Ms. Thompson's involvement, which is an illegal activity, and under the jurisdiction of the Federal Bureau of Investigation, I hereby so demand that investigation.

It is hard for me to believe Ms. Thompson could attempt to say something improper about my involvement in her case.

Reference this email from Ms. Thompson.

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Return-Path: <OnlyOnePatriciaT@aol.com>  
 Received: from bright02.icomcast.net (bright02-qfe0.icomcast.net [172.20.4.9]) by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13 2002)) with ESMTP id <0H2N000NUVZ2VA@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Wed, 18 Sep 2002 21:25:50 -0400 (EDT)  
 Received: from mtain01 (lb-ldap-155.icomcast.net [172.20.3.155]) by bright02.icomcast.net (8.11.6/8.11.6) with ESMTP id g8J1PIG05539 for <@msgstore03.icomcast.net:leekent@comcast.net>; Wed, 18 Sep 2002 21:25:48 -0400 (EDT)  
 Received: from imo-m10.mx.aol.com (imo-m10.mx.aol.com [64.12.136.165]) by mtain01.icomcast.net (iPlanet Messaging Server 5.1 HotFix 1.4 (built Aug 5 2002)) with ESMTP id <0H2N00BKGVYU3E@mtain01.icomcast.net> for leekent@comcast.net (ORCPT leekent@comcast.net); Wed, 18 Sep 2002 21:25:42 -0400 (EDT)  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 Received: from OnlyOnePatriciaT@aol.com by imo-m10.mx.aol.com (mail\_out\_v34.10.) id i.1b8.63a9474 (3858) for <leekent@comcast.net>; Wed, 18 Sep 2002 21:25:37 -0400 (EDT)  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
 Date: Wed, 18 Sep 2002 21:25:37 -0400 (EDT)  
 From: <OnlyOnePatriciaT@aol.com>  
 Subject: Re: question  
 To: <leekent@comcast.net>  
 Message-ID: <1b8.63a9474.2aba8191@aol.com>  
 MIME-Version: 1.0  
 X-Mailer: AOL 7.0 for Windows US sub 10638  
 Content-Type: multipart/alternative;  
 boundary="-----=\_NextPart\_000\_6BC7\_01C3422F.6B5255C0"

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6BC7\_01C3422F.6B5255C0

Content-Type: text/plain;  
charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

Hi, I tried to call you guys ... and I sent SQ and IM ...

To answer your question ... I believe it took about 10 days or so to receive mine in the mail ... maybe a bit longer ... can't remember ... but I'll look at the paperwork when I get a chance ... I think it was about 10 days though ...

Give them a call and let them know you hadn't received anything regarding your complaint ... that they'd received it or anything ... Now, ;o) ;o) ;o) you know it's gonna take someone about a month to ready it all ... right??? ;o)

Just teasing ... but yours was a lot longer than mine ... **and we both know it was received "unofficially" ...**

Man, I'm gonna answer another email or two and then I'm gonna try to call you guys again ... then I'm gonna go to sleep ... had a long weird day ...

Oh, and thanks for answering my question, earlier this morning ... I just hadn't had a chance to do much emailing today ... it was very informative and very much appreciated ... In fact, I need to look at it again ... I think I only got to #4 and had to sign off ...

Talk to you later ... luv & hugs ... ;o)

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This email from Ms. Thompson continued the topic:

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Return-Path: <OnlyOnePatriciaT@aol.com>



Received: from bright11.icomcast.net (bright11-qfe0.icomcast.net [172.20.4.100]) by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 1.4 (built Aug 5 2002)) with ESMTP id <0H3A005K2153XS@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Mon, 30 Sep 2002 20:24:39 -0400 (EDT)

Received: from mtain08 (bright-LB.icomcast.net [172.20.3.155]) by bright11.icomcast.net (8.11.6/8.11.6) with ESMTP id g910Obx28608 for <@msgstore03.icomcast.net:leekent@comcast.net>; Mon, 30 Sep 2002 20:24:37 -0400 (EDT)

Received: from imo-d07.mx.aol.com (imo-d07.mx.aol.com [205.188.157.39]) by mtain08.icomcast.net (iPlanet Messaging Server 5.1 HotFix 1.4 (built Aug 5 2002)) with ESMTP id <0H3A000B814NS9@mtain08.icomcast.net> for leekent@comcast.net (ORCPT leekent@comcast.net); Mon, 30 Sep 2002 20:24:23 -0400 (EDT)  
X-Priority: 3

X-MSMail-Priority: Normal

Received: from OnlyOnePatriciaT@aol.com by imo-d07.mx.aol.com (mail\_out\_v34.13.) id i.3d.252beb76 (4592) for <leekent@comcast.net>; Mon, 30 Sep 2002 20:24:21 -0400 (EDT)

Date: Mon, 30 Sep 2002 20:24:21 -0400 (EDT)

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

From: <OnlyOnePatriciaT@aol.com>

Subject: Re: any updates?

To: <leekent@comcast.net>

Message-ID: <3d.252beb76.2aca4535@aol.com>

MIME-Version: 1.0

X-Mailer: AOL 7.0 for Windows US sub 10638

Content-Type: multipart/alternative;

boundary="-----\_NextPart\_000\_6BD0\_01C3422F.6B5737C0"

iPlanet-SMTP-Warning: Lines longer than SMTP allows found and truncated.

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6BD0\_01C3422F.6B5737C0

Content-Type: text/plain;

charset="US-ASCII"

Content-Transfer-Encoding: 7bit

Hi, thanks ;o)

I haven't heard anything from anyone. Perhaps, you should make an inquiry to

the EEOC and check the status of your complaint. That's all I can suggest.

I'm kind of letting it take its course. He assured me that he has everything, will be investigating, has requested both our cases to be assigned to him, **that he would come here to take care of what needs to be**

**taken care of** and I believe that he will. I'm sure we are not the only cases

he has to work, but I feel strongly that when it's our turn he will give it his utmost consideration and attention. I understand that they have a right

to request an extension in providing their input. With the "we don't employ

more than 15 people" issue, I'm thinking that he is doing whatever he needs

to do in order to handle that situation as he sees fit in accordance with his policies and procedures. **He has to remain, also, in a neutral position,**

**regardless of what he may really think or feel and I'm sure maintain a high**

**level of diplomacy in order to work effectively for all of us concerned.**

I've decided to let him drive the ship. I feel that what he's told me and that I've shared with you is valid and when the time comes to put all the elements together, it will happen. I'm sure he cannot, suddenly, appear to

devote all of his attention to these particular complaints, or treat it any differently than any other cases he has to investigate, all variables being equal in the process. **Even though we had an inside link, and I'm**

**greatful we**

**did, who knows how long this process would take otherwise?**

I thought Martin was coming in tomorrow, but maybe I'll call Denise later tonight and check on her and things ... I don't particularly care to hear from Martin at this juncture. And, if he tries to contact me, I doubt I'll talk with him or answer his phone call if he tries to call me.

Hope all is well with you ... I'm a bit tired from the trip but I need to answer some emails and work on one of my projects for about an hour ...

Then,

I'll try to reach Denise and I'll call you before I go to sleep. Perhaps, around 930ish!

Luv and hugs ;o)

---

With all of this evidence it is curious why Mr. Sanders would bring up the NAACP connection without a reason in the face-to-face conversation. I do not believe for one moment that a staff member of your office would have passed on non-public information to the Directorate of the EEOC. And I do not believe the Directorate of the EEOC would ever have passed it on to the person being complained about, even if they did know about it.

Ms. Price instructed me to put anything I wanted public in writing and leave out that which I did not want public. That is what I did.

On January 25, 2003 I sent the following email to Ms. Thompson:

---

Reply-To: "Lee Kent Hempfling" <iggit@knology.net>  
 From: "Lee Kent Hempfling" <iggit@knology.net>  
 To: <OnlyOnePatriciaT@aol.com>  
 Subject: Trish! Important  
 Date: Sat, 25 Jan 2003 16:44:54 -0500  
 Organization: Iggit  
 MIME-Version: 1.0  
 Content-Type: multipart/mixed;  
     boundary="-----=\_NextPart\_000\_628E\_01C3422F.5DAFE310"  
 X-Priority: 1  
 X-MSMail-Priority: High  
 X-Mailer: Microsoft Outlook Express 6.00.2800.1106  
 Disposition-Notification-To: "Lee Kent Hempfling" <iggit@knology.net>  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_628E\_01C3422F.5DAFE310  
 Content-Type: text/plain;  
     charset="iso-8859-1"  
 Content-Transfer-Encoding: 7bit

When you speak to the contact next please forward this on to him.  
 Hi, by the way.  
 The reason is, the lady below may have a case herself against Martin and Cohn as well as a deep witness for my case and yours.  
 On 6/21/02 (I have the telephone message slip to prove it . An image scan of the slip is attached to this email)... written by Leslie (office manager)

an Aretta Jenkins called the station seeking to find out if there were any on air openings... I called the number because Cohn had just finally agreed to let Logan go and replace her but there was no answer. I found out there was a chance for another black female to hold the midday job as I had been just then recently told that there was no way he would ever hire you ... Some time went by without my calling again as I was backed up in other duties. Ms. Jenkins stopped in the station late in the work day, .long after I was gone and she asked Denise if there were any openings. Cohn overheard the question and quickly jumped in front of Denise and told Aretta there were no openings. He did not follow proper procedure if there had been no openings because he never offered her to drop off a resume or fill in an application or anything at all he just did not offer her squat...

Aretta Jenkins then wound up talking to me a few days later after I finally placed another call. She stopped back in, dropped off a cassette tape and we had a nice short talk out by her car. She was a nice lady who had some announcing experience but no where near the polish you had and not up to the standard I was seeking in replacing middays on air with an experienced professional.

Her home number is 864-647-4325 her office number is 864-656-6557 she had been working at a local tv station and had difficulties there with a former boyfriend working there as well so she was looking to better herself and make things easier on herself and she wound up getting told to take a hike by Cohn apparently knowing full well I had left a message in trying to hunt her down. Perhaps she did not know that but either way it was a disgusting typical Cohn antic.

Also please tell him our new phone number is 843-225-6310. Its the house

phone. I still have the cell as well but it is rarely on as its only for being out now.

Thanks

Have a nice weekend.

Lee

<http://www.iggit.com>  
<http://www.heartheheartbeat.us>  
Lee Kent Hempfling  
[iggit@knology.net](mailto:iggit@knology.net)

---

Mr. Sanders not only knew of additional illegal civil rights violations and failed to act on them, he was aware of the above and the home phone number and that my cell phone was not being answered.

Yet he called my cell phone to set up a meeting.

In her response Ms. Thompson sent this message:

---

Return-Path: <OnlyOnePatriciaT@aol.com>  
Delivered-To: [iggit@knology.net](mailto:iggit@knology.net)  
Received: (qmail 32538 invoked from network); 28 Jan 2003 04:31:26 -0000  
Received: from unknown (HELO imo-r10.mx.aol.com) (152.163.225.106) by spamlite2.knology.net with SMTP; 28 Jan 2003 04:31:26 -0000  
X-Priority: 3  
X-MSMail-Priority: Normal  
Received: from OnlyOnePatriciaT@aol.com by imo-r10.mx.aol.com (mail\_out\_v34.13.) id k.2b.371afd1a (3924) for <[iggit@knology.net](mailto:iggit@knology.net)>; Mon, 27 Jan 2003 23:31:17 -0500 (EST)  
X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
From: <OnlyOnePatriciaT@aol.com>  
Message-ID: <2b.371afd1a.2b676195@aol.com>  
Date: Mon, 27 Jan 2003 23:31:17 EST  
Subject: Re: Trish! Important  
To: <[iggit@knology.net](mailto:iggit@knology.net)>  
MIME-Version: 1.0

Content-Type: multipart/alternative;  
boundary="-----=\_NextPart\_000\_6C44\_01C3422F.6B907030"  
X-Mailer: AOL 7.0 for Windows US sub 10638

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6C44\_01C3422F.6B907030  
Content-Type: text/plain;  
charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

LK,

Okie Dokie ... thanks ... I've been in Columbia all weekend. Moe's birthday is today (27th) ... Just getting back in a little while ago ... ;o)

Hi Ya ... hope all is well with you and SQ ... please tell her I'm thinking of her with luv and hugs!!!

I'll pass this on ... ;o) and will talk to SQ perhaps tomorrow or by Wednesday ... ;o)

Take Care ... Trish

---

SQ is the pet name Ms. Thompson called my wife, "Suesie Q" is my pet name for my wife, as is simply, "Q".

My only contact with the EEOC's supposed investigation of my case filing was through another case's plaintiff who now, according to Mr. Sanders' email of today's date has completely changed her complaint.

Ms. Thompson's EEOC complaint form was written by the EEOC itself and sent to her only for signature. I wrote mine with the help of Ms. Thompson.

The documents contained within a potential settlement include those documents filed with the case. They do not include drafts, evaluation copies or email received prior to, during and after that case.

This message was forwarded from my wife's hotmail email account to mine and contained an attachment.

