

Appendix Addendum

In RE: Lee Kent Hempfling et. Ux.

#22-6734

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Exhibit 2-A Press release: 2/9/2004 Criminal Corruption and Coverup In The Administration of the NAACP Back Door Into The EEOC Controls Justice. Radio Ownership Files Fraudulent EEO Report.

Crime Determines Civil Rights in Charleston SC Radio. Justice Department Cover up.

Criminal Corruption and Coverup In The Administration of the NAACP Back Door Into The EEOC Controls Justice. Radio Ownership Files Fraudulent EEO Report.

Phoenix, AZ (PRWEB) February 9, 2004

On March 7, 2002 President Bush announced a “Ten-Point Plan to Improve Corporate Responsibility and Protect America’s Shareholders.” While the Administration is striking out at business, it is covering up corruption within government.

Lee Kent Hempfling is the plaintiff in 21 allegations of federal and state felony counts submitted to: John Ashcroft, R. Alexander Acosta USDOJ Civil Rights Division, Henry McMaster, SC Attorney General, Robert S. Mueller, Director of FBI, Governor Mark Sanford of SC, Cari M. Dominguez, Chair of the EEOC, J. Strom Thurmond, United States Attorney for SC, Michael Powell, Chair of the FCC, Glenn A. Fine, Inspector General, and Roy Cooper NC Attorney General.

“Each of these people received the document demanding justice. But that was only after Senator Lindsey Graham’s office spent five months covering up the allegations of corruption between the EEOC and the South Carolina NAACP, eventually sending them to the accused (the EEOC).”

Hempfling included Richard Perry, Senator Graham’s Chief of Staff and Jean Price of Graham’s Mt Pleasant SC office in charges of obstructing justice in refusal to forward allegations to the justice department.

It started after Hempfling was fired from his job as Program Director of WCOO (FM) in Charleston S.C. He had spent the previous months trying to hire an African-American female to a full time job. Patricia Thompson, before Hempfling arrived had been passed over for promotion, paid far less than other part-timers and suffered under discrimination at the station. Her complaint, filed with the EEOC stated, “In fact, a white manager tried to get them to hire me to a full time job and they refused and forced him out.” She took her complaint to the South Carolina NAACP.

Hempfling filed a complaint directly with the EEOC.

The most recent email from EEOC Program Manager Billy Sanders of the Charlotte Regional Office explained the setup, "...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."

Sanders went on to turn Hempfling's case around, "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."

After sending private secure usernames and passwords to each recipient of the demand for prosecution, an AT&T access account from Charlotte logged in to the secure location (where prosecutors were given the opportunity to view the extensive evidence in the case) using the private credentials of Cari Dominguez, Chair of the EEOC. The access came from Fayetteville NC, obviously not Dominguez.

The Intruder, who could only have received those credentials from inside the Office of the Chair of EEOC did not make it inside the secure server as Dominguez's name was misspelled in the server. EEOC was banned from access after that incident.

Thompson, mother of University of South Carolina Defensive End (#91) Moe Thompson settled her case with WCOO, L.M. Communications Inc., (Lynn Martin of Lexington, KY) in May 2003, after Sanders had canceled Hempfling's fact-finding meeting.

L.M. Communications Inc. filed FCC 396, The Broadcast Equal Employment Opportunity Report with the FCC on July 28, 2003. Sanders and the EEOC had never processed, never ruled and never held a fact-finding meeting in Hempfling's EEOC case and as of his letter of August 20, 2003 was presenting a continuation to Hempfling. Sanders wrote, "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-xxxx. C U Later "

L.M. Communications' FCC 346 listed Hempfling's case as "IN LATE 2002, A FORMER EMPLOYEE, LEE HEMPFLING, FILED A COMPLAINT BEFORE THE EEOC (FILE NO. 140A20187) AGAINST WCOO ALLEGING WRONGFUL TERMINATION BECAUSE OF HIS JEWISH HERITAGE. THE LICENSEE DISPUTES THIS CLAIM. THERE HAS BEEN NO FURTHER ACTION TAKEN BY THE EEOC ON THIS MATTER."

The case number is not Hempfling's case number. The accusation was retaliation, not heritage and the EEOC was obviously talking about contacting the broadcaster's lawyers about a 'fact-finding' meeting months after that illegal and

fraudulent form was filed. Hempfling had suffered 42 different acts of knowledge including receiving a threatening email containing the photo of Yassar Arafat and Palestinian gunmen and an illegal reduction in station power during a rating period.

If the USDOJ had bothered to look at any of the evidence they were given access to they would have found copies of all original documents submitted by Patricia Thompson to the NAACP; a copy of Thompson's signed and dated original EEOC Form 5 submission; documents and emails written by Thompson, Darby and others showing Sanders' claims to be fraudulent and the documents contained in the settled case to be tampered with; Thompson's complaint letters to L.M. Communications showing the truth of her original claims and many other documents proving beyond any doubt that numerous civil rights were violated in this case.

Patricia Thompson had submitted her EEOC complaint to the South Carolina NAACP through The Reverend Joseph Darby and then SCNAACP First V.P. Dwight James. Hempfling had submitted his EEOC complaint directly to EEOC in the mail. It took repeated demands and two months for a confirmation to be sent to Hempfling and then it was dated on a date documents show it was not received on.

Hempfling had submitted a valid complaint of seven FCC rule and law violations to the FCC, three times. Each one was lost and ignored. The EEOC complaint contained a copy of it.

A radio station facing license renewal (filed July 28, 2003) settled a case claiming unequal pay and discriminatory terms and conditions of employment in order to get rid of the much larger case facing them from Hempfling and Billy Sanders of the EEOC claimed in his final correspondence with Hempfling to have taken care of the details.

Civil rights were violated by EEOC, FCC, SCNAACP, L.M. Communications and individuals.

On 2, February 2004 The Justice Department's Civil Rights Division wrote Hempfling to inform him "We have carefully reviewed the information you furnished." (The USDOJ never accessed the extensive evidence provided for the case). "However, we have determined that your complaint does not involve a prosecutable violation of federal criminal civil rights statutes."

In a further insult the USDOJ recommended, "You may wish to contact the nearest legal aid program..."

Hempfling and his wife Suesie, who's marriage was in a radio station, on the air in Fort Smith Arkansas and covered by CNN over a decade ago, lost everything they

had attempting to stay in South Carolina for the ‘fact-finding’ conference. The USDOJ was not advised of that fact.

“We put country above self,” Said Hempfling, “ as we stuck it out as long as we could after we learned Sanders was working for the South Carolina NAACP and was killing my case to get the African-American’s case preferential treatment. It was something my President had asked citizens to do and we felt it was right. It meant we stayed too long. It meant we ran out of money and sold everything we owned in a cheap garage sale, just to have money to drive to a place where a roof might be.”

Hempfling continued, “Of all of the Presidents I have lived with in my life, George Bush has been the only one I actually felt love for, but if this is what his Administration does to people who suffer at the hands of a Republican Senator, bureaucrats, a Republican Justice Department and special racially discriminating interests, my wife Suesie and I are two conservative Republicans who insist this Administration either puts a stop to covering up corruption inside this government or is replaced by one that will.”

L.M. Communications lied in federal forms and paid a settlement created in fraud after firing a white person for attempting to uphold the rights of a black person. FCC lost and covered up a valid detailed complaint, sent repeatedly, involving regulations and laws. EEOC refused to hear the white person’s case and used it to receive a settlement for the African -American’s case in order to give preferential treatment to a minority and protect a radio station’s license. A United States Senator’s office refuses to advise Justice of their knowledge of federal offenses for five months. The Justice Department refuses to look at the evidence and rules it is not a valid civil rights case.

If this is not a violation of civil rights: Americans do not have any.

Not one federal or state prosecutor has acquired the evidence. The only response has been from the Civil Rights Criminal Division (they were sent a copy as well, but it was returned with their public box closed) and US Attorney J. Strom Thurmond will not return Hempfling’s telephone call.

Access to the secure site for prosecutors is available to the media by request and agreement to confidentiality.

“Our government has blown us off.” Says Hempfling (known as Lee Kent in radio), “My wife and I are STILL wholly against bigotry of any nature. I did the right thing at the station.”

Press access to evidence in the reporter’s notebook is:

username: press

password: access

<http://www.rollovermartin.com>

Access is for Press Only.

Exhibit 2-B Letter Mr. Tom O'Neill Chief Division Council FBI

**Mr. Tom O'Neill
Chief Division Council
Federal Bureau of Investigation
151 Westpark Boulevard
Columbia, SC 29210
Via fax: 803-551-4237
March 10, 2004**

Mr. O'Neill;

In regards to the letter (attached) from Nancy C. Wicker dated February 9, 2004 in which, by copy to you, she advised of my 'continued interest in having this matter investigated' and advised that, 'if his office has not received the copy of the complaint you sent to Director Mueller I will be happy to furnish him with a copy', I am submitting the document to you directly in this fax transmission.

I respectfully request an investigation into these allegations by the Federal Bureau of Investigation.

I further respectfully request that I be kept abreast of the investigation's progression and be afforded the opportunity to supply additional documentation and evidence as requested by the FBI.

For your immediate access kindly log in to the secure server located at <http://secure.ency.org> and enter username: columbiafbi and password: Charleston to acquire the detailed evidence of each allegation.

Additional information and up to date progress of this case is located at <http://www.rollovermartin.com> .

I look forward to your professionalism and that of the Federal Bureau of Investigation bringing justice to a horrible set of crimes against The United States of America and myself.