---

Return-Path: <suesiekent@hotmail.com>  
 Delivered-To: lkh@knology.net  
 Received: (qmail 28239 invoked from network); 12 Mar 2003 14:27:31 -0000  
 Received: from unknown (HELO hotmail.com) (216.33.241.9) by spamlite2.knology.net with SMTP; 12 Mar 2003 14:27:31 -0000  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 Received: from mail pickup service by hotmail.com with Microsoft SMTPSVC; Wed, 12 Mar 2003 06:27:32 -0800  
 Received: from 24.214.49.182 by lw8fd.law8.hotmail.msn.com with HTTP; Wed, 12 Mar 2003 14:27:32 GMT  
 X-Originating-IP: [24.214.49.182]  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
 From: "Suesie Hempfling" <suesiekent@hotmail.com>  
 To: <lkh@knology.net>  
 Bcc:  
 Subject: Fwd: Re: ;o)  
 Date: Wed, 12 Mar 2003 07:27:32 -0700  
 MIME-Version: 1.0  
 Content-Type: multipart/mixed;  
     boundary="-----=\_NextPart\_000\_6C59\_01C3422F.6BA5CCF0"  
 Message-ID: <F9JzuuaY7pZskfe3fnU0000f899@hotmail.com>  
 X-OriginalArrivalTime: 12 Mar 2003 14:27:32.0424 (UTC)  
 FILETIME=[84BF5480:01C2E8A3]

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6C59\_01C3422F.6BA5CCF0  
 Content-Transfer-Encoding: 7bit  
 Content-Type: text/html;  
     charset="iso-8859-1"

```

<html><div style='background-color:'><DIV>
<P><BR><BR></P></DIV>
<DIV></DIV>&gt;From: OnlyOnePatriciaT@aol.com
<DIV></DIV>&gt;To: suesiekent@hotmail.com
<DIV></DIV>&gt;Subject: Re: ;o)
<DIV></DIV>&gt;Date: Thu, 15 Aug 2002 16:57:02 EDT
<DIV></DIV>&gt;
<DIV></DIV>&gt;Oops ... forgot to send it with the last
transmission ... ;o)
<DIV></DIV>&gt;
  
```

<DIV></DIV></div><br clear=all><hr>Protect your PC - <a href="http://g.msn.com/8HMCENUS/2755">Click here</a> for McAfee.com VirusScan Online </html>  
-----=\_NextPart\_000\_6C59\_01C3422F.6BA5CCF0  
Content-Type: application/octet-stream;  
name="**trishEEOC.doc**"  
Content-Transfer-Encoding: base64  
Content-Disposition: attachment;  
filename="**trishEEOC.doc**"

---

That document was revised numerous times but not for content.

It is included here as a matter of public record. Words in blue and green are comments of Ms. Thompson in the writing process from the original email attachment contained in my files:



August 1, 2002

**U. S. Equal Employment Opportunity Commission  
1801 L Street, N.W.  
Washington, DC 20507**

**Dear US EEOC:**

**Greetings!**

**I would like to request an investigation into allegations that are in direct violation of Title VII of the Civil Rights Act of 1964 (Title VII), Equal Pay Act of 1963 (EPA), and the Civil Rights Act of 1991, as they pertain to the illegal and unethical business practices of L. M. Communications Inc.; L. M. Communications of South Carolina, Inc.; L. M. Communications II of South Carolina, Inc., et al., 1300 Greendale Road, Lexington, KY 40511, and 59 S. Windermere Blvd, Charleston, SC 29407, et al.**

**I submit a chronological summary to provide an analysis and justification as it pertains to the following issues and alleged EEO violations as follows:**

- 1. Full and other part-time employment opportunities that became available within LM Communications, WCOO (COOL 105), while I was a part-time employee during and through October 2000 and March 2002.**
- 2. The manner in which I was or was not considered and/or looked over, and not offered one of these positions regarding these employment opportunities, even though I was qualified through experience, education, work performance, and tenure with the employer, LM Communications.**
- 3. If I was receiving equal pay for equal work, considering my experience, education, work performance and tenure regarding the specific job opportunity in relation to other employee's experience, education, work performance and tenure with the employer, LM Communications.**

4. Documented proof of ratings received during my employment as it relates to work performance and inadequate pay commensurate to other employees performing same type of work who consistently received lower ratings.
5. If race, age, sex and/or disability discrimination was, indeed, a factor during this time.
6. And/or, if a hostile work environment existed.

**Introduction:**

Under LM Communications General Manager, Steve Jason and Program Director (PD), Ken Carson, I accepted employment with WCOO/COOL 105, in the Programming department, as a part-time radio announcer, beginning October 2000, working only on Saturday and Sunday. I was told that the station was advertising for part-timers, and that they were specifically looking for a female voice as their previous mid-day female employee had been fired, several months earlier, due to misconduct related issues. I was told that the starting salary for all part-timers was \$6.00 per hour.

During that time, I believe, Bob Boswell was the morning host announcer leaving and being replaced by the Windham Brothers. I am certain that Damian Bell was the new mid-day host, Evans Bryd was the afternoon host, and Stevie Byrd was the evening host announcer. I was the only female announcer on the air during this time assigned to the Programming Department.

Upon the departure of PD-Ken Carson, in February 2001, Ken, informed me that I possessed the voice, personality and attitude of what COOL 105 needed. Additionally, based on my performance, if the “powers that be” listened to him, I should be going places within the Programming Department very soon.



**EEO Complaint as it pertains to Issue 1, 2, 3, 4 and 5:**

**In direct violation of Title VII, the ADA, and the ADEA, it is illegal to discriminate in any aspect of employment, including: hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff or recall; job advertisements; recruitment; testing; use of company facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, and disability leave; or other terms and conditions of employment.**

**Discriminatory practices under these laws also include: harrasment on the basis of race, color, religion, sex, national origin, disability, or age; retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices; employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individual of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability. Title VII also prohibits discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.**

**Whereby: L.M. Communications Inc., L.M. Communications of South Carolina Inc., and L. M. Communications II of South Carolina Inc., have employed for over 20 or more calendar weeks in the current or proceeding calendar year a sum of 15 or more employees, did willfully and intentionally engage in illegal discriminatory practices to wit the following:**

- 1. Unlawful intentional discrimination**
- 2. Compensation, assignment, or classification of employee**
- 3. Job advertisements**

## 3

4. **Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and**
5. **Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.**

***SUMMARY:*** After approximately 5 months of working as a part-timer assigned to a weekend shift, in late February 2001, the midday position became available due to Damian Bell's relocation to Florida. Shortly after, our PD Ken Carson left and the new PD-Mike Allen arrived and began filling in for the midday shift.

Based on my previous radio experience, college education in Radio/TV broadcasting (radio concentration), and Ken Carson's remarks prior to his departure, I thought, surly, I would be given consideration and/or, at least, offered the opportunity based on my tenure and seniority, to compete for, or deny the midday position. But, I was not.

And, when I inquired as to why I was not, I was told that because I already had a full time job, paying more than what I could be offered by the radio station, it was assumed that I would not be interested in the position. And, I was further informed that they had already spoken to someone else who was going to start in a few days.

However, I do recall, Mr. Steve Jason (General Manager at this time) asking me if I worked during the weekday and he asked me what my salary was. After I told him, he proceeded to tell me that I sounded real good on-air.

After that I never heard another word and at no time did anyone offer the midday position to me or ask me if I'd be interested in applying or competing for it.

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Furthermore, it was never advertised so that anyone else could compete for it. Instead, a previously **fired employee was re-hired for the position (Radio Name: Linda Logan – AKA Linda Grumbine).**

**EEO Complaint as it pertains to Issue 6:**

Additionally, I was told that Linda Logan, a former employee who had previously been fired by Ken Carson, due to causing arguments with Bob Boswell; **for having been caught looking through other employee's personal material trying to find out what they made hourly and thereby being suspended for such action; as well as instigating and causing conflicts between other employees,** was being allowed to return to the radio station and Programming Department **as a part-timer,** and would be working the midday position. These were some of the same reasons, I later heard, that caused the Windham Brothers (the Morning Show Hosts) to become very upset when they learned that she was returning to the station. They also had worked with her previously at another station in the market where she reportedly caused chaos and an uncomfortable work environment.

**Upon being re-hired and returning to the station,** Linda made it a point to come into the studio one Saturday afternoon, while I was on the air, and initiated a conversation about how she knew I'd heard that she was "crazy" but wanted to assure me that even though she'd had issues with the Windham Brothers and a few others in the past, she was a nice person.

I proceeded to tell Linda, I based my views on how an individual treats me and time would tell. I also informed her that I was on the air and could not talk with her at the time. Later, I asked our PD, Mike Allen, to speak with Linda and ask her not to interrupt me with non-professional conversation while I was working **because it was very distracting.**

## 5

**EEO Complaint as it pertains to Issue 1, 2, 3, 4 and 5:**

**A few more months went by, and in April 2001, the afternoon drive position became available after Evans Byrd was fired for making insulting remarks regarding fellow employees and about the General Manager's family. The PD, Mike Allen, took over the afternoon shift.**

**It was also about this time that the GM, Steve Jason, departed the station and the current GM, Charlie Cohn, arrived.**

**And, it was on or about May 3<sup>rd</sup>, 2001, that I met Mr. Lynn Martin, the owner of LM Communications for the first time, during a visit to the Charleston stations.**

**In fact, I met Mr. Martin and Mr. Cohn for the first time, together. They had PD Mike Allan contact me to ask that I come to the station to meet with Mr. Martin. When I arrived, I met with Mr. Martin in the General Managers office and he introduced me to Mr. Cohn (the new General Manager). They wanted to discuss the Traffic Manager position for the radio stations (WCOO & WYBB) that had just suddenly been vacated by an African-American female, by the name of Yvette.**

**They inquired into my full time job responsibilities which I told them I was the Assistant Traffic Manager at a local TV Station. They inquired into what my salary was and indicated they would contact me. However, I never heard from them, and found out a few days later that they had offered the position to the entry-level receptionist, at the time, Leslie.**

**In mid to late June 2001, again, I asked if I was being considered for the available afternoon drive position in the Programming Department. Again, I was told that the radio station could not afford to pay me any where near what they knew I was making at my, then, full time job.**



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At that time, I informed the PD-Mike Allen, that I felt I should, at least, be offered the position, and if it was something reasonable, even though it may be less than what I was making from my full time job, that I should be allowed to consider it and make a decision based on what I could or could not afford, not on someone else's assumption on what I would or would not work for.

In retort to that, I was told that someone who had a lot of broadcasting experience was being considered for the job. That person, as it turns out, was Skip St. John (radio name) AKA Wayne D. Morath, who arrived in mid-July, 2001.

Later, Skip disclosed that the station was getting "a really good deal" by hiring him, because Skip who was disabled due to a previous stroke and rehabilitation, could not earn over a certain amount monthly (\$700 is what I recall as the figure that was used) in order for it not to affect his monthly disability. Skip's effective hire date was July 10, 2001 at a rate of \$8.75 per hour (Encl 1). **Additionally Skip worked quite a few special station remote broadcasts where his payments for such broadcasts were made to his girlfriend "Martha" so as not to disturb his disability income.**

**EEO Complaint as it pertains to Issue 4:**

All-the-while, I worked diligently and professionally, and tried to meet my personal goal of getting in the top five rating zone for the Charleston radio market, even if I was only working on Saturdays and Sundays, 3-7pm, extended hours as necessary, as well as filling in for other weekday part-timers in their absences over holiday and vacation periods.

I had already shown a considerable increase from the 2001 Fall Arbitron Ratings book, over the 2001 Winter book to number six (5.9 share – 35-54 demo) and by the Spring Book, the ratings had increased to a number ONE (11.3 share) for Saturdays.

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***Furthermore, it was, and I believe it continues to be, the highest ranking EVER in ANY day part, since the inception of the COOL 105 R&B Urban Oldies format.***

**And, Sundays went from a tied third (6.5 share) to a number TWO (10.7 share) for 35-54 demographic. Persons 12+ on Saturday went from a six ranking to a three, and on Sunday went from a ten to a number four. Overall, all ratings increased for all demos and all were in the top five for both my day parts, Saturday and Sunday 3-7pm.**

***EEO Complaint as it pertains to Issue 3, 4 and 5:***

**But, I soon began to believe that this great, *first*, accomplishment meant nothing to LM Communications. Especially after my year anniversary, when I asked if it would be possible to receive a raise based on my performance, initially, but also because I had become aware that other part-time white employees were making as much as \$2.75 - \$3.00 an hour more than I was for doing the same type of work, and same type of responsibilities. Furthermore, these other part-time employees were offered additional income by being scheduled for live remotes, which paid approximately an additional \$150 per remote. During my entire tenure, I was only scheduled for one remote and that was around mid January 2002.**

**Additionally, I was lead to believe the raise would be forthcoming, after inquiring about it several times, although it never did. The last excuse I was given from the PD, Mike Allen, for not having received a raise was that “we work for a Miser” and that it was out of his control.**

**The realization became even more painfully obvious when other part-timers were being hired at approximately a \$1.00 greater rate of pay than I had started and ended with, even though I had more experience, education and tenure with the radio station. I even trained some of these inexperienced part-time employees who were starting at a higher rate of salary.**

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**I also, grew tired of being used to fill in for the day parts I was not suitable enough to be considered for on a full time basis, but good enough to be a “fill-in” when the others were out on vacation for the holidays or whatever. Additionally, I was not compensated at the same amount of salary as the announcers I filled in for.**

**I soon began to equate that the reason for this “difference” was because I am of African-American descent and no other reason. My work performance was not questionable, my work ethic was not questionable, my dependability was not questionable, my attendance was not questionable, my timeliness was not questionable, my team-work spirit, when necessitated, was not questionable.**

**However, I was kept behind the scenes, and “in the back of the bus” so-to-speak, except for the airtime of my scheduled shift or my participation in community activities I was already involved in prior to becoming an employee.**

***EEO Complaint as it pertains to Issue 1, 2, 3, 4, and 5:***

**Furthermore, it affected me because, I am of African-American descent and I viewed my position as an opportunity not just a job. An opportunity to prove that I was able and capable of bringing in high ratings, as well as being accepted in the community on many diversified levels.**

**Over time, I began to realize that African-Americans, in all capacities, were and still are being cheated by a station that is using their musical roots for profit while ignoring their contributions in the community and professional sector.**