Sincerely,

Lee Kent Hempfling

PO Box 6932

Apache Junction AZ 85278

480-332-1535

lkh@rollovermartin.com

Exhibit 2-C Letter from Nancy Wicker SC USAG



U.S. Department of Justice

United States Attorney

District of South Carolina

Wachovia Building
Suite 500
1441 Main Street
Columbia, SC 29201
(803) 929-3000
FAX (803) 254-2943

151 Meeting Street
Suite 200
Post Office Box 978
Charleston, SC 29402
(843) 727-4381
FAX (843) 727-4443

John L. McMillan Federal
Building, Room 222
401 W. Evans Street
Post Office Box 1567
Florence, SC 29503
(843) 665-6688
FAX (843) 678-8809

105 N. Spring Street
Suite 200
Post Office Box 10067
Greenville, SC 29603
(864) 282-2100
FAX (864) 233-3158

Reply to: Columbia

February 9, 2004

Mr. Lee Kent Hempfling
Post Office Box 6932
Apache Junction, Arizona 85278

Dear Mr. Hempfling:

I am in receipt of your letter and complaint forwarded to United States Attorney J. Strom Thurmond, Jr. on January 13, 2004. United States Attorney Thurmond asked me to follow up on your recent phone call regarding the status of your complaint and whether or not your allegations were being investigated. This office does not investigate allegations of criminal conduct. The crimes which you have alleged are investigated by the Federal Bureau of Investigation (FBI). This office is responsible for the prosecution of federal cases after they have been investigated by federal agencies and found to have prosecutive merit. I have not forwarded your complaint to the Federal Bureau of Investigation because your complaint states that you have already submitted it to that agency (through Director Mueller). However, by copy of this letter I am informing Tom O'Neill, Chief Division Counsel for the FBI in South Carolina of your continued interest in having this matter investigated. If his office has not received the copy of the complaint you sent to Director Mueller I will be happy to furnish him with a copy.

Sincerely,

J. STROM THURMOND, JR.
UNITED STATES ATTORNEY

By: Nancy C. Wicker
Nancy C. Wicker
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, South Carolina 29201

cc: Tom O'Neill

Exhibit 2-D Information For Demand For Grand Jury Investigation And Indictments And
Prosecution For Crimes State And Federal Submitted: January 13, 2004 Amended & Updated
March 10, 2004

**INFORMATION
FOR DEMAND
FOR GRAND JURY INVESTIGATION
AND
INDICTMENTS
AND
PROSECUTION FOR CRIMES
STATE AND FEDERAL**

**SUBMITTED: JANUARY 13, 2004
Amended & Updated March 10, 2004**

**The confidential access credentials for Cari Dominguez was used
improperly by an unauthorized person within North Carolina attempting
to access the secure evidence server. Logs are retained.**

SUBMITTED FOR PROSECUTION TO:

**JOHN ASHCROFT,
ATTORNEY GENERAL UNITED STATES OF
AMERICA
U.S. Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001**

**Civil Rights Division
U.S. Department of Justice
Office of Assistant Attorney General
R. Alexander Acosta
950 Pennsylvania Ave., NW
Washington, D.C. 20530**

**Criminal Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66018
Washington, D.C. 20035-6018**

**J. STROM THURMOND JR. UNITED STATES ATTORNEY
J. Strom Thurmond, Jr.*
First Union Building
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Columbia sc29201**

**HENRY MCMASTER, ATTORNEY GENERAL STATE OF SOUTH
CAROLINA
The Honorable Henry McMaster
Office of the Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201**

**ROBERT S. MUELLER, III, DIRECTOR FEDERAL BUREAU OF
INVESTIGATION
Federal Bureau of Investigation
Office of the Director
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001**

**MARK SANFORD, GOVERNOR STATE OF SOUTH CAROLINA
The Honorable Governor Mark Sanford
Office of the Governor
P.O. Box 12267
Columbia, SC 29211**

**CARI M. DOMINGUEZ, CHAIR EQUAL EMPLOYMENT
OPPORTUNITIES COMMISSION
U.S. Equal Employment Opportunity Commission
Office of the Chair
1801 L Street, N.W.
Washington, D.C. 20507**

**MICHAEL POWELL, CHAIR FEDERAL COMMUNICATIONS
COMMISSION**
Federal Communications Commission
Office of the Chairman
445 12th Street SW
Washington, DC 20554

**GLENN A. FINE, INSPECTOR GENERAL, UNITED STATES
DEPARTMENT OF JUSTICE**
U. S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, NW, Suite 4322
Washington, DC 20530-0001

**ROY COOPER, ATTORNEY GENERAL OF THE STATE OF NORTH
CAROLINA**
NC Office of the Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629

VIOLATIONS:

1. U.S. TITLE 18 PART I CHAPTER 63 Sec. 1343
(Fraud by wire, radio, or television)
2. U.S. TITLE 18 PART I CHAPTER 1 Sec. 1. Sec. 2.
(Aiding and Abetting)
3. U.S. TITLE 18 PART I CHAPTER 19 Sec. 371
(Conspiracy to commit offense or to defraud United States)
4. U.S. TITLE 18 PART I CHAPTER 13 Sec. 241
(Conspiracy against rights)
5. U.S. TITLE 18 PART I CHAPTER 13 Sec. 242
(Deprivation of rights under color of law}
6. U.S. TITLE 18 PART I CHAPTER 13 Sec. 245
(Federally protected activities}
7. U.S. TITLE 18 PART I CHAPTER 47 Sec. 1017
(Government seals wrongfully used and instruments
wrongfully sealed)
8. U.S. TITLE 18 PART I CHAPTER 47 Sec. 1001.
(False Statements – Statements or entries generally)
9. U.S. TITLE 18 PART I CHAPTER 73 Sec. 1512.
(Tampering with a witness, victim, or an informant)
10. U.S. TITLE 18 PART I CHAPTER 73 Sec. 1505.
(Obstruction of proceedings before departments, agencies, and

- committees)
11. U.S. TITLE 18 PART I CHAPTER 95 Sec. 1957.
(Engaging in monetary transactions in property derived from specified unlawful activity)
 12. U.S. TITLE 18 PART I CHAPTER 101 Sec. 2071.
(Concealment, removal, or mutilation generally of RECORDS AND REPORTS)
 13. U.S. Title VII of the Civil Rights Act of 1964 (Title VII), ENFORCEMENT PROVISIONS SEC. 2000e-5. [Section 706] (b),(I (1))
 14. S.C.: Title 16 CHAPTER 5. Sec. 16-5-10
(Conspiracy against civil rights.)
 15. S.C.: Title 16 CHAPTER 5. Sec, 16-5-20
(Punishment for commission of additional crimes.)
 16. U.S. TITLE 18 PART I CHAPTER 41 Sec. 872
(Extortion by officers or employees of the United States)
 17. U.S. TITLE 18 PART I CHAPTER 41 Sec. 875
(Interstate communications)
 18. U.S. TITLE 18 PART I CHAPTER 1 Section 3
(Accessory after the fact)
 19. N.C. ARTICLE 60 – Computer-Related Crime. [RTF] § 14-457.
(Extortion)
 20. N.C. ARTICLE 30 – Obstructing Justice. [RTF] § 14-221.2.
(Altering court documents or entering unauthorized judgments)
 21. N.C. ARTICLE 20 – Frauds. [RTF] § 14-118.4.
(Extortion)

DEMAND FOR JUSTICE IN INDICTMENTS:

The Plaintiff-Victim charges that:

Introductory Allegation

480. At all times material to this Demand For Indictment, defendant BILLY C. SANDERS was a resident of or near Charlotte North Carolina; defendant JOSEPH DARBY was a resident of or near Charleston South Carolina; defendant PATRICIA THOMPSON was a resident of or near North Charleston South Carolina; defendant DWIGHT JAMES was a resident of or near Columbia South Carolina; defendant LYNN MARTIN was a resident of or near Lexington Kentucky; defendant BILL ALLEN was a resident of or near Lexington Kentucky.

2. At all times material to this Demand For Indictment, defendant BILLY C. SANDERS held the position of Program Manager of the Equal Employment

Opportunities Commission in the Charlotte, North Carolina District Office; defendant JOSEPH DARBY held an executive position (Vice President) of the South Carolina Chapter of the National Association for the Advancement of Colored People (SCNAACP); defendant DWIGHT JAMES held an executive position (Vice President) of the South Carolina Chapter of the National Association for the Advancement of Colored People (SCNAACP); defendant PATRICIA THOMPSON's employment and affiliation was unknown; defendant LYNN MARTIN owned L.M. Communications Inc of Lexington Kentucky, L.M. Communications Inc., of South Carolina and L.M. Communications II Inc., of South Carolina; defendant BILL ALLEN was an attorney with the firm of Gess Mattingly & Atchison in Lexington Kentucky

3. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 63 Sec. 1343, specifically prohibited "having devised or intending to devise any scheme or artifice to defraud" by "means of wire, radio, or television communication in interstate or foreign commerce", the transmission of email correspondence having sufficed for electronic transmission of communication over wire.

4. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 1 Sec. 1. & Sec. 2. Part (a) defined "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal." And (b) "Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal" were in force.

5. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 19 Sec. 371 prohibited "two or more persons [to] conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy".

6. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 13 Sec. 241 prohibited "two or more persons [to] conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same".

7. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 13 Sec. 242 prohibited anyone who "under color of any law, statute, ordinance, regulation, or custom, [to] willfully subject(s) any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the

United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race.”

8. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 13 Sec. 245 prohibited any person “(b) whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with”, “(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from”, “(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;”.

9. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 47 Sec. 1017 prohibited “fraudulently or wrongfully affix(es)(ing) or impress(es)(ing) the seal of any department or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge of its fraudulent character.”

10. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 47 Sec. 1001 prohibited “whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully,” “(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;”, “(2) makes any materially false, fictitious, or fraudulent statement or representation;”, “(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;”.

11. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 73 Sec. 1512 prohibited the “(A) prevent(ion) [of] the attendance or testimony of any person in an official proceeding;”, or the “(B) prevent(ion) [of] the production of a record, document, or other object, in an official proceeding;”, likewise: “(b) Whoever knowingly uses intimidation or physical force, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to;”, “(1) influence, delay, or prevent the testimony of any person in an official proceeding;”, “(2) cause or induce any person to -;”, “(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;”, “(B) alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding;”, “(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or”, “(D) be absent from an official proceeding to which such person has been summoned by legal process;”.

12. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 73 Sec. 1505 prohibited “Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or

endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States.”.

13. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 95 Sec. 1957 prohibited anyone “knowingly engag(es)(ing) or attempt(s)(ing) to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity,”.

14. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 101 Sec. 2071 prohibited “willfully and unlawfully conceal(s)(ing), remove(s)(ing), mutilate(s)(ing), obliterate(s)(ing), or destroy(s)(ing), or attempt(s)(ing) to do so, or, with intent to do so take(s)(ing) and carrie(s)(ing) away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States.”

15. At all times material to this Demand For Indictment Title VII of the Civil Rights Act of 1964 (Title VII), SEC. 2000e-5. [Section 706] required “The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge.”

16. At all times material to this Demand For Indictment South Carolina: Title 16 CHAPTER 5. Sec. 16-5-10 prohibited “two or more persons to band or conspire together”, “to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State”. Sec. 16-5-20 inclusive.

17. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 41 Sec. 872 prohibited “an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion.”

18. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 41 Sec. 875 prohibited “intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to injure the property or reputation of the addressee or of another.”

19. At all times material to this Demand For Indictment TITLE 18 PART I CHAPTER 1 Sec. 3 required “Whoever, knowing that an offense against the United

States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.”

20. At all times material to this Demand For Indictment North Carolina Article 60 – Computer-Related Crime. [RTF] § 14-457. (Extortion) prohibited anyone “who verbally or by a written or printed communication, maliciously threatens to commit an act described in G.S. 14-455 with the intent to extort money or any pecuniary advantage, or with the intent to compel any person to do or refrain from doing any act against his will.”

480. At all times material to this Demand For Indictment North Carolina Article 30 – Obstructing Justice. [RTF] § 14-221.2. Altering court documents or entering unauthorized judgments prohibited “Any person who without lawful authority intentionally enters a judgment upon or materially alters or changes any criminal or civil process, criminal or civil pleading, or other official case record.”

480. At all times material to this Demand For Indictment North Carolina Article 20 – Frauds. [RTF] § 14-118.4. (Extortion) prohibited “Any person who threatens or communicates a threat or threats to another with the intention thereby wrongfully to obtain anything of value or any acquittance, advantage, or immunity.”

The Conspiracy:

480. **On or about July 26, 2002 Patricia Thompson met in person with The Reverend Joseph Darby of the SC NAACP. Joseph Darby wrote a confirming email to Thompson on July 28, 2002 regarding that meeting in Charleston. 2. On 28, July 2002 Joseph Darby, in that email message advised Thompson he was handing her case to Dwight James of the SC NAACP in Columbia. Email from Darby “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.”**

3. On 30, July 2002 Thompson in email “Reverend Darby and I have exchanged a few emails ... he is considering a different approach ... I’ll tell you about it later ... more on the lines of ensuring that unsuspecting African-Americans don’t go there for employment ... that kind of an angle ... But, I did mean to email you earlier this morning ... I want to go ahead and get my inquiry to the EEO ready to take with me when I go to Columbia this weekend and drop it off at their location on Sunday before I leave and I need some information.”

4. On 1, August 2002 Thomson in email “I also heard from Joe Darby, and he’s invited me to attend the next NAACP meeting, fourth Thursday in August, perhaps you should consider coming along with me. And, since Reverend Darby is from the Columbia area, originally, I believe, I know he is not from Charleston, as he moved here from Columbia about 4 years ago ... I’ll reach out to him regarding “attorneys” I’m sure he has to know of a few ... at least one.”

5. Thompson’s complaint document written to the EEOC, dated 1, August 2002 was delivered by her on 4, August 2002 to Dwight James in Columbia; (she referred to that meeting as being at the EEOC Columbia office: there is no EEOC Columbia office).

6. That document was to be ‘approved’ by Joseph Darby (per Thompson email) before sending it to the EEOC.

7. On 2, August 2002 Thompson in email “I have been out and plan to deal with your stuff before the end of month. So, if I can make all that happen this evening, I’ll be able to stay at home and work through the night and Saturday to have this package ready to go to Washington, DC and after Rev Darby takes a look at it ... Trying to make all this happen by Monday, so I need to get busy with my “paid” work and get it done and out of the way so I can concentrate fully on the “gonna get paid” work...”

8. Mailed by Plaintiff on or about 10, August 2002 was a full complaint to the Federal Communications Commission, and a full complaint to the Federal Bureau of Investigation. FCC did not confirm previous email transmissions of the document prior to 10, August 2002 with repeated requests in follow-up met with different addresses to send it to.

9. A copy of the FCC complaint was requested by Thompson and provided to her where on or about 20, August 2002 Thompson requested “And, just in case ... send me some kind of access to FCC stuff ... so, just in case something happens, not trying to be negative ... but just in case ... I can still help see our cause through”.

10. As of 12, August 2002 Thompson was known to be having telephone conversations with Billy C. Sanders.

11. On or about 13, August 2002 Thompson was asked who Billy C. Sanders was to which Thompson responded in email, “He is the contact Reverend Darby told me to call at the Charlotte EEOC Regional office ... remember

...???" The South Carolina local office of EEOC was not where EEOC and NAACP wanted her case to be handled.

12. Billy C. Sanders (EEOC Program Manager at the Charlotte Regional Office of EEOC) received Thompson's complaint document from James. Sanders prepared the EEOC Form 5 for Thompson and sent it to her for signature. When received by Thompson the document was undated. She signed and dated it 21, August 2002.

13. That document contains the sentence: "In fact a white manager tried to hire me to a full time job and they refused and forced him out."

14. On or about 27, August 2002 plaintiff had provided Thompson with a copy of the Complaint letter for EEOC for Plaintiff to which she responded with changes and correction advice. Plaintiff had read Thompson's complaint letter and commented with changes and correction advice earlier. Regarding Plaintiff's complaint letter she had replied in email "...after reading your letter ... they'll be filing your complaint as well."

15. Plaintiff's EEOC Charge number: 140A201867 was mailed Thursday 29, August 2002 directly to the Charlotte regional office of EEOC personally addressed to Billy C. Sanders as Thompson had instructed plaintiff that Billy C. Sanders of EEOC wanted the case himself.

16. At all times material to this Demand For Indictments contact from Sanders to Plaintiff was sent through Thompson except when Plaintiff addressed Sanders in email and immediately following the request for information placed with the EEOC by Senator Lindsey Graham.

17. Plaintiff's FORM 5 was stamped as received by EEOC Charlotte on 2, September 2002. It was addressed personally to Billy C. Sanders at his request, per Thompson.

18. EEOC Charge number: 140A201867 was taken by Program Manager Billy C. Sanders (who's position does not include investigations) and not assigned to an investigator.

19. On 15, August 2002 Billy C. Sanders met with Thompson in a private meeting in Charleston. Per email: "I need to leave in a few ... by 5:30 to meet Mr. Sanders. He just called and let me know he had arrived".

20. Plaintiff never received a meeting with Sanders until Senator Graham requested EEOC's response to his inquiry.

480. On 16, August 2002 Thompson in email “I’ll talk with you about everything later ... It went very well ... and I have some info for you that I need to bring by the garage ... ;o)”. The ‘info’ was the business card of Billy C. Sanders. By mistake Thompson left the wrong card. It contains Sanders personal home phone number and his personal AT&T email address on the back.

480. On 20, August 2002 Thompson advised Plaintiff that Sanders had informed her that ‘stuff’ was in the mail. This is a reference to her FORM 5 prepared by Sanders for her based on personal meetings and her complaint document.

480. During the week of 20, August 2002, following receipt of the business card Plaintiff called Sanders at EEOC Charlotte to enquire about filing Plaintiff’s complaint. Sanders refused to talk during that call and ended the call quickly.

24. On 28, August 2002 Plaintiff wrote Sanders and provided a copy of the FORM 5 details to be filed with EEOC. “I have the initial intake form as you provided it to Patricia Thompson for my use and I will be submitting it to you in the mail transmittal”. The document was mailed 29, August 2002.

25. On 3, September 2002 Sanders wrote email to Plaintiff confirming receipt of the 28, August 2002 email transmission of the content of the FORM 5 and said “I hope you are sending me copies of this information because my intake staff can not deal with it in this form.” In response Plaintiff said, “Yes sir. All documents and the complaints transmitted via priority mail in a box. You should have them delivered to you today.”

26. EEOC stamped document imprint placed receipt of the FORM 5 as 4, September 2002. Shows: EEOC stamped the document as received on the 4th of September, when email from Thompson dated the 4th of September 2002 shows it was received on the 3rd. This indicates a fraud in placing the official stamp on the document as it was not sent to the Plaintiff for months and only after numerous demands for its receipt. Plaintiff’s case was also recorded as being submitted to the South Carolina Human Affairs Commission but has not been received by that agency. Thompson’s FORM5 was not shown as being submitted to any other agency.