**This began to cause a turmoil within myself because I didn’t want to believe that this type of mentality was so blatant, true and holding me hostage in an environment that I had initially truly enjoyed and thought that everyone was being treated and considered equally in a common endeavor, to wit: the success of the radio station, community and all associated with such, regardless of the complexion of their skin, nationality, origin, ethnic background, etc.**

**EEO Complaint as it pertains to Issue 3, 4, 5 and 6:**

**Additionally, while sitting in a staff meeting, on August 20<sup>th</sup>, 2001, a mandatory meeting that had been scheduled for both COOL 105 & 98 Rock programming staffs, a comment of curiosity as to why I had attained such high ratings was tossed about. I took the opportunity and made the comment that I believed the station as a whole would receive increased ratings if air shift personnel stopped voice tracking their shifts all the time.**

**The GM, Charlie Cohn, then implied that this was not a significant issue and had nothing to do with the ratings. Later, I wished I had of thought to say to him, if he truly believed that, then perhaps he should have no air shifts at all, perhaps even, he should go home and just let the station run itself. How much money would that save the station!?! (rhetorical)**

**Furthermore, the other part-time employees who were getting paid higher wages than me for the same type of work were voice tracking their shifts rather than doing them live.**

**Part-timers were only supposed to be compensated full hourly wages for the live hours and reduced time reported hours for the hours they voice tracked. Those same part-time employees were paid full wages and higher wages for voice tracking, while I was the only part-time employee that did not voice track and physically worked my assigned shift hours for lower wages and did more work. **And, the full time employees who voice tracked did not do other job functions of multi-task to justify their income. They did production during a voice tracked air shift instead of staying in the radio studio, where their air shift should have been conducted, for their entire paid time.****

**The meeting had been scheduled to initiate weekly staff meetings, and to discuss ways to enhance the station(s) marketability in order to increase market share.**

**During this meeting, I heard my fellow radio announcers complain about how they wished our format was more like Oldies 102.5; how they liked the “other” music much better; or how certain R&B songs got on their nerves, especially certain parts that were just nerve wrecking, or why didn’t we play more so-called, non-genre specific, beach music.**

**When I asked what defined “beach music,” it turns out to be genre specific R&B oldies, ethnic to the African-American listener, urban rhythm and blues, plain and simple. I guess “beach music” or “rhythmic music” is considered a more acceptable term for the white listener or businessman they try to sell their advertising to, rather than just saying R&B oldies.**

**Hearing these remarks offended me. To an African-American listener, and demographic listener, that certain part of the song, the ethnic, urban sound, was the heart and soul of the song for us! It irritated and offended me to realize that these white announcers and staff were not concerned, and did not care about the music or the African-American listeners in our community.**

**In fact, on several occasions they indicated that if the music couldn’t be “shagged” to they didn’t care about it and weren’t that familiar with it anyway. Perhaps, in part, this was why the ratings continued to stagnate.**

**After September 11<sup>th</sup>, our sister station developed and distributed bumper stickers that stated “Buck Fin Laden” and also symbolized the colors and semi-design of the Confederate Flag. I was shocked, disheartened, offended, but also wiser to understanding the true mentality of the individuals and the company I worked for.**

**There was no money available for raises, there was no money available for promotions in the African-American communities, there was no money available for promoting the COOL 105 station or for Charleston’s Promise the Alliance for Children and Youth adequately, but there was money to make thousands of bumper stickers with a confederate flag symbol associated with it.**

**Additionally, I also realized there was no need to voice my disgust to anyone other than the one other African-American employee, the receptionist, Denise, because the rest of the staff was white and obviously since everyone had one on their privately owned vehicle. I'm sure we would have been told that if we didn't like it to get out.**

**I began to be able to understand a lot of things that before I could only speculate and wonder about. I reflected on how things had "silently" occurred, things that you knew weren't right but felt and couldn't prove but you knew something was wrong, something was different, there was a stench in the air but you couldn't pinpoint it but you always knew it was there. I began to understand why I felt so isolated from the rest of the staff after this open and blatant display of true color.**

**Scenarios like the Engineer, Bruce Musso, coming in on a frequent basis, when there was no one else in the building, during my air-shifts. Bruce would come in and in a nasty tone tell me he needed to do something to the control board, tear it apart, then go and get on the phone in his office and turn the radio up (that was playing another station by the way) and smoke cigarettes and talk on the phone. On one particular occasion, I asked Bruce if he was finished and he told me he had to do a few more things. I waited in the studio for him to return and after about 30 minutes I went to look for him and realized he had left the building. I felt this was a blatant attack on my ability to do my job. These minor technical jobs could have been done during the times the other part-time employees shifts who had voice tracked their shifts. I based his tone and demeanor toward me because I am of African-American origin. Though he didn't say much, his actions and demeanor toward me were very intimidating. Bruce also displays a full sized confederate flag on his pick-up truck where he also keeps a gun. Taking these elements into consideration, I thought it wiser to ensure my safety by not saying anything until I was in a better situation to defend myself.**

I began to, even more so, seriously, evaluate my position at this establishment, what I might be perceived as symbolizing by being an employee. Subsequently, I began to consider my options regarding my future.

I felt there was a serious problem, but felt I had no recourse and any official complaint while still employed would only be detrimental to other important aspects of my life that I could not afford to let be affected at the particular time.

**EEO Complaint as it pertains to Issue 1 and 6:**

My last straw came during my Sunday air-shift on December 30<sup>th</sup>, 2001. That's when upon arriving to the station at my usual time (30 mins before my air shift), I noticed that Linda Logan had not paid attention to the posted schedule or music log and had voice tracked into my first hour.

Upon calling Linda to explain why I deleted the 1pm voice tracks she had recorded, Linda proceeded as follows:

**"Fuck you Trish!"** In effort to curb the tone of the conversation back to a professional one, I explained to Linda that I'd been starting on Sunday at 1pm for several weeks now and asked had she forgotten.

Linda proceeded to be unprofessional, vulgar and nasty in tone by saying, **"You're so fucking greedy ... You want every fucking thing for yourself"** and then she hung up the phone. I immediately contacted the PD, Mike Allen, via his home phone. When his wife answered the phone I realized he was already on his cell phone with Linda. When Mike finished speaking with Linda, we spoke briefly and agreed that I would come in early the next morning, Monday, December 31<sup>st</sup>, 2001, to discuss the situation with him further.



Upon doing so on Monday morning, I expressed, to Mike, my disgust with Linda and the remarks she had made. I asked Mike to inform Linda to keep her distance from me and not to say anything to me, at all, unless it was strictly professionally related, as I felt Linda's remarks to me were unprofessional, unacceptable, unwarranted, unprovoked, and I would not tolerate them in the future.

Nor, would I accept the "I was frustrated or I didn't take my Prozac today" excuse because it was my belief Linda meant to say what she said, and I felt she, obviously, had been wanting to make the statements for a while now based on the venom with which she used to make the nasty, vulgar remarks.

Mike stated that he was not making excuses for Linda, but that she had a stressful week and felt overwhelmed with the workload. I informed Mike that he knew I was available to help and if the workload was too great for anyone, then he knew all he had to do was let me know and I'd be happy to assist in anyway I could.

I again took this opportunity to inform him that I was available and able to work and give more time to the station whenever I was needed, and that surly he knew my desire to be more involved in the radio station business was genuine as I had been asking him periodically since July 2002, to let me know of any opportunities that became available in the radio station where I could assist and work more hours.

Mike confirmed that he was aware. Mike also stated that he in no way condoned Linda's behavior and that he would take care of it. Mike also suggested that I not discuss this matter with anyone else.

I informed Mike that I had already told Michael Hanahan, Ray, Bobby Collins, and Stevie Byrd the Sunday afternoon of the incident, and to Mr. **Ken French (Station Manager of WYBB)** that Monday morning, and that I had planned on discussing it with Charlie Cohn, the General Manager. Mike asked me not to talk to anyone else about it and that he would handle it.

I later learned that **three weeks after this incident**, Linda Logan had been given a promotion to a full time employee and a salary increase to go along with it effective January 21, 2002 (Encl 2). This confused me because, **I did not realize Linda would be rewarded for her actions and furthermore**, I had been told there were no full-time or other part-time opportunities within the station **by PD, Mike Allan, the same person that, obviously, recommended and/or authorized the full time position for Linda , and Mike knew that I was looking for a greater opportunity and responsibility within the station myself. And, certainly after proving my work ethic time and time again, as well as being the only staff member with seniority, here again, I thought surely I would be offered what I had always strived for ... *the opportunity*.**

Nor, was there any notification so that I or anyone else who wanted to, could compete for the position that was mysteriously created on Linda's behalf and Linda's behalf alone **(even after she had been previously fired from the same position).**

My belief of Linda's true intent was further substantiated, on Wednesday, February 27<sup>th</sup>, after a meeting with the new PD-Lee Kent, Linda saw me in the hallway and asked if she could speak with me on the back stairs. This would be the first time Linda and I had a conversation since the December 30<sup>th</sup> incident.

During our conversation, Linda indicated to me that she'd heard I was thinking about leaving the station and wanted to ask me if I was sure about my decision because she'd hate for me to leave and be unhappy, as if she cared. I was not impressed with her so-called sudden concern and interest in my well being.

Therefore, I assured Linda that whenever I decided to leave the station, I would not feel unhappy afterwards as I always have something positive to be involved with. And, I further assured her that her unprofessional remarks to me earlier in the year were only a small factor in my decision to leave, and that the only thing it did was cause me to decided to leave sooner than I had planned.

**Also, that the level of unprofessionalism displayed within the station by some of the staff, petty gossip, innuendo, the lack of organization and commitment by the station to **support and cater to** the entire community that we solicited to as well as other concerns, had set a negative tone in an environment I had once enjoyed working and being in.**

**Linda went on to state the she and some others at the station had felt that I acted like I thought that I was “better than anybody else.” I promptly informed Linda, that these thoughts are in her mind or whoever else’s mind that wants to think about it.**

However, I did indicate to Linda that because I do carry myself in a professional manner at all times and I take what I do professionally and personally very seriously, that perhaps others who did not possess these traits and who took what I had to offer for granted, were the ones with the insecurities and inadequacies.

Furthermore, I informed Linda that I do not intend to “*ever*” lower my standards to fit into any group that accepts substandard and any old excuse for being substandard will do ... as the “norm.”

Nor, have I ever or would I ever treat anyone without dignity or respect, use vulgarities like they do on a consistent basis, nor use some lame excuse to do so.

*It is obvious and seems to be a complacent and accepted practice to behave unprofessionally, treat “others” without dignity and respect, and use explicit vulgarities in the work place of LM Communications radio stations in the Charleston market.*

### **EEO Complaint as it pertains to Issue 3, 4, 5 and 6:**

**On February 13, 2002, a mandatory staff meeting was scheduled to introduce the new PD, Lee Kent. The GM, Charlie Cohn, made a brief speech and during that speech gave the staff some reasons as to why a decision had been reached to hire a new PD, specifically, for COOL 105.**

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**Mr. Cohn indicated that the former PD Mike Allan was not able to effectively manage two completely different style radio stations and**

**was not giving 100% to either, so the decision had been made to have one PD for 98 Rock and another for COOL 105.**

**During this time it was also indicated by Mr. Cohn that another reason COOL 105 was not doing well in the ratings was because air checks of the on-air announcers were not being conducted on a frequent basis by PD, Mike Allen.**

**Mr. Cohn asked the other two part-time staff members, Linda and Skip had they been doing air checks. They indicated they had not. Mr. Cohn talked to Linda and Skip as if they were the only two part-time staff sitting at the table and totally left me out of the conversation.**

**Therefore, I spoke up and indicated that I had been receiving air-checks on a regular basis from Mike Allen. Mr. Cohn seemed surprised by this revelation and he implied that the reason I must have been doing air checks is because I was new.**

**To the contrary, I informed Mr. Cohn that I was the senior member of the current COOL 105 staff. As Linda, nor Skip were employed with the station at the time I was hired and didn't return or arrive until 5 and 9 months after I was hired, respectively. In all actuality, I'd been with LM Communications longer than even Mr. Cohn, as he did not become the General Manager until April or May of 2001.**

**Furthermore, I indicated to him the other reason why I received frequent air-checks was because as an on-air announcer, it was one of my professional responsibilities to be in a position to be critiqued at any time and no one had to remind me of that. Additionally, I had air check tapes at home to cover every time I've been on the air, since October 2000. I even bought my own tapes and, brought in my own recording equipment since the station did not provide an air check machine at all times in the control room.**

**Mr. Cohn, side-stepped the issue when Linda began talking about how things used to be at the station when she'd been there, before she was fired by PD, Ken Cason.**

**Here, and again, I realized my input as an employee was regarded as insignificant and/or dismissed just because I was not part of their “elite clique.”**

**Eventually, I grew tired of being associated with a small group of small minded individuals, who through their CLIQUE association with the GM, Charlie Cohn, and the like, were being allowed to perform substandard work; make numerous mistakes with no consequences; and use crutch excuses for their mistakes, while embarrassing and downgrading the true capability of what should have been an outstanding radio station, in all day parts, all the time. And, thereby doing, behaving and saying anything they wanted to with no fear of reprimand.**

**And, all the while being compensated with wages they were not earning and wages higher than what I was being paid for doing the same type of work, only **my work performance** was documented as better.**

**EEO Complaint as it pertains to Issue 1, 2, 3, 4, 5 and 6:**

**There are no sales associates that are African-American and at the time of my departure, there were no African-Americans or any other minority in the Programming department, either. The only full time African-American employed by the station, at the time of my departure, was the receptionist.**

Furthermore, on Saturday, March 9<sup>th</sup>, 2002, during the Charleston’s Promise Children’s Festival at Brittle Bank Park, Linda Logan along with her husband, came to where I was playing music for the festival. I thought she was there to promote the station.

But there, while I was working on the platform, playing the music for the children’s festival, Linda approached the platform and proceeded to rant and rave about how angry she was with Lee Kent. Linda told me that Lee Kent “*is a fucking asshole*” and proceeded to tell me how Lee had written her a

four page Memo and air check, as well as about the Memo Lee had written to Skip, who by the way is taking his to an attorney.

Linda then proceeded to take the Memo from her purse and show it to me by saying, "Here, you need to read this crock of shit!" Then she started talking about how Lee had really "fucked up" by "pissing" Bruce, the Engineer off, and that Bruce had quit the station and had thrown his keys and cell phone on or at Charlie's desk and that now they were going to have to contract for his business and that because of "Lee's stupidity," Lynn Martin was getting ready to "pay out the ass" because Bruce was "really going to charge them for his services now."

In March, I contacted Mr. Lynn Martin in writing, and provided him with the same information. Mr. Martin eventually responded to my complaint sometime in May and basically implied that he felt some of my statements were not substantiated. I spoke with Mr. Martin on the phone and informed him that I could prove everything I had disclosed to him.

I have become aware that the new P.D. Lee Kent had been planning prior to my departure to promote me to the midday position to replace Linda Logan Grumbein but such attempts had been refused by Charlie Cohn with Cohn saying he had 'issues' with me.

Mr. Martin asked me what I expected at this juncture. I told Mr. Martin, since I was, obviously, now employed full-time with a new employer, and, that as he had indicated there were no current opportunities available at the station, I believed I should, at least, be compensated for the differential in the wages of what I was being paid and that of the other part-timers while I was an employee of his.

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Mr. Martin told me that he considered my request as null and void since I was no longer an employee of his company. Mr. Martin further stated that he felt threatened regarding the information I had provided him because I had implied that I was considering seeking legal remedy through an attorney or the EEOC.

Mr. Martin went on to suggest that he believed I possessed "a genuine passion" for the radio station and that if I didn't want "to burn bridges" and hopefully one day return to the radio station if an opportunity became available that I should reconsider my position.

A couple of days later, I spoke with Mr. Martin in effort to gage his sincerity about our conversation, the material I'd shared with him regarding the blatant violations of the EEOC, FCC and other business, ethical and morale issues of our society and its standards for the workplace. I hoped for and out of respect toward him, that **he genuinely wanted to correct the problems and issues that I had brought to his attention. But, I was also concerned that he too condoned the "norm" of what was happening within the station.**

**Mr. Martin informed me that he was planning a visit to the station the following week and suggested that I take my resume and a demo tape by the radio station and submit it to the PD, Lee Kent. Additionally, Mr. Martin suggested that I should wait until the Monday after his scheduled trip to submit my resume and demo to the Program Director.**

**After Mr. Martin's visit to the station, I learned from two employees at the station that a decision had been made to fire Linda Logan and they were looking for someone to replace the midday part-timer, Linda Logan.**

**I made sure I submitted my resume and demo as Mr. Martin had suggested I do. Then, I called to inform Mr. Martin that I had done so about a week later, after I had not heard from anyone. I left Mr. Martin, at least, 2 messages with his assistant, Pam, asking Mr. Martin to, please, contact me, but I never heard from Mr. Martin again, nor did I hear from anyone from the station. Again, I felt discriminated against, duped, cheated and lied to.**

**I have learned that in a discussion between station Consultant Don Hallett and PD Lee Kent, that Mr. Kent was instructed to receive my application and to let Linda go. Afterwards, to then actively publish a job opening and to consider hiring me when it was complete. That process I have learned was rejected by Charlie Cohn.**

***EEO Complaint as it pertains to Issue 1, 2, 3, 4, 5 and 6:***

Finally, just when one would think the degradation and discriminatory practices and insults had ended, I received a telephone call on Tuesday, July 23<sup>rd</sup>, from the GM, Charlie Cohn. He left me a message on my cell phone telling me he had been trying to contact me and that he “absolutely” had to contact me. Furthermore, he left a number and asked that I return his call.

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I was skeptical to say the least. Here was a man that hardly ever acknowledged my existence the entire time I worked for the station, continuously blew me off as if I had nothing to offer when we did interact during the few staff meetings we had, calling me and speaking as if we were long lost friends and he had just found my telephone number.

It had been 4 months since I’d left the station and I’d never heard a word from the man. Now, what did he have to discuss with me that was so important that he had to “absolutely” reach me, I wondered.

I contacted Mr. Cohn and we scheduled to meet in his office on Thursday, July 25<sup>th</sup>, at 12:30 p.m. To summarize our 30 minute meeting, I was basically offered “an opportunity to make some money on the side.”

Mr. Cohn suggested that if I knew of “2 or 3 other, hard working, conscientious, intelligent black people who could “penetrate the black community” in effort to persuade black business owners to buy advertising on COOL 105, then we all could share “in the pot of money.”

He would get “the most” of course, because it’s his “radio station,” and the 2 or 3 black individuals that I coerced into and trained in working with me and him, would get some and I would get some of the money.

Mr. Cohn admitted to me that they had come to realize that some of the issues I had brought to the management’s attention in the past, when I was a part-time employee, regarding the “black community” was correct.



**Mr. Cohn also stated that “out of all the people who had worked at the radio station,” I was the “only one who always talked about The black community,” and that this was an area where they “a bunch of white folk” were not able to penetrate, thereby, not generating 30 to as much as 60% of the potential revenue in the black community.”**

**22**

**Mr. Cohn further stated that since I had always expressed a passion for the station and had connections in the black community, that perhaps I could offer some additional insight, ideas and such to help accomplish his and the radio stations goal.**

**Mr. Cohn went on to suggest, that if I knew 2 or 3 other “black people” that would be interested in this kind of situation, it would be a lot easier than placing an ad in the paper. And, before he started talking with people whom he knew nothing about, he would offer this opportunity to me, if I knew of these kind of people, because he knew that he did not know of any.**

**I understood his remarks and considered his lack of knowing any hard working, intelligent black people was because of his own prejudices and demeanor, evident in the manner in which he even said “black” when speaking about black people.**

**Mr. Cohn, also indicated that there was not need to rush into a decision at this time. He suggested I take my time and think about what he was offering and if it was something I’d be interested in doing. He indicated that he would like to have his “game” in place by September.**

**Mr. Cohn made it clear that he didn’t want to deal with interviewing “black people” or go through the hassle of advertising for them.**

**Technically Mr. Cohn has no legal way to advertise for minorities to be used the way he intends to use them without violating EEO policies. And, by him not legally and legitimately advertising under established EEO guidelines he is in violation, even though the station ownership claims to be an EEO employer ...**

**Certainly an ad in the paper such as the following would certainly suffice the opportunity Mr. Cohn offered me that afternoon in his office:**

**23**

**“ATTENTION BLACK PEOPLE ONLY ...**

**COOL 105 RADIO STATION & WHITE GENERAL MANAGER**

**SEEKS 2 OR 3 HARD WORKING, CONSCIENTIOUS,**

**INTELLIGENT, BLACK PEOPLE TO PENETRATE THE BLACK**

**COMMUNITY AND BLACK BUSINESS OWNERS IN**

**CHARLESTON, SC AND SURROUNDING AREAS IN EFFORT**

**TO GENERATE REVENUE FOR MY RADIO STATION AND**

**MAXIMIZE MY PROFIT THAT I AM NOT ABLE TO ACHIEVE**

**ON MY OWN BECAUSE I DON'T KNOW ANY, AT ALL ...**

**ALSO, YOU WILL BE ONLY SELLING THE STATION THAT**

**PLAYS THE URBAN R&B FORMAT TO THE BLACK LISTENERS,**

**COMMUNITY AND BUSINESS OWNERS ... YOU WILL NOT**

**BE ALLOWED TO SELL THE 98 ROCK FORMAT, WHICH IS**

**CLEARLY A WHITE GUY'S STATION! ALL SERIOUS**

**INQUIRIES CONTACT MY AFRICAN-AMERICAN TOKEN,**

**TRISH THOMPSON FOR DETAILS, POSSIBLE INTERVIEW,  
TRAINING AND SEGREGATED EARNING POTENTIAL IN THE  
BLACK COMMUNITY ONLY!”**

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**In conclusion, on July 31<sup>st</sup>, 2002, I received an email referring me to a site where I was able to access and download a 112 page document in which 36 of the pages that I have provided as enclosures.**

**These enclosure validate there were communications about me directly or referring to me, my employment, circumstances regarding my employment and issues concerning my re-employment within the LM Communications management system.**

**Furthermore, this documentation substantiates the disparity in wages, opportunities that were made available to other employees on an exclusive basis, the hostile work environment and discriminatory practices condoned by and not responsibly and effectively managed by the General Manager, Charlie Cohn and / or the owner, Lynn Martin as I had previously outlined to Mr. Martin in my correspondence to him on March 9, 2002.**

**These enclosures, which I submit along with my formal complaint, further validate and substantiate my initial concerns and provide credibility to my allegations and warrant an investigation into allegations that are in direct violation of the Civil Rights Act of 1964 (Title VII), The Equal Pay Act of 1963 (EPA), and the Civil Rights Act of 1991, as they pertain to the illegal and unethical business practices of L. M. Communications Inc.; L. M. Communications of South Carolina, Inc.; L. M. Communications II of South Carolina, Inc., et al., 1300 Greendale Road, Lexington, KY 40511 and 59 S. Windermere Blvd, Charleston, SC 29407, et al.**

**These enclosures were provided to me and abstracted from the PD, Lee Kent's LM Communication's management documents.**

**They cover in detail the a short period of time while I was still an employee of LM Communications and after my employment during the period of February – July 2002. During the time Mr. Kent was an employee of LM Communications who had been hired in January 2002 and then let go in July 2002.**

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**Mr. Kent’s 156 page formal complaint to the Federal Communications Commission, and the Federal Bureau of Investigations provide extensive detailed information of illegal activities, unethical business practices, and provides a history of how the activities were ongoing throughout a significant period of time, during my tenure and afterwards.**

**Thank you for your patience, time, concern and investigation into this extremely sensitive but utterly important matter.**

**Respectfully,**

**Patricia “Trish” Thompson  
PO Box 756  
Goose Creek, SC 29445  
(843) 709-1089**

**40 or so Enclosures / Documents of Support and Evidence  
as stated**

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A subsequent revision of that letter was sent to my wife's hotmail email account by Ms. Thompson in August 2002 and forwarded to my email account on March 12, 2003. It is placed here to make it part of the public record.

**August 1, 2002**

**U. S. Equal Employment Opportunity Commission  
1801 L Street, N.W.  
Washington, DC 20507**

**Dear US EEOC:**

**Greetings!**

**I would like to request an investigation into allegations that are in direct violation of Title VII of the Civil Rights Act (Title VII), Equal Pay Act (EPA), and the Civil Rights Act of 1991, as they pertain to the illegal and unethical business practices of L. M. Communications Inc.; L. M. Communications of South Carolina, Inc.; L. M. Communications II of South Carolina, Inc., et al., 1300 Greendale Road, Lexington, KY 40511, and 59 S. Windermere Blvd, Charleston, SC 29407.**

**I submit a chronological summary to provide the analysis and justification as it pertains to the following Issues and alleged EEO violations as follows:**

- 7. Employment opportunities that became available within LM Communications, WCOO/COOL 105, while I was a part-time employee.**
- 8. The manner in which I was or was not considered and/or looked over, and not offered a position regarding these employment opportunities, even though I was qualified through experience, education, work performance and tenure with the employer, LM Communications.**
- 9. If I was receiving equal pay for equal work, considering my experience, education, work performance and tenure regarding the specific job opportunity in relation to other employee's experience, education, work performance and tenure with the employer, LM Communications.**

- 10. Documented proof of ratings received during my employment as it relates to work performance and adequate pay in comparison to other employees performing same type of work.**
- 11. If race, age, sex and/or disability discrimination was, indeed, a factor during this time.**
- 12. And/or, if a hostile work environment existed.**

**Introduction:**

**Under LM Communications General Manager, Steve Jason and Program Director (PD), Ken Carson, I accepted employment with WCOO/COOL 105, in the Programming department, as a part-time radio announcer, beginning October 2000, working only on Saturday and Sunday. I was told that the starting salary for all part-timers was \$6.00 per hour.**

**During that time, I believe, Bob Boswell was the morning host announcer leaving and being replaced by the Windham Brothers. I am certain that Damian Bell was the mid-day host, Evans Bryd was the afternoon host, and Stevie Byrd was the evening host announcer. I was the only black female announcer on the air during this time assigned to the Programming Department.**

**Upon the departure of PD-Ken Carson, in February 2001, Ken, informed me that I possessed the voice, personality and attitude of what COOL 105 needed. Additionally, based on my performance, if the “powers that be” listened to him, I should be going places within the Programming Department very soon.**

**EEO Complaint as it pertains to Issue 1, 2, 3, 4 and 5:**

**After approximately 5 months of doing weekends, in late February, the midday position became available due to Damian Bell’s relocation to Florida, shortly after PD Ken Carson left and our new PD-Mike Allen arrived.**

**Based on my previous radio experience and college education in radio/TV broadcasting (radio concentration), and Ken Carson's remarks prior to his departure, I thought, surly, I would, at least, be given first consideration and/or offered the opportunity to accept or deny the midday position. But, I was not.**

**And, when I inquired as to why I was not, I was told that because I already had a full time job, paying more than what I could be offered by the radio station, it was assumed that I would not be interested in the position.**

**However, I do recall, Mr. Jason asking me what I did during the weekday, and after I told him, and answered a few more questions that was the end of it. At no time did anyone offer the midday position to me or ask me if I'd be interested in applying or competing for it.**

**Furthermore, it was never advertised so that anyone else could compete for it. Instead, a previously fired employee was re-hired for the position.**

**EEO Complaint as it pertains to Issue 6:**

**Additionally, I was told that Linda Logan (radio name), a former employee who had previously been fired by Ken Carson, due to arguments with Bob Boswell, as well as her instigating and causing conflicts between employees, was being allowed to return to the radio station, programming department and would be working the midday position. These were some of the same reasons, I later heard, that caused the Windham Brothers to become very upset when they learned that she was returning to the station.**

**Upon returning to the station, Linda made it a point to come into the studio one Saturday afternoon, while I was on the air, and initiated a conversation about how she knew I'd heard that she was "crazy" but wanted to assure me that even though she'd had issues with the Windham Brothers in the past, she was a nice person.**



## 3

I proceeded to tell Linda, I based my views on how an individual treats me and time would tell. I also informed her that I was on the air and could not talk with her at the time. Later, I asked our PD, Mike Allen, to speak with Linda and ask her not to interrupt me with non-professional conversation while I was working, because I wouldn't interrupt her while she was working.