27. On 4, September 2002 Thompson wrote Sanders in email after receiving a phone call at home in the evening from Lynn Martin. She refers to him as ‘Billy’ and expresses her concern for her own safety “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."

28. Thompson on 4, September 2002 received a call from Sanders at her job at Millie Lewis Modeling Agency, "I'm fine ... just a bit nervous earlier until Billy called me and I have settle down a lot now ... He is has a great calming you down effect ... he can say that sentence that makes it all go away ..."

29. On or about 9, September 2002 LM Communications received the letter from EEOC about Plaintiff's charges. In a phone conversation related in email with Denise Mosely (receptionist at LM Communications) Thompson said "Spoke with Denise this morning ... She said "they" received another letter yesterday. I told her it was yours. She said, "Are you kidding me?" I told her it's real. I, "Thank you so much, thank the both of you so much!" Contact her so she can tell you herself ... she overheard Conehead talking to someone via phone ... and something to the nature ... he's not worried about it and just not wanting to deal with it ... and something about mine - vs- yours, one being more complicated than the other ... I apologize, I can't remember, there was I of background noise and then Conehead walked in to the office there and she had to go ... so it was real quick quick ... but, let her tell you!"

30. On 17 September 2002, in email Plaintiff requested the confirmation of the filed FORM 5. "Will I be receiving a confirmation letter and case number from your office regarding the complaint I recently filed? I understand it has been sent to the radio station (WCOO) but as of yet I have not received confirmation that it I processed nor of what the progress is."

31. Plaintiff's FORM 5 and complaint letter was transmitted 'officially' through US Mail to the Charlotte Regional Office personally addressed to Billy C. Sanders. On 18, September 2002 Thompson responded to a request from Plaintiff, "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" ..."

32. On 30 September after another inquiry where the confirmation was Thompson replied, "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." ... "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 148nowledg we did, who knows how long this process would take otherwise?"

33. The only 'inside link' was for Thompson . As of one month following transmittal of Priority Mail Plaintiff's case was already being ignored.

34. On 4 October 2002 FCC responded in email "I can not find information on this complaint on our database." Additional mailing addresses were provided to which copies were sent.

35. On 8 October 2002 FCC responded again in email "I am sorry but I thought your complaint was pertaining to wireline/wireless service." No such reference was ever made.

36. On 16 October 2002 email was sent by Plaintiff to Sanders "This email is an update query rather than pick on you at your phone number. Can you tell me what the status of my case is? Has LM Communications responded to my complaint? Is there anything I should be doing to help you in your tasks?"

37. The FORM 5 was received dated sent 17 October 2002 without additional information. Its official seal stamp was predated to a date before it was received in hard copy.

38. On 9 December 2002 email was sent to Sanders "I am writing in request for an update and status report on my case #140A201867 filed with your office on August 29, 2002. I have not had a progress report or received an update as to the condition of the complaint, its position in investigation or

any other response since having received the assigned reference number dated October 17, 2002. I have tried to call your office but the phone number is a recording.”

39. On 5 January 2003 Thompson wrote email to Plaintiff “Still no word from Mr. Sanders. I’ll try to reach him at his office tomorrow!”

40. The first contact from Sanders occurred 6 February 2003 after Plaintiff requested “Just to let you know that I have not received my W-2 form from L.M.

Communications yet. It is my understanding the law states they have to be postmarked by January 31st. I am going to need to contact L.M. or have contact made for me to get my W-2 sent to me unless it is received soon with that postmark. Should I contact the IRS in this?”

41. Sanders’ response 6, February 2003 was “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.”

42. This first contact from Sanders regarding the FORM 5 case occurred (from the date possible for Sanders to have received the FORM 5 to 6 February 2003) 155 days after filing.

43. Plaintiff immediately researched the law and EEOC rules and submitted the results to Sanders 6 February 2003. “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.”

44. Sanders responded with this email on 6, February 2003 “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 jurisdiction 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.”

45. Plaintiff’s immediate response was “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. Thompson 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?"

46. Sanders responded "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."

47. The next contact was 14, March 2003 (191 days since filing) "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."

48. On 18, March 2003 Sanders "I will be conducting a fact finding conference in Charleston, SC on April 25 and will get back with you for the site location and address. Who do you want to attend the conference from the company i. e. can share facts about your case??" ... "The people I am talking about are employed with the company. For example who did you complaining to, their names and positions, you will need for me to request

their appearance at the conference or Co Pres; Co Vice Presd, Managers and persons harassing you.” ...

49. On 21 April Sanders wrote “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.”

50. When asked in reply “I am presuming that I am not supposed to be at your meeting.” Sanders responded “Yes you will need to be in attendance at the Fact Finding Conference and I will get with you before the conference. Remember I am neutral so you will be presenting your case before me at this conference. When I get back in town next week I will explain the process so get your evidence in order because you will be presenting it before me and them.”

51. Following or about 21, April 2003 Patricia Thompson did not respond to any email or telephone contacts. Her contact prior to that date had been cut back dramatically from February 2003.

52. On 12, May 2003 Plaintiff wrote Sanders “I was wondering if I missed a notice of a fact finding meeting or if it hasn’t happened yet.”

53. On 13, May 2003 Sanders responded “You have not missed it yet. I will be notifying you shortly about the date, time and place so hang in there.”

54. On 29, May 2003 Plaintiff wrote Sanders “I have all of the materials in order but I don’t know the format in which I’ll present it. So when the time comes please let me know with enough time to get it together... so to speak.”

55. On 29, May 2003 Sanders responded “I sure will. I have read thru all your materials and am waiting on the company attorney to get back with me for a date. Have you thought about how you want this settled or do you plan on taking it on to court??” ... “I will be back in touch with you.”

56. On 1, June 2003 Plaintiff wrote Sanders “Are we still faced with a pattern of a stalling and evasive attorney?” 270 days since filing.

57. On 8, June 2003 Sanders responded “I have been out and plan to deal with your stuff before the end of month.”

58. On 1, August 2003 Plaintiff wrote Sanders “Where do we stand?”
59. On 4, August 2003 Plaintiff called Senator Graham’s office in Mount Pleasant, spoke with Jean Price, wrote and mailed Senator Lindsey Graham requesting intervention to receive due process and to exercise Plaintiff’s rights before the EEOC. 334 days since filing.
60. On 5, August 2003 Senator Graham’s Mount Pleasant office received the request.
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61. On 6, August 2003 Jean Price informed Plaintiff Greenville Directorate was contacted.
62. On 7, August 2003 Senator Graham writes letter of instigated inquiry with the Director of the Greenville SC EEOC local office.
63. On 7, August 2003 Sanders called Plaintiff at home and left a message on the cell phone about a fact-finding meeting late Thursday.
64. On 8, August 2003 Plaintiff returned the phone call and left a message about receiving Sanders phone call and once again gave Sanders the home phone number.
65. On 11, August 2003 at 9PM Sanders called the home phone number from his private home number stating he would be in Charleston the next day for a ‘conference’ meeting and wanted to meet and start Plaintiff’s case.
66. On 12, August 2003 Plaintiff called Senator Graham’s office to inform the Senator a meeting was set up by Sanders.
67. On 13, August 2003 Plaintiff meets with Sanders at Embassy Suites Hotel Charleston in the lobby. Sanders greets Plaintiff in lobby with unexpected and unwarranted ‘jump’ into a ‘bear-hug’ after shaking hands. That assault was abhorrent and intimidating. Meeting was placed in reference by repeated cell phone calls to Sanders’ cell phone prior to taking place closer to the Embassy Suites with each call and closer apart in duration, as well as asking for Sanders
rom a person in the lobby who said he ‘knew’ Sanders and calling the front desk for directions to the hotel. During the calling Sanders also called the home number again. Sanders advises Thompson has settled her case with payouts over time and she is happy with it. Sanders also mentions the NAACP and gives a story of how the ‘NAACP went down’.

68. On 14, August 2003 Sanders called Plaintiff hurriedly to get a letter from Patricia Thompson about her knowledge of the wrong doings to Plaintiff in the EEOC case Plaintiff had filed 344 days prior, even though many statements as to Thompson's knowledge of the case were on file with the EEOC.

69. On 15, August 2003 through 20, August 2003 no response from Thompson or Sanders.

70. On 20, August 2003 Plaintiff sent email to Sanders "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."

71. On 20, August 2003 Sanders responds "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"

72. On 21, August 2003 Plaintiff called Senator Graham's Mount Pleasant office and advised Jean Price that a 131 page document has been prepared detailing the response the EEOC had provided to the Senator's inquiry. Letter is sent return receipt to both Mount Pleasant and to the Chief of Staff at the Senator's Washington address.

73. On 22, August 2003 Senator Graham's Mount Pleasant office received the letter detailing the illegal acts of the EEOC and Billy C. Sanders and the connection to the NAACP of South Carolina.

74. On 27, August 2003 Senator Graham's Washington D.C. office in care of Richard Perry receives the same document.

75. On 22, September 2003 after no response from Senator Graham Plaintiff called the Mount Pleasant office of the Senator. According to Jean Price they were not sure what they could do.

76. On 23, September 2003 Plaintiff called Jean Price and gave her the URL and username and password for the rest of the documentary evidence in the case. No person has ever accessed that information from the Senator's office.

77. On 29, August 2003 Plaintiff called the Senator's Mount Pleasant office and was informed a second request had been placed with EEOC for a response as to the status of the case. A response had been forth coming from Sanders, a member of management of EEOC yet the Senator's office was not reflecting that fact by requesting yet another inquiry.

78. On October 29 2003 Senator Graham wrote plaintiff informing, "Today the officials of the Equal Employment Opportunities Commission have notified me that additional contacts and information have been received from my office about your claim, and the case is pending investigation."

79. Plaintiff was required to call Jean Price on a weekly or bi-weekly basis to receive any updates on the case requested for intervention.

80. The second letter sent to Senator Graham was in response to the official response received from the EEOC and stated the following:

81. "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." ...

82. "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." ...

83. "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.” ...

84. “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.”

85. “I further demand an FBI investigation into the potential of a settlement in the Patricia Thompson case before the EEOC.” ...

86. “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.” ...

87. “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.”

88. “I also request federal assurance of our protection from physical harm during this process.”

89. After nearly four months of seeking justice through Senator Graham’s office Jean Price forwarded the entire 131 page complaint document sent to Senator Graham (containing the above quotes) to the EEOC. That document contains information about illegal activity with copies of emails, documents and references to personal contact information of witnesses. That document was sent to EEOC long after Senator Graham advised Plaintiff in writing that an investigation was pending by EEOC.

90. Receipt of that document prompted EEOC to write a letter to Senator Graham (as of this date Plaintiff has only heard the contents of that letter read to him by Jean Price over the phone and has not received a copy of that letter even though it was promised over a week ago and as of 7, January 2004 had not been sent.) wherein they once again state a pending investigation and did not detail the contacts allegedly made by the Senator’s office on behalf of the Plaintiff.

91. It has (as of the date of this writing) been a total of 492 days since filing the EEOC Form 5.

92. Patricia Thompson has settled her case with LM Communications and according to Sanders placed altered and fictitious documents in her file.

93. LM Communications has settled the smaller of two cases filed against it with full knowledge that Plaintiff's case was being sacrificed to make Thompson's case settlement possible.

95. EEOC's response letter most recently received by Senator Graham continues the cover-up of known offenses as they had received the 131-page document detailing such offenses and did not refer to the illegal acts in their letter read to Plaintiff by Jean Price.

Manner and Means of the Conspiracy

480. By altering documents received by the EEOC in a valid filed case from Patricia Thompson, Billy C. Sanders and the EEOC and LM Communications and LM Communication's attorney and his firm were able to get rid of Plaintiff's case in order to receive a favorable settlement for Patricia Thompson from LM Communications at the instigation and direction of the SC NAACP.

2. It was the purpose and intent of SC NAACP, through Billy C. Sanders to deprive Plaintiff of Constitutional Rights to due process, Rights afforded under Title VII of the Equal Employment Opportunities Act of 1964 as amended and in violation of the following laws to destroy, coerce and intimidate Plaintiff into either accepting a right to sue letter or finding any excuse possible to rule Plaintiff's case was not worthy of further investigation.

3. There has been no investigation into the filed FORM 5 case of Plaintiff and every effort has been made to destroy said case by EEOC.

4. LM Communications is a Kentucky corporation making payment of money from LM Communications to Patricia Thompson for settlement a violation of interstate commerce fraud. No monetary decisions for SC corporations owned by Kentucky
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LM Communications are possible without the home office approval and payment regardless of what bank the payments are drawn from.

5. Charges filed with the FCC and with the FBI (which refused to investigate claiming there was no reason to investigate as the crime was no longer threatening after Plaintiff was fired) are suspect. If seven violations of Federal Law and FCC

rules was pending against LM Communications a settlement for Patricia Thompson, by getting rid of Plaintiff's case would not have been worthy of LM Communications. It is believed the FCC is infiltrated and the documents (in their many submissions) were stopped from being entered in support of the conspiracy at the direction of the SC NAACP.

6. During the week of 29, December 2003 after hearing the letter from EEOC from Jean Price Plaintiff insisted the case be handed over to the Justice Department. On 7 January 2004 Jean Price never referred to the Justice Department but did refer to the Chief of Staff being very busy.

7. No further contact will be made to Jean Price of Senator Graham's office, as anyone who would send criminal evidence to the criminal is not trustworthy.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the State of South Carolina, State of North Carolina, State of Kentucky and elsewhere:

COUNT ONE

Billy C. Sanders at the direction of SC NAACP (Joseph Darby, Dwight James) devised a scheme to defraud by means of false or fraudulent pretenses, representations, or promises and caused to be transmitted by means of wire (email) communication in interstate commerce, writings for the purpose of executing such scheme. In violation of (Fraud by wire, radio, or television) U.S. TITLE 18 PART I CHAPTER 63 Sec. 1343

COUNT TWO

Billy C. Sanders, Dwight James, Joseph Darby, Lynn Martin, William Allen, Patricia Thompson and others willfully caused an act to be done which if directly performed by them or another would be an offense against the United States, to wit: defrauding the justice system through illegal manipulation of documents and cases before the Equal Employment Opportunities Commission resulting in a settlement agreement made under false pretense. In violation of (Aiding and Abetting) U.S. TITLE 18 PART I CHAPTER 1 Sec. 1. Sec. 2.

COUNT THREE

Billy C. Sanders, Dwight James, Joseph Darby, Lynn Martin, William Allen, Patricia Thompson, being two or more persons, conspired either to commit any offense against the United States, or to defraud the United

States, or any agency thereof, to wit: The Equal Employment Opportunities Commission, where one or more of such persons did consummate an act to effect the object of the conspiracy, to wit: back dating of the confirmation charge number of the FORM 5 with EEOC, and, tampering with evidence used in the settlement of a charge before EEOC. In violation of (Conspiracy to commit offense or to defraud United States) U.S. TITLE 18 PART I CHAPTER 19 Sec. 371

COUNT FOUR

Billy C. Sanders, Dwight James, Joseph Darby, Lynn Martin, William Allen, Patricia Thompson, being two or more persons, conspired to injure, oppress, threaten, or intimidate Plaintiff and Plaintiff's rights before the EEOC, as the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.

In violation of (Conspiracy against rights) U.S. TITLE 18 PART I CHAPTER 13 Sec. 241

COUNT FIVE

Billy C. Sanders under color of any law, statute, ordinance, regulation, or custom, to wit: authority as Program Manager of the EEOC, willfully subjected Plaintiff to the deprivation of any rights, privileges, or immunities secured or protected by the

Constitution or laws of the United States. In violation of (Deprivation of rights under color of law} U.S. TITLE 18 PART I CHAPTER 13 Sec. 242

COUNT SIX

Billy C. Sanders, acting under color of law, by force willfully intimidated and interfered with Plaintiff in order to intimidate participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States, to wit: a supposed fact-finding meeting in a public hotel lobby and did because of his race, color, religion or national origin willfully intimidate and interfere with Plaintiff's enjoying the facilities of a hotel, to wit: the public meeting area of the lobby, by, to wit: forcefully attacking Plaintiff in an unwarranted and intimidating lurch into a "bear hug". In violation of (Federally protected activities} U.S. TITLE 18 PART I CHAPTER 13 Sec. 245

COUNT SEVEN

Billy C. Sanders did fraudulently and wrongfully affix or impresse the seal of the department or agency of the United States to wit: The Equal Employment Opportunities Commission, to or upon any certificate, instrument, commission, document, or paper, to wit: back dating and back numbering FORM 5 submission of Plaintiff, and with knowledge of its fraudulent character. In violation of (Government seals wrongfully used and instruments wrongfully sealed) U.S. TITLE 18 PART I CHAPTER 47 Sec. 1017

COUNT EIGHT

Billy C. Sanders, willfully while within the jurisdiction of the executive branch of the United States Government did and continues to falsify, conceal, and cover up by any trick, scheme, or device a material fact, to wit: his involvement with the SC NAACP in causing the deprivation of rights from Plaintiff in the case before the EEOC, and has made materially false, fictitious, and fraudulent statements and representations repeatedly in email and in person, to wit: the extensive and complete collection of all email correspondence from Billy C. Sanders using government email servers, did make and use false writing knowing the same to contain materially false, fictitious, and fraudulent statements entry. In violation of (False Statements – Statements or entries generally) U.S. TITLE 18 PART I CHAPTER 47 Sec. 1001.

COUNT NINE

Billy C. Sanders engaged in misleading conduct toward another person, to wit: Patricia Thompson, wherein the complete email archive of Thompson’s correspondence regarding Sanders will show a ‘familiar’ relationship, with intent to influence, delay, or prevent the testimony of Thompson in an official proceeding before the EEOC and has altered, destroyed, mutilated, or concealed an object with intent to impair the object’s integrity or availability for use in an official proceeding, to wit: the original FORM 5 (of which a copy is in the archive), the original complaint letter from Thompson and additional email correspondence material to the case from Thompson. Jean Price and Richard Perry did hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense, having been advised in writing with ample evidence to support such claims and after having been advised twice to so forward and report such Federal offenses, did for a period of

five months withhold such act. In violation of (Tampering with a witness, victim, or an informant) U.S. TITLE 18 PART I CHAPTER 73 Sec. 1512.

COUNT TEN

Billy C. Sanders did by threatening letter or communication to wit: reference the entire archive of Sanders email and the description of the meeting with Plaintiff at the Embassy Suites Hotel, influence, obstruct, impede or endeavor to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, to wit: The Equal Employment Opportunities Commission. In violation of (Obstruction of proceedings before departments, agencies, and committees) U.S. TITLE 18 PART I CHAPTER 73 Sec. 1505.

COUNT ELEVEN

Patricia Thompson, LM Communications, Lynn Martin, Billy C. Sanders and William Allen did knowingly engage or attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000, to wit: a settlement for EEOC charges derived from specified unlawful activity, to wit: fraud and extortion and deprivation of civil rights, which took place in the United States in interstate commerce. In violation of (Engaging in monetary transactions in property derived from specified unlawful activity) U.S. TITLE 18 PART I CHAPTER 95 Sec. 1957.