**EEO Complaint as it pertains to Issue 1, 2, 3, 4 and 5:**

A few more months went by, and then in April 2001, the afternoon drive position became available after Evans Byrd was fired for making insulting remarks regarding fellow employees and about the General Manager's family. The PD, Mike Allen, took over the afternoon shift.

It was also about this time that the GM, Steve Jason, departed the station and the current GM, Charlie Cohn, arrived.

And, it was on or about May 3<sup>rd</sup>, 2001, that I met Mr. Lynn Martin, the owner of LM Communications for the first time, during a visit to the Charleston stations.

In fact, I met Mr. Martin and Mr. Cohn for the first time, together. They had asked me to come to the station to discuss the Traffic Manager position for the radio stations (WCOO & WYBB) that had just suddenly been vacated by an African-American female.

They inquired into my full time job responsibilities which I told them I was the Assistant Traffic Manager at a local TV Station. They inquired into what my salary was and indicated they would contact me. However, I never heard from them, and found out a few days later that they had offered the position to the entry level receptionist.

In mid to late June 2001, again, I asked if I was being considered for the available afternoon drive position in the Programming Department. Again, I was told that the radio station could not afford to pay me anywhere near what they knew I was making at my, then, full time job.

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At that time, I informed the PD-Mike Allen, that I felt I should, at least, be offered the position, and if it was something reasonable, even though it may be less than what I was making from my full time job, that I should be allowed to consider it and make that decision based on what I could or could not afford, not someone else's assumption on what I would or would not work for.

In retort to that, I was told that someone who had a lot of experience was being considered for the job. That person, as it turns out, was Skip St. John (radio name), who arrived in mid-July, 2001.

Later, Skip disclosed that the station was getting "a really good deal" by hiring him, because Skip who was disabled due to a previous stroke and rehabilitation, could not earn over a certain amount monthly (\$700 is what I recall as the figure that was used) in order for it not to affect his monthly disability.

**EEO Complaint as it pertains to Issue 4:**

All-the-while, I worked diligently and professionally, and tried to meet my personal goal of getting in the top five rating zone for the Charleston radio market, even if I was only working on Saturdays and Sundays, 3-7pm.

Furthermore, I had already shown a considerable increase from the 2001 Fall book, over the 2001 Winter book to number six (5.9 share – 35-54 demo) and by the Spring Book, the ratings had increased to a number ONE (11.3 share) for Saturdays.

*Furthermore, it was, and I believe it continues to be, the highest ranking EVER in ANY day part, since the inception of the COOL 105 format.*

And, Sundays went from a tied third (6.5 share) to a number TWO (10.7 share) for 35-54 demographic. Persons 12+ on Saturday went from a six ranking to a three, and on Sunday went from a ten to a number four. Overall, all ratings increased for all demos and all were in the top five for both my day parts, Saturday and Sunday

3-7pm.

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**EEO Complaint as it pertains to Issue 3, 4 and 5:**

But, I soon began to believe that this great, *first*, accomplishment meant nothing to LM Communications. Especially after my year anniversary, when I asked if it would be possible to receive a raise based on my performance, initially, but also because I had become aware that other part-time white employees were making as much as \$3.00 an hour more than I was for doing the same type of work, and same type of responsibilities. Furthermore, these other part-time employees were offered additional income by being scheduled for live remotes. During my entire tenure, I was only scheduled for one remote and that was around mid January 2002.

Additionally, I was lead to believe the raise would be forthcoming, after inquiring about it several times, although it never did. Not even a bonus for a job well done!

The realization became even more painfully obvious when other part-timers were being hired at a greater rate of pay than I had started and ended with, even though I had more experience, education and tenure with the radio station. I even trained some of these inexperienced part-time employees.

I also, grew tired of being used. Used to fill in for the day parts I was not suitable enough to be considered for on a full time basis, but good enough to be a “fill-in” when the others were out on vacation for the holidays or whatever. Additionally, I was not compensated at the same amount of salary as the announcers I filled in for.

**EEO Complaint as it pertains to Issue 1, 2, 3, 4, and 5:**

Furthermore, it affected me because, I am of African-American descent and I viewed my position as an opportunity not just a job. An opportunity to prove that I was able and capable of bringing in high ratings, as well as being accepted in the community on many diversified levels.

## 6

Over time, I began to realize that African-Americans, in all capacities, were and still are being cheated by a station that is using their musical roots for profit while ignoring their contributions in the community and professional sector.

**EEO Complaint as it pertains to Issue 3, 4, 5 and 6:**

Additionally, while sitting in a staff meeting, on August 20<sup>th</sup>, 2001, a mandatory meeting that had been scheduled for both COOL 105 & 98 Rock programming staffs, a comment of curiosity as to why I had attained such high ratings was tossed about. I took the opportunity and made the comment that I believed the station as a whole would receive increased ratings if air shift personnel stopped voice tracking their shifts all the time.

The GM, Charlie Cohn, then implied that this was not a significant issue and had nothing to do with the ratings. Later, I wished I had of thought to say to him, if he truly believed that, then perhaps he should have no air shifts at all, perhaps even, he should go home and just let the station run itself. How much money would that save the station!?! (rhetorical)

Furthermore, the other part-time employees who were getting paid higher wages than me for the same type of work were voice tracking their shifts rather than doing them live.

Part-timers were only supposed to be compensated full hourly wages for the live hours and reduced time reported hours for the hours they voice tracked. Those same part-time employees were paid full wages and higher wages for voice tracking, while I was the only part-time employee that did not voice track and physically worked my assigned shift hours for lower wages and did more work.

The meeting had been scheduled to initiate weekly staff meetings, and to discuss ways to enhance the station(s) marketability in order to increase market share.

7

**During this meeting, I heard my fellow radio announcers complain about how they wished our format was more like Oldies 102.5; how they liked the “other” music much better; or how certain R&B songs got on their nerves, especially certain parts that were just nerve wrecking, or why didn’t we play more so-called, non-genre specific, beach music.**

**When I asked what defined “beach music,” it turns out to be genre specific R&B oldies, ethnic to the African-American listener, urban rhythm and blues, plain and simple. I guess “beach music” or “rhythmic music” is considered a more acceptable term for the white listener or businessman they try to sell their advertising to, rather than just saying R&B oldies.**

**Hearing these remarks offended me. To an African-American listener, and demographic listener, that certain part of the song, the ethnic, urban sound, was the heart and soul of the song for us! It irritated and offended me to realize that these white announcers and staff were not concerned, and did not care about the music or the African-American listeners in our community.**

**In fact, on several occasions they indicated that if the music couldn’t be shagged to they didn’t care about it and weren’t that familiar with it anyway. Perhaps, in part, this is why the ratings continued to stagnate.**

***EEO Complaint as it pertains to Issue 5 and 6:***

On February 13, 2002, a mandatory staff meeting was scheduled to introduce the new PD, Lee Kent. The GM, Charlie Cohn, made a brief speech and during that speech gave the staff some reasons as to why a decision had been reached to hire a new PD, specifically, for COOL 105. Mr. Cohn indicated that the former PD Mike Allan was not able to effectively manage two completely different style radio stations and was not giving 100% to either, so the decision had been made to have one PD for 98 Rock and another for COOL 105.

## 8

**During this time it was also indicated by Mr. Cohn that another reason COOL 105 was not doing well in the ratings was because air checks of the on-air announcers were not being conducted on a frequent basis by the previous PD, Mike Allen.**

**Mr. Cohn asked the other two part-time staff members, Linda and Skip had they been doing air checks. They indicated they had not. At that time, I indicated that I had been receiving air-checks on a regular basis from Mike Allen. Mr. Cohn seemed surprised by this revelation and he implied that the reason must have been because I was new.**

**To the contrary, I informed him that I was the senior member of the current COOL 105 staff. As Linda, nor Skip were employed with the station at the time I was hired and didn't return or arrive until 5 and 9 months after I was hired, respectively. In all actuality, I'd been with LM Communications longer than even Mr. Cohn, as he did not become the General Manager until April or May of 2001.**

**Furthermore, I indicated to him the other reason why I received frequent air-checks was because as an on-air announcer, it was one of my professional responsibilities to be in a position to be critiqued at any time and no one had to remind me of that. Additionally, I had air check tapes at home to cover every time I've been on the air, since October 2000.**

**Mr. Cohn, side-stepped the issue when Linda began talking about how things used to be at the station when she'd been there, before she was fired by PD, Ken Cason.**

**Here, and again, I realized my input as an employee was regarded as insignificant and/or dismissed, perhaps, just because I was not part of the elite clique.**

## 9

Eventually, I grew tired of being associated with a small group of small minded individuals, who through their CLIQUE association with the GM, Charlie Cohn, and the like, were being allowed to perform substandard work; make numerous mistakes with no consequences; and use crutch excuses for their mistakes, while embarrassing and downgrading the true capability of what should have been an outstanding radio station, in all day parts, all the time.

And, while being compensated with wages they were not earning and wages higher than what I was being paid for doing the same type of work.

**EEO Complaint as it pertains to Issue 5:**

There are no sales associates that are African-American and at the time of my departure, there were no African-Americans or any other minority in the Programming department, either. The only full time African-American employed by *the station, at the time of my departure, was the receptionist.*

**EEO Complaint as it pertains to Issue 6:**

My last straw came on December 30<sup>th</sup>, 2001. That's when upon arriving to the station at my usual time (30 mins before my air shift), I noticed that Linda Logan had not paid attention to the posted schedule or music log and voice tracked into my first hour.

Upon calling Linda to explain why I had deleted the 1pm voice tracks, Linda proceeded as follows:

**"Fuck you Trish!"** In effort to curb the tone of the conversation back to a professional one, I explained to Linda that I'd been starting on Sunday at 1pm for several weeks now and asked had she forgotten.

## 10

Linda proceeded to be unprofessional, vulgar and nasty in tone by saying, *“You’re so fucking greedy ... You want every fucking thing for yourself”* and then she hung up the phone. The PD, Mike Allen, and I spoke briefly and agreed I would come in early the next morning, Monday, December 31<sup>st</sup>, 2001, to discuss the situation further.

Upon doing so, I expressed, to Mike, my disgust with Linda and the remarks she had made. I asked Mike to inform Linda to keep her distance from me and not to say anything to me, at all, unless it was strictly professionally related, as Linda’s remarks to me were unprofessional, unacceptable, unwarranted, unprovoked, and I would not tolerate them in the future.

Nor, would I accept the “I was frustrated or I didn’t take my Prozac today” excuse because it was my belief Linda meant to say what she said, and obviously had been wanting to make the statements for a while now.

Mike also suggested that I not discuss this matter with anyone else. I informed him that I had already told Michael Hanahan, Ray, Bobby Collins, and Stevie Byrd the Sunday afternoon of the incident, and to Mr. French that Monday morning. Mike asked me not to talk to anyone else about it and that he would handle it.

My belief of Linda’s true intent was further substantiated, on Wednesday, February 27<sup>th</sup>, after a meeting with the new PD-Lee Kent, Linda saw me in the hallway and asked if she could speak with me on the back stairs. This would be the first time we’d had a conversation since the December 30<sup>th</sup> incident.

During our conversation, Linda indicated to me that she’d heard I was thinking about leaving the station and wanted to ask me if I was sure about my decision because she’d hate for me to leave and be unhappy.



## 11

**I assured Linda that whenever I decided to leave the station, I would not feel unhappy afterwards as I always have something positive to do. And, I further assured her that her unprofessional remarks to me earlier in the year was only a small factor in my decision to leave, and the only thing it did was cause me to decided to leave sooner than I had planned.**

**Also, that the level of unprofessionalism displayed within the station by some of the staff, petty gossip and innuendo had set a negative tone to an environment I had once enjoyed being in.**

**Linda went on to state the she and some others at the station had felt, that I acted like I thought that I was “better than anybody else.” I promptly informed Linda, that these thoughts are in her mind or whoever else’s mind that wants to think about it.**

**However, I did indicate that I do carry myself in a professional manner at all times and I take what I do professionally and personally very seriously.**

**Furthermore, I do not intend to “ever” lower my standards to fit into a group that accepts substandard and any old excuse for being substandard will do ... as the “norm.”**

**Nor, have I ever or would I ever treat anyone without dignity or respect, use vulgarities like they do on a consistent basis, nor use some lame excuse to do so.**

***It is obvious and seems to be a complacent and accepted practice to behave unprofessionally and use explicit vulgarities in the work place of LM Communications radio stations in the Charleston market.***

## 12

Furthermore, on Saturday, March 9<sup>th</sup>, 2002, during the Charleston's Promise Children's Festival at Brittle Bank Park, Linda Logan along with her husband, came to where I was playing music for the festival. I thought she was there to promote the station.

But there, while I was working on the platform, playing the music for the children's festival, Linda approached the platform and proceeded to rant and rave about how angry she was with Lee Kent. Linda told me that Lee Kent "*is a fucking asshole*" and proceeded to tell me how Lee had written her a four page Memo and air check, as well as about the Memo Lee had written to Skip, who by the way is taking his to an attorney.

Linda then proceeded to take the Memo from her purse and show it to me by saying, "*Here, you need to read this crock of shit!*" Then she started talking about how Lee had really "*fucked up*" by "*pissing*" Bruce, the Engineer off, and that Bruce had quit the station and had thrown his keys and cell phone on or at Charlie's desk and that now they were going to have to contract for his business and that because of "Lee's stupidity," Lynn Martin was getting ready to "pay out the ass" because Bruce was "really going to charge them for his services now."

In March, I contacted Mr. Lynn Martin in writing, and provided him with the same information. Mr. Martin eventually responded to my complaint sometime in May and basically implied that some of my statements were not substantiated. I spoke with Mr. Martin on the phone and informed him that I could prove everything I had disclosed to him.

Mr. Martin asked me what did I want at this juncture. I told Mr. Martin, I believed I should, at least, be compensated for the differential in the wages of what I was being paid and that of the other part-timers while I was an employee of his. Mr. Martin told me that he considered my request as null and void since I was no longer an employee of his company.

**Mr. Martin further stated that he felt threatened because I had implied in my letter that I would seek legal remedy through an attorney or the EEOC.**

**Mr. Martin went on to suggest that he believed I possessed “genuine passion” for the radio station and that if I didn’t want to burn bridges and hopefully one day return to the radio station if an opportunity became available that I should reconsider my position.**

**A couple of days later, I spoke with Mr. Martin in effort to gage his sincerity about our conversation, the material I’d shared with him regarding the blatant violations of the EEOC, FCC and other business, ethical and morale issues of our society and its standards for the workplace. I hoped for and out of respect toward him, that he genuinely wanted to correct the problems and issues that I had brought to his attention.**

**Mr. Martin informed me that he was planning a visit to the station the following week and suggested that I take my resume and a demo tape by the radio station, but that I should wait until after his scheduled trip. And, that the Monday following his visit, I should ensure that I submit my resume and demo to the Program Director.**

**After Mr. Martin’s visit to the station, I learned from two employees that the station was looking for someone to replace the midday part-timer, Linda Logan. I made sure I submitted my resume and demo as Mr. Martin had suggested I do. Then, I called to inform Mr. Martin that I had done so about a week later, after I had not heard from anyone. I never heard from Mr. Martin again, nor anyone from the station. Again, I felt discriminated against, duped, cheated and lied to.**

**Just when one would think the degradation and discriminatory insults had ended; I received a telephone call on Thursday, July 25<sup>th</sup>, from the GM, Charlie Cohn. He left me a message telling me he had been trying to contact me and that he “absolutely” had to contact me and left a number for me to reach him. I contacted him and we scheduled to meet in his office on Friday, July 27<sup>th</sup>, at 12:30 p.m.**

To summarize our 30 minute meeting, I was basically offered “an opportunity to make some money on the side.” Mr. Cohn suggested that if I knew of “2 or 3 other, hard working, conscientious, intelligent black people who could “penetrate the black community” in effort to persuade black business owners to buy advertising on COOL 105, then we all could share “in the pot of money.” He would get “the most” of course, because it’s his “radio station,” and the 2 or 3 black individuals that I coerced into and trained in working with me and him, would get some and I would get some of the money.

Mr. Cohn admitted to me that they had come to realize that some of the issues I had brought to the management’s attention in the past when I was a part-time employee, regarding the “black community” was correct. He also stated that “out of all the people who had worked at the radio station,” I was the “only one who always talked about the black community,” and that this was an area where they “a bunch of white folk” were not able to penetrate, thereby, not generating 30 to as much as 60% of the potential revenue in the black community.”

Mr. Cohn further stated that since I had always expressed a passion for the station that perhaps I could offer some additional insight, ideas and such to help them know how to accomplish their goal.

Mr. Cohn further suggested that if I knew 2 or 3 other “black people” that would be interested in this kind of situation, it would be a lot easier than placing an ad in the paper. And, before he started talking with people whom he knew nothing about, he would offer this opportunity to me, if I knew of these kind of people, because he knew that he did not know of any.

Mr. Cohn, also indicated that there was not need to rush into a decision at this time. He suggested I take my time and think about what he was offering and if it was something I’d be interested in doing, he’d like to have his “game” in place by September. Mr. Cohn made it clear that he didn’t want to deal with interviewing “black people” or going through the hassle of advertising for them.

**Technically Mr. Cohn has no legal way to advertise for minorities to be used the way he intends to use them without violating EEO policies. And, by him not legally and legitimately advertising under established EEO guidelines he is in violation ... Certainly an ad in the paper such as:**

**“ATTENTION ... COOL 105 RADIO STATION & WHITE GENERAL MANAGER SEEKS 2 OR 3 HARD WORKING, CONSCIENTIOUS, INTELLIGENT, BLACK PEOPLE TO PENETRATE THE BLACK COMMUNITY AND BLACK BUSINESS OWNERS IN CHARLESTON, SC AND SURROUNDING AREAS IN EFFORT TO GENERATE REVENUE FOR MY RADIO STATION AND MAXIMIZE MY PROFIT THAT I AM NOT ABLE TO ACHIEVE ON MY OWN BECAUSE I DON'T KNOW ANY, AT ALL ...”**

**On July 31<sup>st</sup>, 2002, I received an email referring me to a site where I was able to access and download a 112 page document in which 36 of the pages, that I have provided as enclosures, were communications about me directly or referring to me, my employment, circumstances regarding my employment and issues concerning my re-employment within the LM Communications management system.**

**These enclosures, that I submit along with my formal complaint, further validate and substantiate my initial concerns and provide credibility to my allegations and warrant an investigation into allegations that are in direct violation of Title VII of the Civil Rights Act (Title VII), Equal Pay Act (EPA), and the Civil Rights Act of 1991, as they pertain to the illegal and unethical business practices of L. M. Communications Inc.; L. M. Communications of South Carolina, Inc.; L. M. Communications II of South Carolina, Inc., et al., 1300 Greendale Road, Lexington, KY 40511 and 59 S. Windermere Blvd, Charleston, SC 29407.**

**These enclosures were provided to me and abstracted from the PD, Lee Kent's LM Communication's management documents while an employee of LM Communications who had been hired in January 2002 and then let go in July 2002.**

Whatever version of documents that are in the case file that may or may not be sealed do not address these letters. These letters are to the EEOC to start her filing process. The actual EEOC complaint was filled in by the EEOC from the final version of these letters and sent to Ms. Thompson for signature.

I have a copy of the total EEOC complaint filed by Ms. Thompson, which is included as evidence in my case filed with the EEOC, which has not been sealed.

The following letter from The Reverend Joseph Darby to Ms. Thompson, forwarded from my wife's hotmail email account establishes the involvement of the NAACP in this case.

It refers to a name that was never mentioned in Ms. Thompson's case or my case again, Dwight James, the Executive Vice-President of the South Carolina NAACP.

The Reverend Darby may have meant well in his handling of the discussions and issues presented to him by Ms. Thompson but the outcome was a total and complete destruction of the basic civil rights of any American.

---

>From: OnlyOnePatriciaT@aol.com

>To: suesiekent@hotmail.com

>Subject: First Response ...

>Date: Mon, 29 Jul 2002 10:32:14 EDT

>

>-----Original Message-----

>From: Joe Darby [mailto:joedarby@worldnet.att.net]

>Sent: Sunday, July 28, 2002 11:36 PM

>To: Patricia

>Cc: Dwight James

>Subject: Re: How Would I Go About

>

>

>Ms. Thompson,

>

>Thanks for the info. All direct action has to be approved by our State

>Executive Board, so I'm forwarding this to Executive Director Dwight

>James

>in Columbia. You can expect to hear from him, and can reach him at

>803-754-4584.

>

> >From what you say, a boycott may be a moot point since I wasn't  
> even  
> aware  
> of the station and they won't be able to draw a black market share in a  
> competitive market like Charleston unless they get some black "air"  
> talent.  
> If you'd like to discuss this further before you hear from Dwight,  
> please  
> page me at 814-8764.  
>  
> Thanks,  
>  
> Joe Darby

---

The entire situation has been a horrible experience. And since your letter to me in response to my informing Ms. Price that a meeting had been set up between Mr. Sanders and myself and that I was agreeable to that meeting, asked me to get back in touch with you, if it appeared there was a need to take this issue to the other two federal government departments that were mentioned in my first letter: I now must respectfully request that the Federal Bureau of Investigation immediately commence a full investigation into corruption in the EEOC and the connection with the NAACP, that a thorough investigation and subsequent criminal prosecution be completed in a timely manner so no other civil rights will be violated.

I also again request the assignment of my current EEOC case be placed with a competent and impartial professional within the EEOC and promptly prosecuted.

I must also establish the need for your intervention in the original FBI case, the original FCC filings that were ignored.

We were fearful for our lives under the threatening actions of a radio station out to remove the person they perceived might attempt and then did attempt to hire an African American female fulltime in a federally licensed broadcast facility and supported her rights under Title 7 by invoking my rights under Title 7.

Now we have the NAACP and the EEOC itself, as well as the radio station, the radio station's attorney and Mr. Bill Sanders personally to be concerned about.

We have therefore taken all documents in this entire case and sent them to another state where they are safe and secure and will be followed by a copy of this letter with instructions to make it public should anything happen to either I or my wife. The package will remain sealed until it is, God forbid, ever needed to be released.

It may sound like a story from a Hollywood screenwriter but I can assure you, the email documents contained above are kept with appropriate tracking headers, the cell phone messages from Mr. Sanders are retained and unavailable to outside erasure, and emails and correspondence from employees within L.M. Communications are retained as they deal with motive and the knowledge others had of both Ms. Thompson's situation and mine.

A reference in the following email with all responses from Mr. Sanders implicates the 'legal dept' in being responsible for a decision of jurisdiction. The letter also includes my providing the legal document where jurisdiction was mandatory and did apply, followed by his anger for my raising a legal issue with him and his announcement that the EEOC would not be taking this case to court anyway.

An investigation had not occurred. A fact-finding meeting had not occurred. Justice was not served.

---

Return-Path: <BILLY.SANDERS@EEOC.GOV>  
Delivered-To: lkh@knology.net  
Received: (qmail 7320 invoked from network); 14 Mar 2003 15:02:51 -0000  
Received: from unknown (HELO chi6-2.relay.mail.uu.net) (199.171.54.99) by spamlite5.knology.net with SMTP; 14 Mar 2003 15:02:51 -0000  
Received: from HQF2.eeoc.gov by chi6sosrv11.alter.net with SMTP (peer crosschecked as: [64.35.224.3]) id QQofzo26206 for <lkh@knology.net>; Fri, 14 Mar 2003 15:02:49 GMT  
X-Priority: 3  
X-MSMail-Priority: Normal  
Received: from HEADQUARTERS-Message\_Server by HQF2.eeoc.gov with Novell\_GroupWise; Fri, 14 Mar 2003 10:02:48 -0500  
Message-ID: <se71a8c8.079@HQF2.eeoc.gov>  
X-Mailer: Novell GroupWise Internet Agent 5.5.6.1  
X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
Date: Fri, 14 Mar 2003 09:57:54 -0500  
From: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
To: <lkh@knology.net>  
Subject: Re: Jurisdiction does legally apply  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
          boundary="-----=\_NextPart\_000\_643C\_01C3422F.5F61D8D0"

This is a multi-part message in MIME format.



-----=\_NextPart\_000\_643C\_01C3422F.5F61D8D0

Content-Type: text/plain;  
charset="ISO-8859-1"

Content-Transfer-Encoding: quoted-printable

I just got off the phone with the Radio station attorney and let him know  
=  
that we have jurisdiction so I am scheduling a Fact Finding Conference for  
=  
April 24/25. He has to check with him people and see if they are available  
=  
for those dates.

>>> "Lee Kent Hempfling" <lkh@knology.net> 02/06/03 11:07AM >>>

Please excuse me for asking a direct question sir but if all this work has =  
been put forth on a case you have no intention of prosecuting then what  
is =  
the point of the investigation? I expected that might be the case since I =  
am sure your case load is quite heavy and I expected to persue the case  
=  
legally with an attorney when it either reached the point where it was =  
unable to be negotiated (if that ever happened) but under no  
circumstances =  
was I under the impression that legal information from the defendant was  
a =  
bad thing... **If you are not going to persue this case at all why did  
you =  
take it on? Why did you tell Ms. Thomspson you would be  
handling this case =  
personally? Was it because you had to? I was under the  
impression that you =  
were acting in the best interest of the defendant but your  
attitude tells =  
me you are acting in your own best interest. HOW DARE YOU , a  
civil =  
servant tell a defendant not to provide LEGAL information you  
either can't =  
come up with on your own or do not have the ability to come up  
with on =  
your own.** I have no intention to act like a jerk here. My intention is to =  
fulfill what the case was filed for. My argument is not with you. **Here it =  
is, the FIRST correspondence I receive from you in MONTHS  
about this case =**

**and you dare to yell at me for telling you the job is not as hard as your =**

**legal team thought it was?** I don't understand your attack sir. I have =

seen nothing sir. So what I see is only what you have just told me. **The = only contact we have had on this case has been through your friend Trish =**

**Thompson also a defendant in another case.** Are you dropping her's too? I =

will not ask for my right to sue, not yet. I will not stoop to attacking = you. The case will proceed under EEOC requirements and then be back = involved when it goes to real court. **Mr. Darby understandably did not =**

**expect lip service.** My case is thorough and already made for you. I just =

made the case for you regarding jurisdiction. And I get yelled at for = helping my own case? **Who is your supervisor?**

----- Original Message -----=20

From: BILLY SANDERS=20

To: lkh@knology.net=20

Sent: Thursday, February 06, 2003 10:50 AM

Subject: Re: Jurisdiction does legally apply

I appreciate what you are saying but don't tell us how to investigate **and =**

**every thing you see ain't always how it is.** We will make the decision on =

our part and if you want to take this to court all you have to do is send = me a letter requesting your Right to Sue because even if we have jurisdic=

on it is not a case we will be taking to court so if you want to go to = court just request your right to sue.