COUNT TWELVE

Billy C. Sanders, having the custody of records submitted by both Patricia Thompson and Plaintiff did willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy the same. Person or Persons unknown with the Federal Communication Commission having the custody of records submitted by Plaintiff did willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy the same. In violation of (Concealment, removal, or mutilation generally of RECORDS AND REPORTS) U.S. TITLE 18 PART I CHAPTER 101 Sec. 2071.

COUNT THIRTEEN

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, to wit: the Plaintiff, alleging that an employer has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged

unlawful employment practice) on such employer within ten days, and shall make an investigation thereof. To wit: such notification to the employer was made on 9 September 2002, four working days following reasonable receipt of the FORM 5 by EEOC Charlotte and four days following the date of stamped entry, which is one day after Billy C. Sanders would have received it, as it was sent to his personal name at his own request in Priority Mail. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge. It has now been 492 days since filing. In violation of U.S. Title VII of the Civil Rights Act of 1964 (Title VII), ENFORCEMENT PROVISIONS SEC. 2000e-5. [Section 706] (b),(I (1))

COUNT FOURTEEN

Billy C. Sanders, Dwight James, Joseph Darby, Lynn Martin, William Allen, Patricia Thompson, being two or more persons, conspired together to injure and oppress, a citizen because of his political opinion or his expression or exercise of the same or attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State, to wit: rights afforded under Title VII of the Equal Employment Opportunity Act of 1964 as amended and other civil rights including but not limited to due process and equal treatment under the law regardless of race, color or political influence. In violation of S.C.: (Conspiracy against civil rights.) Title 16 CHAPTER 5. Sec. 16-5-10

COUNT FIFTEEN

Violating any of the provisions of Section 16-5-10 any other crime, misdemeanor or felony shall be committed, the offender or offenders shall, on conviction thereof, be subjected to such punishment for the same as is attached to such crime, misdemeanor and felony by the existing laws of this State. Law of S.C.: (Punishment for commission of additional crimes.) Title 16 CHAPTER 5. Sec, 16-5-20

COUNT SIXTEEN

Billy C. Sanders being an officer, or employee of the United States or any department or agency thereof, to wit: Program Manager of the Equal Employment Opportunities Commission, under color or pretense of office

or employment committed or attempted an act of extortion to wit: Illegal use of one's official position or powers to obtain property, funds, or patronage, to wit: favorable treatment for another filed EEOC case. In violation of (Extortion by officers or employees of the United States) U.S. TITLE 18 PART I CHAPTER 41 Sec. 872

COUNT SEVENTEEN

Billy C. Sanders did threaten to accuse the addressee, to wit: The Plaintiff, of a crime in his email of 20, August 2003 where he said "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." Harassment is a crime, which was used with the intent to extort from LM Communications settlement money or other thing of value, which was transmitted in interstate commerce in order to receive a preferred, and higher settlement amount for Patricia Thompson and did in reverse action extort the value of justice, the highest value of all, from Plaintiff in order to kill Plaintiff's EEOC case in favor of reducing LM Communication's legal obligations without due process to Plaintiff. In violation of (Interstate communications) U.S. TITLE 18 PART I CHAPTER 41 Sec. 875

COUNT EIGHTEEN

The EEOC respondent answering inquiries from Senator Graham knowing that an offense against the United States has been committed, having received an unauthorized copy of the initial criminal activity in the form of a letter to the Senator, received, relieved, comforted or assisted the offender in order to hinder or prevent his apprehension, trial or punishment, and is therefore an accessory after the fact. In violation of U.S. (Accessory after the fact) TITLE 18 PART I CHAPTER 1 Section 3

COUNT NINETEEN

Billy C. Sanders maliciously threatened to commit an act with the intent to extort pecuniary advantage in tampering with files of a governmental agency and tampering with a witness, which took place in a computer in North Carolina and in person and in U.S. mail with Patricia Thompson in South Carolina. In violation of N.C. Article 20 – Frauds. [RTF] § 14-118.4. Extortion.

COUNT TWENTY

Billy C. Sanders without lawful authority intentionally materially altered or changed civil process documents in a settlement with LM Communications, which is an official case record. In violation of N.C. Article 30 – Obstructing Justice. [RTF] § 14-221.2. Altering court documents or entering unauthorized judgments.

COUNT TWENTY ONE

Billy C. Sanders maliciously threatened to commit an act with the intent to extort pecuniary advantage in tampering with files of a governmental agency and tampering with a witness, which took place in a computer in North Carolina and in person with Patricia Thompson in South Carolina. In violation of N.C. Article 60 – Computer-Related Crime. [RTF] § 14-457. Extortion.

PARTICULARS

480. **Title 29, Volume 4, Sec. 1600.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations. “Employees of the Equal Employment Opportunity Commission (EEOC) are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the EEOC regulation at 5 CFR part 7201, which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.**

2. A GRAND JURY IS DEMANDED TO INVESTIGATE THESE CHARGES AND RETURN INDICTMENTS AND THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA IS DEMANDED TO PROSECUTE THESE AND OTHER CHARGES THAT MAY BE FORTHCOMING FROM JUST INVESTIGATION INTO CORRUPTION WITHIN THE EEOC AND THE FCC.

3. IT IS HIGHLY RECOMMENDED THAT ALL ATTORNEYS GENERAL TAKE A LONG AND HARD LOOK AT ALL EEOC SETTLEMENT CASES WITHIN THEIR JURISDICTION FOR POTENTIAL FRAUD AND CORRUPTION INDUCED SETTLEMENTS. PLAINTIFF EXPECTS IMMEDIATE ACTION ON THESE CHARGES FROM ALL JURISDICTIONAL VENUES.

Submitted by Plaintiff for Plaintiff and the good of the United States of America.

[signed]

Lee Kent Hempfling
PO Box 6932
Apache Junction, AZ 85278
480-332-1535

Exhibit 2-E FOIA EEOC News Release March 9, 2004 FOIA Senator
Lyndsey Graham.

News Release

CONTACT
Lee Kent Hempfling
PO BOX 6932
Apache Junction AZ 85278
480-332-1535
lkh@rollovermartin.com

FOR IMMEDIATE RELEASE

Details At:
www.rollovermartin.com

KEYWORDS: Radio Broadcasting Industry, WCOO, Charleston South Carolina, Equal Employment Opportunity Commission, Federal Communications Commission, Department of Justice, L.M. Communications Inc., Senator Lindsey Graham

Phoenix, Arizona (March 1, 2004)

Today, a Freedom of Information Act request was submitted to the Equal Employment Opportunity Commission, Charlotte regional office asking for the release of any records regarding a Charge filed with the EEOC in August of 2002.

That charge has been ignored by the EEOC and sacrificed in order to provide preferential treatment and confidential settlement for a different charge filed with the EEOC against the same employer and protect the license renewal of that employer: radio station WCOO, Charleston South Carolina.

In a letter from the EEOC mailed February 9, 2004, in response to allegations made of twenty one (21) federal offenses surrounding the processing and use of the charge mentioned in the FOIA request, the EEOC failed to recognize that federal offense complaint and arrogantly reassigned the charge to the person charged with federal and state felonies in that complaint. Furthermore, the EEOC letter sought to place the blame for inactivity by EEOC on the plaintiff's submission of documents and evidence. Documents and evidence submitted to the EEOC were extensive and beyond a reasonable doubt, proved in writing, for all assertions and claims.

It is known that the EEOC has had written and telephone communications with the office of Senator Lindsey Graham of South Carolina regarding

the charge mentioned in the FOIA request. The most recent known correspondence was received by staffer Jean Price of Graham's Mt. Pleasant S.C. office, read to the plaintiff on the phone and promised to have been sent to the plaintiff. No correspondence was ever received regarding that letter from EEOC. After informing staffer Ms. Price that the plaintiff was not satisfied with Graham's office's performance, a blatant disregard for knowledge of federal offenses (itself a federal crime), no further contact has been forthcoming from the Senator. Graham's Chief of Staff Richard Perry was also aware of and in receipt of the 166 knowledge of federal offense and failed or refused to refer it to law enforcement as required by federal statute.

The document alleging twenty one (21) federal and state offenses was submitted privately to Cari Dominguez, Chair of the EEOC, along with numerous other federal and state officials.

No response has been forthcoming from EEOC regarding the allegations of criminal offenses with the EEOC contained in that document.

The only reaction from EEOC was the use of the private and confidential username and password assigned to Cari Dominguez by an unauthorized AT&T dial up account which was caught and banned from accessing the online secure server containing evidence of the allegations.

The office of South Carolina Governor Mark Sanford received and signed for the certified document, but according to the Governor's correspondence department a record of its receipt was "not placed in the governor's received mail database". The Governor's office has not returned the call requesting the whereabouts of that document.

The office of South Carolina Attorney General Henry McMaster received and signed for the certified document, but according to the Attorney General's office representative, Robert McBurley a return call was to be made informing of the status of the complaint. The South Carolina Attorney General's office has failed to return that call.

The office of North Carolina Attorney General Roy Cooper received and signed for the certified document, but according to the Attorney General's office representative, Carol Young a return call was to be made informing of the status of the complaint. The North Carolina Attorney General's office has failed to return that call. Only the office of United States Attorney J. Strom Thurmond Jr. has acknowledge receipt of the complaint and has referred it to Tom O'Neill, Chief Division Counsel for the FBI in South Carolina.