>>> "Lee Kent Hempfling" <lkh@knology.net> 02/06/03 10:47AM >>>

Mr. Sanders,

Thank you for your reply. I have performed the work necessary for your = legal department to make the correct non-intimidated judgment. It comes =

from EEOC Notice 915.002 dated 5/2/1997 and clearly defines the employees =

within the defendant's employ and

or management as qualifying under legal precedence.=20

=20

There can be NO arbitrary judgment by your legal team. Your team must =

follow the rules established by the EEOC as outlined below and I am = surprised the legal team was either not aware of this ruling and regulation=

interpretation or failed to look it up.

=20

This entire document is available at <http://www.eeoc.gov/docs/metropol.html>=

.

According to this EEOC OFFICIAL DOCUMENT you must count all part time =

employees, all temporary help employees and all employees of other = companies working with and or under the control of the same management. It =

is a cut and dried argument and LM's deceptive practices shall not under =

any circumstance impeded this procedure.

=20

Jurisdiction=20

=20

The problem seeking legal opinion from the EEOC in Lee Kent Hempfling vs. =

L.M. Communications is one of interpretation by the defendant for the sole =

purpose of eluding accountability, which is the cornerstone concept of the =

Title VII act.

=20

42 U.S.C. =A7 2000e-2. Title VII defines "employer" as "a person engaged =

in an industry affecting commerce who has fifteen or more employees for =

each working day in each of twenty or more calendar weeks in the current =

or preceding calendar year, and any agent of such a person\*." 42 U.S.C. =

=A7 2000e(b). Title VII therefore covers an employer who has fifteen or =

more employees on his payroll for at least twenty weeks during a given = year. Once coverage is established in a given year, Title VII coverage =

will extend through the following year, even if the number of employees =

falls below the minimum.

As to what is an "employee," the statute is not limited to traditional = definitions of employees. "Employee" includes all who "are susceptible to = the kind of unlawful practices that Title VII was intended to remedy."65 = Thus, Title VII may apply even if the employee is an independent contractor=

.  
=20

Employees who are susceptible to the kind of unlawful practices that Title = VII was intended to remedy include all those workers who come under the = same management and as shown above may also even apply to an independent = contractor.

=20

From=20

EEOC NOTICE

Number 915.002=20

Date 5/2/97

Refer to: the entire text below as well as this section:

I have highlighted the relevant sections in RED. Considering the weight of = this case and the exuberance of the defense's attempt to defray the = charges the total employee count must include all persons in a 'relationshi= p' with the employer. That would include.

FULL TIME:

Charlie Cohn

Ken French

Bob Brooks

Leslie Twigger

Denise Moseley

Dan Williams

Joel Barnes

Jim Goulsby

Nancy Sellers

Mike Allen

Lee Kent

John Majhor

Linda Logan (Grumbein)

Tom Bolt  
 Bobby Stagg  
 Lynn Martin (is an employee of his own company)  
 Pam the book keeper accountant

Part Time:  
 Trish Thompson  
 Stevie Byrd  
 Jessica Mickey  
 Mark Scott  
 Ray Turner  
 Tom Bolt's afternoon drive predecessor (don't remember his name)  
 Tom Bolt when he was part time before I left.  
 The Bruce engineer who was full time when I was hired and for weeks =  
 thereafter then contract labor.  
 THREE part time persons working for 98Rock.  
 and more

Plus:  
 Temporary labor  
 Three different receptionist persons the last who was hired to replace =  
 Denise Moseley  
 after Denise left without public application of the position.

A grand total of 31 persons qualified to meet the requirement as set =  
 forth in your own rules.

There can be NO argument over whether these persons were in a  
 'relationship=  
 ' with the employee (me) and the employer (LM Communications)  
 regardless =  
 of what station they were paid for they all worked under the same =  
 management and under the same ownership.

By their own payroll and management processes there were no less than  
 16 =  
 persons not counting myself who were directly involved FULL TIME in the  
 =  
 management and administration of the station I worked for who also =  
 performed the same tasks for the other station. The law requires they be  
 =  
 counted as one unit of employees and to stop the time consuming  
 harrassment=

perpetrated by LM Communications. In my opinion, fines are due against LM =

Communications for dragging this process out.

=20

Consult EEOC Enforcement=20

Guidance No: N-915, "Concepts of Integrated Enterprise and Joint=20 Employer," May 6, 1987, and EEOC Enforcement Guidance No: N-917-002, "Employment Agencies," September 20, 1991, 8 FEP Manual=20 (BNA) 405:6951 (Section I, C.). Such employees should be=20 included in Respondent's employee count.

=20

The conclusion is obvious from this document:

=20

If the jurisdictional prerequisite is not met, determine whether=20 the Respondent is integrated with another employer. See EEOC=20 Policy Statement No: N-915, "Concepts of Integrated Enterprise=20 and Joint Employer," May 6, 1987, for a discussion of how to=20 determine whether the Respondent is integrated with another=20 employer. If the Respondent is integrated with one or more other=20 employers, determine whether the combined number of employees of=20 the integrated employers meets or exceeds the jurisdictional=20 prerequisite.

=20

L.M. Communications is an entirely integrated establishment. All employees

Are subject to the same direct and top management.

=20

The arguments of not complying with jurisdiction are nothing but a ruse To escape the law and stop further proceedings through intimidation and Elongating the processing time.

=20

As the plaintiff I demand a judgment that L.M. Communications did have During the question time period more than the total required employees to =

qualify for EEOC jurisdiction and there is NOTHING in EEOC documentation =

that

Supports otherwise.

=20

The entire document:

=20

The U.S. Equal Employment Opportunity Commission

## EEOC NOTICE

Number 915.002=20

Date 5/2/97

=20

1. SUBJECT. Enforcement Guidance on Equal Employment=20 Opportunity Commission & Walters v. Metropolitan Educational=20 Enterprises, Inc., 117 S.Ct. 660 (1997).

=20

2. PURPOSE. This enforcement guidance analyzes the=20 Metropolitan decision and provides guidance on how to count=20 employees when determining whether the Respondent satisfies the=20 jurisdictional prerequisite for coverage under Title VII, the=20 ADA, and the ADEA.=20

=20

3. EFFECTIVE DATE.

=20

4. EXPIRATION DATE. As an exception to EEOC Order 205.001,=20 Appendix B, Attachment 4, =A7 a(5), this Notice will remain in=20 effect until rescinded or superseded.

=20

5. ORIGINATOR. Title VII/EPA Division, Office of Legal=20 Counsel

=20

6. INSTRUCTIONS. File after =A7 605.8(b) of Volume II of the=20 Compliance Manual.=20

=20

7. SUBJECT MATTER.

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I. Introduction

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The Supreme Court has held that the "ultimate touchstone" in=20 determining whether an employer has a sufficient number of=20 employees to satisfy the jurisdictional prerequisite for coverage=20 under Title VII of the Civil Rights Act of 1964, as amended, 42=20 U.S.C. =A7 2000e(b), is "whether an employer has employment=20 relationships with 15 or more individuals for each working day in=20 20 or more weeks during the year in question." Equal Employment=20 Opportunity Commission and Walters v. Metropolitan Educational=20 Enterprises, Inc., 117 S.Ct. 660, 666 (1997). The Court adopted=20 the EEOC's position that employees should be counted whether or=20 not they are actually performing work for or being paid by the=20 employer on any particular day.=20

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In *Metropolitan*, the Court interpreted § 701(b) of Title VII, which defines a covered employer as one who "has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year." The Commission has interpreted this provision to include employers who have an employment relationship with 15 or more employees for the relevant days, regardless of the daily work schedules of the individual employees. See EEOC Policy Guidance No: N-915-052, "Whether Part-time Employees Are Employees Within the Meaning of § 701(b) of Title VII and § 11(b) of the ADEA," April 20, 1990, 8 FEP Manual (BNA) 405:6857, EEOC Compliance Manual (CCH) & 2167 ("part-time employees are counted whether they work part of each day or part of each week").

The method the Court adopted is often called the "payroll method" because "the employment relationship is most readily demonstrated by the individual's appearance on the employer's payroll." *Id.* at 663-64. However, the Court stressed that "what is ultimately critical is the existence of an employment relationship, not appearance on the payroll." *Id.* at 666. The Court upheld the EEOC's interpretation, reasoning that "an employer 'has' an employee if he maintains an employment relationship with that individual" on the day in question. *Id.* at 664 (emphasis added). The Court rejected *Metropolitan's* interpretation that an employer "has" an employee for a particular working day only when it is actually compensating the employee for that day. *Id.* at 664.

The Court also disagreed with *Metropolitan's* argument that the EEOC's interpretation rendered the statutory phrase "for each working day" superfluous. Without the phrase, the Court said, it would be unclear how to count an employee who departs in the middle of a calendar week or an employee who departs after the end of the workweek, but before the end of the calendar week. *Id.* at 664-65. The Court held that "all one needs to know about a given employee for a given year is whether the employee started or ended employment during the year and, if so, when. He is counted as an employee for each working day after arrival and before departure." *Id.* at 665-66.

The Court noted *Metropolitan's* argument that the EEOC's interpretation could produce some "strange consequences," such as counting an employee who works irregularly only a few days a month. *Id.* at 665. However, the Court observed that



Metropolitan's approach "produces unique peculiarities of its own." Id. at 665. For example, by counting employees only on the days that they are compensated, a half-time worker who works every morning would be counted, while one who works on alternate days would not. Id. at 665. Also, Metropolitan's approach "would turn the coverage determination into an incredibly complex and expensive factual inquiry." Id. at 665. "For an employer with 15 employees and a 5-day workweek, the number of daily working histories [that would have to be examined] for [a] two year period is 7,800." Id. at 665.

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## II. Charge Processing

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The Supreme Court's decision accords with the longstanding Commission position that all workers who have an ongoing employment relationship with an employer are counted for purposes of determining coverage.<sup>3</sup> The phrase "for each working day" means simply that an employee is counted as an employee for each working day starting on the day that the employment relationship begins and ending on the last day of the employment relationship.<sup>4</sup>

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There should be fewer disputes about the number of employees in an employer's workforce because the Court has made the rules clear and simple. The Commission will assume in the first instance that all individuals who perform work for the Respondent are employees. However, if a Respondent alleges that some individuals are not employees and/or alleges that it has fewer than the jurisdictional prerequisite of 15 employees for Title VII and ADA coverage or 20 employees for ADEA coverage, it will be necessary to obtain and evaluate additional information.

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### A. Information to Be Requested from Respondents Who Claim to Fall Below the Jurisdictional Thresholds

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Since the information needed will vary from case to case, information requests should be tailored to address the disputed facts. Typically, it will be most effective to focus on records about those workers whose employment status or dates of employment are in dispute. In other situations, it will be more efficient to obtain records of all workers. The types of records that should be sought will typically include:

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1. Payroll records and employment contracts relating to relevant workers for the year of and the year preceding the alleged adverse employment action. Include contracts that involve workers provided by temporary employment agencies, contract firms, and other types of staffing firms. For example, include maintenance workers and security personnel assigned by a contract firm and temporary clerical personnel assigned by a temporary employment agency.

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2. Personnel, payroll and/or contract documents that reflect the dates that the disputed workers began and/or ended their employment relationship with the Respondent.

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B. Determining Who Qualifies as an Employee

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1. Evaluate whether the worker(s) whose status is disputed are employees or are, instead, independent contractors or otherwise not employees. To make this determination, consult EEOC Enforcement Guidance No: N-915, "Title VII Coverage of Independent Contractors and Independent Businesses," September 4, 1987; and EEOC Enforcement Guidance No: N-915.007, "Whether Individuals Who Are Partners, Officers, Directors, or Major Shareholders in Organizations May Be Considered Employees Under Title VII, ADEA, and the EPA," July 14, 1987.

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\* Example: The Respondent is a publishing company with fourteen employees. It has recently installed a new computer system in its office. The Respondent contracted with an expert computer technician (worker) to perform a myriad of duties relating to the installation of, and training on, the new system. The worker's contract will expire in six months. The Respondent alleges that this worker is an independent contractor, and not an employee. The Respondent does not supervise the worker or control the details of how she performs her job. The worker is engaged in a distinct occupation which requires special knowledge and expertise. The contract, and thus the relationship with the Respondent, will end at a specified time. The worker is not paid by the hour, but paid to complete the specific job. In this case, the worker would be found to be an independent contractor and not counted as an employee.

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2. Determine whether the employees have an employment relationship with the Respondent. Some employees who perform

work for the Respondent may be employees of other businesses, such as temporary employment agencies or contract firms, but may also be employees of the Respondent. Consult EEOC Enforcement Guidance No: N-915, "Concepts of Integrated Enterprise and Joint Employer," May 6, 1987, and EEOC Enforcement Guidance No: N-917-002, "Employment Agencies," September 20, 1991, 8 FEP Manual (BNA) 405:6951 (Section I, C.). Such employees should be included in Respondent's employee count.

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\* Example: A temporary employment agency hires, pays, and assigns legal secretaries to the Respondent's law firm. The Respondent supervises, establishes work schedules, and assigns duties to the secretaries. If the Respondent is dissatisfied with any secretary, it can require the agency to remove him/her. In this case, the agency and the Respondent exercise sufficient control over the secretaries to both be deemed their employer. The secretaries are counted as employees of both the Respondent and the agency.