About The Case:

During February to March, 2002: a white program director (Hempfling) tried to promote a parttime, black female disk jockey, (Patricia 'Trish' Thompson), to a full time job: then from March through July of 2002: tried to hire her back to a full time job, after she resigned because of the radio station's prior discrimination. Station management refused promotion and hire.

Hempfling was harassed for it and eventually fired by the station for agreeing with and supporting her rights under Title VII of the Civil Rights Act of 1964, as amended.

Thompson filed a complaint with the EEOC through the NAACP. Hempfling filed a complaint with the EEOC directly. Thompson's case was settled in May of 2003. Hempfling's case was ignored, then destroyed by the EEOC in order to: A: Secure her preferential settlement from the radio station, and B: Protect the radio station's license renewal filing.

The radio station filed fraudulent license renewal and EEO forms with the FCC claiming Hempfling's case to be for a charge it was not; listed an incorrect case number and informed the FCC that his case had not had further action by the EEOC. L.M. Communications Inc., owner of WCOO also swore to the statement that no complaints were pending before the FCC. A complaint to the FCC for seven rule and law violations was filed with the FCC on August 13, 2002 and resubmitted February 11, 2004. That complaint is now in the hands of Daryl Duckworth of the FCC Enforcement Bureau. A subsequent complaint challenging the authenticity of the station license renewal and EEO form submissions was acknowledged by the FCC on February 11, 2004.

Hempfling's case had indeed seen further action as the EEOC Program Manager who handled both cases met with him in August of 2003 to discuss the case, after months of correspondence in government email. Graham's office's inquiry caused an instant contact, followed shortly thereafter by a meeting in a hotel lobby with the EEOC Program Manager.

Nearly five months after the inquiry, Senator Graham's office, having been asked twice to forward the case to the Justice department, sent the complaint letter follow up (not the original complaint) outside of official government mail to the EEOC Charlotte office. That document contained records of the evidence in the case and witness contacts and was

confidential information. According to staffer Ms. Price, in her words, she “used my own money” to send the document to EEOC. Although in public record, former prosecutor Graham should have known better.

In January 2004 Hempfling filed a formal complaint with numerous federal and state officers showing 21 federal felony violations. The Criminal Department of the Civil Rights Division of the Department of Justice did not look at the evidence (which was provided to all recipients through an Internet secure server) yet ruled the filing did not violate Hempfling’s civil rights.

United States Attorney J. Strom Thurmond’s office referred the case to the FBI agent in charge in Columbia SC. The secure username and password given only to Cari Dominguez of the EEOC wound up in the hands of an unauthorized person who attempted to gain access to the secure server, but was caught and stopped.

The EEOC advised Hempfling that the very person who committed most of the felonies in the case had been put back in charge of his case. They blamed the reason for any ‘delay’ in the supporting documents provided to them. Those documents weighed over two pounds and showed beyond any intelligent review that a clear cut series of violations had been committed by the radio station, including a CD with an audio recording.

To date: no other official who signed for receipt of the complaint has responded to its receipt. A cover-up appears to be underway in South Carolina politics.

All letters, documents and FOIA’s can be viewed at: <http://www.rollovermartin.com>

Detailed evidence remains secured online for law enforcement and legal access only.

Exhibit 2-F FOIA Graham News Release March 3, 2004 FOIA Senator
Lyndsey Graham.

News Release

CONTACT
Lee Kent Hempfling
PO BOX 6932
Apache Junction AZ 85278
480-332-1535
lkh@rollovermartin.com

FOR IMMEDIATE RELEASE

Details At:
www.rollovermartin.com

**FREEDOM OF INFORMATION ACT REQUEST FILED WITH
THE OFFICE OF SOUTH CAROLINA SENATOR LINDSEY GRAHAM**

KEYWORDS: Radio Broadcasting Industry, WCOO, Charleston South Carolina, Equal Employment Opportunity Commission, Governor Mark Sanford, Richard Perry, Jean Price, Senate Staff, Federal Communications Commission, Department of Justice, L.M. Communications Inc., Senator Lindsey Graham

KEYWORDS: Radio Broadcasting Industry, WCOO, Charleston South Carolina, Equal Employment Opportunity Commission, Governor Mark Sanford, Richard Perry, Jean Price, Senate Staff, Federal Communications Commission, Department of Justice, L.M. Communications Inc., Senator Lindsey Graham

Phoenix, Arizona (March 3, 2004) Today, a Freedom of Information Act request was submitted to Richard Perry, Chief of Staff for Senator Lindsey Graham, (R-S.C.) asking for the release of any records regarding a casework investigation filed with The Senator's office in relation to a Charge filed with the EEOC in August of 2002.

In August of 2003 a written request for casework intervention was filed with the Senator's office regarding an EEOC charge:

It is now nearly a year later and there has been no investigative fact-finding. A fact-finding meeting was set April 24-25 of 2003, but only after I had to cite EEOC enforcement guidelines showing the EEOC has jurisdiction. I was told then not to argue legal matters with them. Ever since the EEOC investigator canceled the fact-finding meeting I have been unable to have him schedule one. Each request in email is responded to with a promise for action but none has occurred. This case involves complaints filed with the FCC to which no response has been forthcoming, the FBI where it was refused, as the threat against my life was not 'current'. The EEOC has ignored its processing deadlines, violated its own regulations and refused to prosecute the case without holding a fact-

finding meeting, attempting to have me request a letter of suit authorization to do away with the case numerous times. The FCC has Ignored the filing of the complaint. The FBI has rejected the complaint for investigation. The EEOC has refused to process the complaint.”

Immediately following receipt of that request the Senator informed Mr. Hempfling:

“Thank you for your inquiry of recent date concerning your problem involving several federal agencies. I am looking into this matter for you with the Director of EEOC in Greenville, and I will get back in touch with you just as soon as I have a response from my inquiry. Then, I will ask you to let me know if I should contact other agencies depending on the answer from EEOC. If you have not heard from me after three weeks, please feel free to contact me again at 843-849-3887. I look forward to working with you.”

It Is known that the EEOC has had written and telephone communications with the office of Senator Lindsey Graham of South Carolina regarding the charge mentioned in the FOIA request. The most recent known correspondence was received by staffer Jean Price of Graham’s Mt. Pleasant S.C. office, read to the plaintiff on the phone and promised to have been sent to the plaintiff. No correspondence was ever received regarding that letter from EEOC. After informing staffer Jean Price that the plaintiff was not satisfied with Graham’s office’s performance, a blatant disregard for knowledge of federal offenses (itself a federal crime), no further contact has been forthcoming from the Senator. Graham’s Chief of Staff Richard Perry was also aware of and in receipt of the knowledge of federal offenses and failed or refused to refer it to law enforcement as required by federal statute.

About The Case:

During February to March, 2002: a white program director (Hempfling) tried to promote a part-time, black female disk jockey, (Patricia ‘Trish’ Thompson), to a full time job at WCOO, Charleston SC (an urban oldies radio station): then from March through July of 2002: tried to hire her back to a full time job, after she resigned because of the radio station’s prior discrimination. Station management refused promotion and hire. Hempfling was harassed for it and eventually fired by the station for agreeing with and supporting her rights under Title VII of the Civil Rights Act of 1964, as amended. Thompson filed a complaint with the EEOC through the NAACP. Hempfling filed a complaint with the EEOC directly. Thompson’s case was settled in May of 2003. Hempfling’s case was ignored, then destroyed by the EEOC in order to: A: Secure her preferential settlement from the radio station, and B: Protect the radio station’s license renewal filing.

The radio station filed fraudulent license renewal and EEO forms with the FCC claiming Hempfling's case to be for a charge it was not; listed an incorrect case number and informed the FCC that his case had not had further action by the EEOC. L.M. Communications Inc., owner of WCOO also swore to the statement that no complaints were pending before the FCC. A complaint to the FCC for seven rule and law violations was filed with the FCC on August 13, 2002 and resubmitted February 11, 2004. That complaint is now in the hands of Daryl Duckworth of the FCC Enforcement Bureau and has been accessed by Ed Gauthier of FCC. A subsequent complaint challenging the authenticity of the station license renewal and EEO form submissions was acknowledged by the FCC on February 11, 2004.

Hempfling's case had indeed seen further action as the EEOC Program Manager who handled both cases met with him in August of 2003 to discuss the case, after months of correspondence in government email. Graham's office's inquiry caused an instant contact, followed shortly thereafter by a meeting in a hotel lobby with the EEOC Program Manager. Nearly five months after the inquiry, Senator Graham's office, having been asked twice to forward the case to the Justice department, sent the complaint letter follow up (not the original complaint) outside of official government mail to the EEOC Charlotte office. That document contained records of the evidence in the case and witness contacts and was confidential information. According to staffer Ms. Price, in her words, she "used my own money" to send the document to EEOC. Although in public record, former prosecutor Graham should have known better.

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The EEOC advised Hempfling that the very person who committed most of the felonies in the case had been put back in charge of his case. They blamed the reason for any 'delay' in the supporting documents provided to them. Those documents weighed over two pounds, including a CD with an audio recording and showed beyond any intelligent review that the radio station had committed a clear-cut series of violations.

To date: no other official who signed for receipt of the complaint has responded to its receipt. The office of South Carolina Governor Mark Sanford even failed to enter their signed receipt for the document in the Governor's mail records (according to that office). A cover-up appears to be underway in South Carolina politics. All letters, documents and FOIA's can be viewed at: [http:// www.rollovermartin.com](http://www.rollovermartin.com)
Detailed evidence remains secured online for law enforcement and legal access only.