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### C. Counting the Employees

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The next step is to count the employees. The investigator should do the following:

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1. Determine the first and last day of the Respondent's workweek.

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\* Example: The Respondent is a clothing store. The store is open Monday through Saturday. Every day that the Respondent has employees scheduled to work is a working day for the Respondent. Accordingly, the Respondent's workweek is Monday through Saturday.

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2. If an employee began employment during either year in question, that employee is counted as an employee for each working day after arrival. For example, if an employee started work on a Friday, that employee would be counted as an employee on that Friday and thereafter.

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3. If an employee ended employment during either year in question, that employee is not counted as an employee after his/her departure. For example, if an employee ends his/her employment on Wednesday, (s)he is counted as an employee up to

and including Wednesday, but (s)he is not counted after=20  
Wednesday.

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\* Example: If an employer's workweek is Monday through Friday=20  
and during one of the weeks examined, it had fourteen employees=20  
plus Employee A who ended his employment on Tuesday and  
Employee=20

B who started her employment on Wednesday of the same week,  
then=20

the employer has fifteen employees for each working day for that=20  
workweek. =20

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\* Example: If an employer's workweek is Monday through Friday=20  
and during one of the weeks examined, it had fourteen employees=20  
plus Employee A who ended his employment on Tuesday and  
Employee=20

B who started her employment on Thursday of the same week, the=20  
employer did not have fifteen employees for each working day of=20  
that workweek because it only had employment relationships with=20  
fourteen employees on Wednesday. =20

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4. To determine the employee count for each week examined in=20  
the relevant years: a) calculate the number of workers who were=20  
on the payroll; b) subtract any workers who were on the payroll,=20  
but were not employees; and 3) add any workers who were not on=20  
the payroll, but who qualified as employees of the Respondent. Do=20  
not count any week where the Respondent had employment=20  
relationships with fewer than the jurisdictional prerequisite of=20  
15 employees for Title VII and ADA coverage, or 20 employees for=20  
ADEA coverage, for each working day of a particular week. =20

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If the jurisdictional prerequisite is not met, determine whether=20  
the Respondent is integrated with another employer. See EEOC=20  
Policy Statement No: N-915, "Concepts of Integrated Enterprise=20  
and Joint Employer," May 6, 1987, for a discussion of how to=20  
determine whether the Respondent is integrated with another=20  
employer. If the Respondent is integrated with one or more other=20  
employers, determine whether the combined number of employees of=20  
the integrated employers meets or exceeds the jurisdictional=20  
prerequisite.

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May 2, 1997

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Date

Gilbert F. Casellas  
Chairman

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1. The Court's analysis also applies to the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA), which have similar statutory language. Section 101(5)(A) of the ADA, 42 U.S.C. § 12111(5)(A), defines an employer as one who "has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year." Section 11(b) of the ADEA, 29 U.S.C. 630(b), defines an employer as one who "has twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year."

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2. The Court noted that an individual who was on the payroll, but who was not an "employee" under traditional agency principles, would not be counted. *Id.* at 666. The converse is also true. An individual who has two joint employers would be counted as an employee of both employers even though the employee may be on the payroll of only one. See EEOC Enforcement Guidance No: N-915, "Concepts of Integrated Enterprise and Joint Employer," May 6, 1987.

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3. EEOC Compliance Manual, § 605.8(b)(2), concerning the counting of part-time and temporary employees, was clarified by the Enforcement Guidance on Part-time Employees.

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4. The phrase "in each of twenty or more calendar weeks in the current or preceding calendar year" means that the employer must have the requisite number of employees for twenty or more calendar weeks in either the current or preceding calendar year. The weeks need not be consecutive. EEOC Compliance Manual, Volume II, § 605.8(b).

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This page was last modified on July 6, 2000.=20

Return to Home Page

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----- Original Message -----=20

From: BILLY SANDERS=20

To: lkh@knology.net=20

Sent: Thursday, February 06, 2003 8:49 AM

Subject: Re: W-2 Not received

I can't help with you with the W-2 situation and it is beginning to appear  
=  
that we don't have jurisdiction over L M Communication. My legal dept is  
=  
looking at their info now and will advise me and I will let you all know.

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I can only wonder if this sequence of events resulted in a common need for both Mr. Sanders and the attorney of L.M. Communications Inc., the NAACP and the EEOC.

This letter is the follow up from Mr. Sanders.

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Return-Path: <BILLY.SANDERS@EEOC.GOV>

Delivered-To: lkh@knology.net

Received: (qmail 23533 invoked from network); 6 Feb 2003 16:20:27 -0000

Received: from unknown (HELO HQF2.eeoc.gov) (64.35.224.3) by spamlite2.knology.net with SMTP; 6 Feb 2003 16:20:27 -0000

Received: from HEADQUARTERS-Message\_Server by HQF2.eeoc.gov with Novell\_GroupWise; Thu, 06 Feb 2003 11:20:23 -0500

X-Priority: 3

X-MSMail-Priority: Normal

Message-ID: <se4244f7.097@HQF2.eeoc.gov>

X-Mailer: Novell GroupWise Internet Agent 5.5.6.1

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

Date: Thu, 06 Feb 2003 11:15:59 -0500

From: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>

To: <lkh@knology.net>

Subject: Re: Jurisdiction does legally apply

MIME-Version: 1.0

Content-Type: multipart/alternative;  
 boundary="-----=\_NextPart\_000\_642F\_01C3422F.5F5380F0"

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_642F\_01C3422F.5F5380F0  
 Content-Type: text/plain;  
 charset="ISO-8859-1"  
 Content-Transfer-Encoding: quoted-printable

I am not dropping your case nor do I plan on debating legal issues with  
 =  
 you. When I have all the information in we will make a decision on  
 whether =  
 we have jurisdiction and if we do have jurisdiction we will make a =  
 decision on whether or not you have been discriminated against as you =  
 allege.

>>> "Lee Kent Hempfling" <lkh@knology.net> 02/06/03 11:07AM >>>

Please excuse me for asking a direct question sir but if all this work has =  
 been put forth on a case you have no intention of prosecuting then what  
 is =  
 the point of the investigation? I expected that might be the case since I =  
 am sure your case load is quite heavy and I expected to persue the case  
 =  
 legally with an attorney when it either reached the point where it was =  
 unable to be negotiated (if that ever happened) but under no  
 circumstances =  
 was I under the impression that legal information from the defendant was  
 a =  
 bad thing... If you are not going to persue this case at all why did you =  
 take it on? Why did you tell Ms. Thomspson you would be handling this  
 case =  
 personally? Was it because you had to? I was under the impression that  
 you =  
 were acting in the best interest of the defendant but your attitude tells =  
 me you are acting in your own best interest. HOW DARE YOU , a civil =  
 servant tell a defendant not to provide LEGAL information you either can't  
 =  
 come up with on your own or do not have the ability to come up with on  
 =  
 your own. I have no intention to act like a jerk here. My intention is to =  
 fulfill what the case was filed for. My argument is not with you. Here it =

is, the FIRST correspondence I receive from you in MONTHS about this case =

and you dare to yell at me for telling you the job is not as hard as your = legal team thought it was? I don't understand your attack sir. I have = seen nothing sir. So what I see is only what you have just told me. The = only contact we have had on this case has been through your friend Trish =

Thompson also a defendant in another case. Are you dropping her's too? I =

will not ask for my right to sue, not yet. I will not stoop to attacking = you. The case will proceed under EEOC requirements and then be back = involved when it goes to real court. Mr. Darby understandably did not = expect lip service. My case is thorough and already made for you. I just = made the case for you regarding jurisdiction. And I get yelled at for = helping my own case? Who is your supervisor?

----- Original Message -----=20

From: BILLY SANDERS=20

To: lkh@knology.net=20

Sent: Thursday, February 06, 2003 10:50 AM

Subject: Re: Jurisdiction does legally apply

I appreciate what you are saying but don't tell us how to investigate and =

every thing you see ain't always how it is. We will make the decision on = our part and if you want to take this to court all you have to do is send = me a letter requesting your Right to Sue because even if we have jurisdic=

on it is not a case we will be taking to court so if you want to go to = court just request your right to sue.

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We have had enough of this process.

It is time to take this to the level where the country is aware of their civil servant's connections and intentions, where the country is aware of the actions and methods employed using racial discrimination to process racial discrimination.

I will wait doing so, within a reasonable time, until I hear from your office regarding this letter for request of your intervention in acquiring justice from my own government.



In April of this year, Mr. Sanders declared that he wanted to get to work on 'both' of these cases. If a settlement had taken place for Ms. Thompson it appears it was not before Mr. Sanders canceled the only fact-finding meeting he ever set up. Or was it?

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Return-Path: <BILLY.SANDERS@EEOC.GOV>  
 Delivered-To: lkh@knology.net  
 Received: (qmail 10284 invoked from network); 21 Apr 2003 15:09:54 -0000  
 Received: from unknown (HELO HQF2.eeoc.gov) (64.35.224.3) by  
 spamlite2.knology.net with SMTP; 21 Apr 2003 15:09:54 -0000  
 Received: from HEADQUARTERS-MTA by HQF2.eeoc.gov with Novell\_GroupWise;  
 Mon, 21 Apr 2003 11:09:47 -0500  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 Message-ID: <sea3d17b.068@HQF2.eeoc.gov>  
 X-Mailer: Novell GroupWise Internet Agent 6.5.0  
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
 Date: Mon, 21 Apr 2003 11:10:34 -0500  
 From: "BILLY SANDERS" <BILLY.SANDERS@EEOC.GOV>  
 To: <lkh@knology.net>  
 Subject: Re: Jurisdiction does legally apply  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
 boundary="-----=\_NextPart\_000\_6436\_01C3422F.5F5D1DE0"

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_6436\_01C3422F.5F5D1DE0  
 Content-Type: text/plain;  
 charset="US-ASCII"  
 Content-Transfer-Encoding: 7bit

Lee the Fact Finding Conference scheduled for 4/24 and 4/25 has been postponed because I have to be in Washington on Wednesday. I will reschedule it when I return next week and will give you the date, time and location. I am sorry about this because I want to move on these cases right away before I get tied up with something else so bare with me. Thanks, and if you have question let me know.

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He spoke of two cases, Ms. Thompson's and mine.

If her case was indeed settled and sealed then his mention of what she would testify to and what was contained in that case would violate the sealed order.

His letter of this date to me in email said: "I am waiting to hear from their attorney re the Fact Finding Conference."

I will NOT under any circumstances go through a fact-finding meeting chaired by the very criminal that has tainted the case, conspired to destroy the case and now admits in writing what his intentions are in the case, even after being placed on notice by your office's prior intervention. Mr. Sanders has no respect for you, your office, me or the law.

From his letter of this date his intentions are to hold that fact-finding meeting, where he knows in advance what the story the radio station attorney will present in rebuttal is. He used it against me in yet another intimidation act, in U.S. Government email by referring to me as the 'harasser' in his threat.

I demand an FBI criminal investigation into the actions of Mr. Billy C. Sanders of the EEOC, Charlotte office, listed as "Program Manager" on the business card he presented to me at the hotel lobby meeting and the connections between the EEOC and the NAACP.

I also have the business card he presented to Ms. Thompson at their first meeting where having been handed two such cards, Ms. Thompson inadvertently provided the wrong card to me. The card she provided to me contains Mr. Sander's handwriting with his personal home phone number on the front (the same number, 704-563-1672, contained in caller ID from his late night call to me), a name on the back (Scheli & Grossman), with both of his email addresses, EEOC government address and personal att.net address.

The name is spelled wrong on the card. It is for the Schlei & Grossman, Employment Discrimination Law Book.

I demand that the EEOC be compelled to investigate and prosecute my filing with them in a timely manner, as it has already been ONE YEAR since my case was filed, causing a severe hardship on us, with undue hardship placed on our entire family by fraudulent actions and direct discrimination by the federal government represented by a member of management of the EEOC.

I demand an FBI criminal investigation into the 'backdoor' from the NAACP into the EEOC with appropriate prosecution and an investigation into the connection between the NAACP, its executive officers and Mr. Sanders.

I demand an FBI criminal investigation into the actions of Mr.'s Charles Cohn, Lynn Martin, William Allen, Bruce Musso and the others involved in the EEOC case I am now forced to partially make public by these actions, which places that case in a serious potential of being rejected by the EEOC for not having remaining confidential. The guidelines of the EEOC provide the ability for me to contact and inform an attorney of the case. You, Honorable sir, are an attorney.

I further demand an FBI investigation into the potential of a settlement in the Patricia Thompson case before the EEOC.

I have refused to request the right to sue letter from the EEOC, each time Mr. Sanders attempted to lure me into doing so as doing so would have closed the case with the EEOC and would have pretended to quash the knowledge of Mr. Sanders and his connections within the NAACP.

I demand an investigation for the original complaint filed with the FCC to be completed and turned over to the FBI for criminal prosecution.

I also demand the involvement of the United States Attorney General's Office in both investigating an illegal corruption and scandal within the Equal Employment Opportunity Commission, and the establishment of a grand jury to seek indictment against those who have blatantly violated federal law and my rights as a citizen of The United States of America.

This entire case is a fraud of Federal Law and my speaking out against such fraud may place me under the protection of the Qui Tam False Claims Act.

I also request federal assurance of our protection from physical harm during this process.

I am sure even though I cannot afford an attorney, once this case becomes public, I will not have to worry about that issue.

I remain,  
Respectfully Yours;

Lee Kent Hempfling  
53 Muirfield Parkway  
Charleston SC 29414  
Home: 843-225-6310  
Cell: 843-227-1996

Cc: Richard Perry, Chief of Staff

Office of U.S. Senator Lindsey Graham  
290 Russell Senate Office Building  
Washington DC 20510