Exhibit 2-G Senator Graham response 8-7-2003

LINDSEY O. GRAHAM
SOUTH CAROLINA
(202) 224-5972

United States Senate

WASHINGTON, DC 20510

August 7, 2003

Mr. Lee Hempfling
53 Muirfield Parkway
Charleston, SC 29414

Dear Lee:

Thank you for your inquiry of recent date concerning your problem involving several federal agencies.

I am looking into this matter for you with the Director of EEOC in Greenville, and I will get back in touch with you just as soon as I have a response to my inquiry. Then, I will ask you to let me know if I should contact other agencies depending on the answer from EEOC.

If you have not heard from me after three weeks, please feel free to contact me again at 843-849-3887. I look forward to working with you.

Sincerely,



Lindsey O. Graham
United States Senator

LOG/jp

Exhibit 2-R Senator Graham response 10-29-2003

LINDSEY O. GRAHAM
SOUTH CAROLINA
(202) 224-1972

United States Senate

WASHINGTON, DC 20510

October 29, 2003

Mr. Lee Kent Hempfling
POB 6932
Apache Junction, AZ 85278

Dear Mr. Hempfling:

Thank you again for contacting my office for assistance. Today the officials of the Equal Employment Opportunity Commission have notified me that additional contacts and information have been received from my office about your claim, and the case is pending investigation.

You may be assured of my continued interest in your case. I am working hard to see that your case is resolved in a timely manner. As soon as I receive additional information, I will let you know. I shall appreciate hearing from you that you received this mailing. Please telephone my office at 843-849-3887.

Sincerely,



Lindsey O. Graham
United States Senator

Exhibit 2-S United States Senate Ethics Committee

GEORGE V. VOINOVICH, OHIO, CHAIRMAN
HARRY REID, NEVADA, VICE CHAIRMAN

PAT ROBERTS, KANSAS
CRAIG THOMAS, WYOMING

DANIEL AKAKA, HAWAII
BLANCHE LINCOLN, ARKANSAS

ROBERT L. WALKER, CHIEF COUNSEL AND STAFF DIRECTOR
ANNETTE M. GILLIS, CHIEF CLERK

TELEPHONE: (202) 224-2981
FACSIMILE: (202) 224-7416

United States Senate

SELECT COMMITTEE ON ETHICS

HART SENATE OFFICE BUILDING, ROOM 220
SECOND AND CONSTITUTION AVENUE, NE
WASHINGTON, DC 20510-6425

April 29, 2004

Mr. Lee Kent Hempfling
P.O. Box 6932
Apache Junction, AZ 85278

Dear Mr. Hempfling:

This is in response to the news release faxed to the Select Committee on Ethics requesting records involving the Equal Employment Opportunity Commission (EEOC) from Senator Lindsey O. Graham.

Senate resolution 338, which sets forth the jurisdiction of the Select Committee on Ethics, vests the Committee with the authority to "receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of the rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto . . ."

Over many years, the Committee has consistently ruled that a Senator's decisions about how or whether to respond to constituent requests for assistance are matters which should be left to the discretion of the Senator and that, absent some evidence of a violation of law or rule or other evidence of improper conduct, the Committee will not interfere with a Senator's judgment in handling requests from or providing assistance to constituents. While each citizen has the right to petition for redress of grievances, and although Senators customarily take care to attend to the needs and requests of their constituents, there can be no guarantee that each petition for assistance will produce the result desired by the constituent.

If in the future the Committee can be of assistance on a matter within its jurisdiction, please let us know.

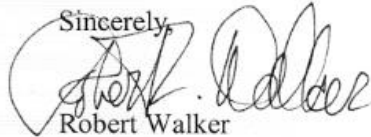
Sincerely,

Robert Walker
Staff Director and Chief Counsel

Exhibit 2-T FCC Complaint (Ignored 4 times)

**Complaint Before The
Federal Communications Commission**

Mass Media Bureau

445 12th Street, SW

Washington, D.C. 20554

In the Matter of)
)
L.M. Communications Inc.)
Parent Corporation of Radio Station)
WCOO(FM), Kiawah Island, SC)
L.M. Communications of South Carolina Inc.)

Co-Operator of Radio Station)
WCOO(FM), Kiawah Island, SC)
L.M. Communications II of South Carolina Inc.)
Licensee of Radio Station)
WCOO(FM), Kiawah Island, SC)
))
Submitted 13 August, 2002 By)
Lee Kent Hempfling)
53 Muirfield Parkway)
Charleston, S.C. 29414)
Telephone: 843-327-1996 }

Details of WCOO: }
WCOO SC KIAWAH ISLAND USA

Licensee: L.M. COMMUNICATIONS II OF SOUTH CAROLINA INC.
Service Designation: FM 'Full Service' FM Station or Application

288C2 105.5 MHz Licensed
File No.: BLH -20011012AAX Facility ID No: 50729
CDBS Application ID No.: 584316
Antenna Structure Registration Number. (ASRN): 1217880

32 ° 39' 57.00" N Latitude
80 ° 03' 11.00" W Longitude (NAD27)

Polarization: Horizontal Vertical

Effective Radiated Power (ERP):	50.0	50.0 kW ERP
Ant. Height Above Average Terrain (HAAT):	133.	133. meters
HAAT		
Ant. Radiation Center Above Mean Sea Level:	135.0	135.0 meters
RCAMSL		
Ant. Radiation Center Above Ground Level:	133.	133. meters
RCAGL		

Not directional
Not in a Border Zone

For Violations Of The Following:)

APPLICABLE LAW AND RULE CITATIONS

Part 73 Sec. 73.1560 (d) was not adhered to or followed in the requirement to "If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored."

Part 73 Sec. 73.1745 was clearly violated in the reduction of power of WCOO during the first phase of the spring Arbitron rating period by (a) No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.(b) Any unauthorized departure from an operating schedule which is required to be filed with the FCC in Washington, DC, will be considered as a violation of a material term of the license.

Part 73 Sec. 73.1870 was violated by Mike Almond (Mike Allen) during the period of low power transmission by his position as chief operator where he (c) shall maintain supervisory oversight sufficient to

know that each requirement has been fulfilled in a timely and correct manner. 3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.

Part 73 Sec. 73.4180 Before I instituted a Payola, Plugola, kickback policy and required all staff to sign the disclosure documents (after learning that the station did not have such compliance in force) Linda Logan advertised her own DJ service on the air without payment to the station and in doing so devoted air time each day following a DJ job in thanking and recognizing the businesses and persons who had paid her to perform the out of station position and did advertise her own service without payment to the station. Upon initial objection to this illegal function management dismissed the problem. It took contacting the consultant to acquire a Plugola, Payola standard form in order to comply with this rule.

Part 73 Sec. 73.4097 EBS (now EAS) attention signals on automated programming systems.

Part 73 Sec. 73.1300 Unattended station operation. "Broadcast stations may be operated as either attended (where a designated person is responsible for the proper operation of the transmitting apparatus either at the transmitter site, a remote control point or an ATS control point) or unattended (where highly stable equipment or automated monitoring of station operating parameters is employed). No prior FCC approval is required to operate a station in the unattended mode. Regardless of which method of station operation is employed, licensees must employ

procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS).”

DISCUSSION AND ALLEGATIONS:

In reference to: Part 73 Sec. 73.1560. [1]

On or about three weeks prior to May 2, 2002 (approximately April 11 through the 18th, 2002) while the WCOO main transmitter was turned off and the station was broadcasting from its back-up transmitter said back up transmitter was purposely operating at between 35 and 50 percent of authorized power. The Commission was not advised of this purposeful reduction in power as the intent was to defraud the market of the WCOO transmission thereby affecting the ratings outcome and the rates and revenue structure of the market. Bruce Musso, the engineer of WCOO, purposely consummated this act. At no time did WCOO advise the Commission of low power in violation of this section.

During the above-mentioned time frame numerous phone calls were received to WCOO by listeners complaining of being unable to pick up the station from areas that are well within the normal contour. Phone calls were received from employees (Joel Barnes, Dan Williams, Ken French, John Majhor) advising they could not pick up the station. John Majhor’s wife Sirit advised of her beauty parlor being unable to pick up the station when they normally listened regularly throughout the day.

When these calls were mentioned to General Manager Charlie Cohn his response was to

- 1: Identify the location as being too far away to be relevant or**
- 2: Identify the problem as being ‘temperature inversion’ or**

3: Advise the solution was a tube replacement in the main transmitter.

4: Not at any time did Charlie Cohn deny the station was not running at full authorized power.

The event which took the main transmitter off the air was referred to as a ‘lightning strike’ by the Chief Operator. The Program Director of WCOO was not advised and had no knowledge of a ‘lightning strike’. Listening to WCOO it was not evident that any such interruption took place.

No such ‘temperature inversion’ problems were evident by sister station WYBB-FM which is located on the same tower during the above-mentioned time frame.

The Orban station processor was re-set by consultant Don Hallett and Chief Engineer Phillip Fraley on an in station visit as it had been set to make the station sound very dull. Immediately after their departure engineer Bruce Musso hacked into the re-set security codes of the Orban and changed the settings back to the dull and aggravating settings used prior to the change by Hallett and Fraley in a clear attempt to further damage the station’s ability to be listened to.

In reference to: Part 73 Sec. 73.1745

In so reducing power WCOO violated this section.

In reference to: Part 73 Sec. 73.1870

The Chief Operator either did not certify logs properly or falsified logs to be certified during the above-mentioned time frame.

In reference to Part 73 Sec. 73.4180

At no time during the station’s entire history prior to [3] April 1, 2002 did the station or its sister station WYBB-FM ever have or require the signature of employees on a payola-plugola statement. Such statement was drafted (see [3]) from copies provided by the consultant (Don Hallett) after I inquired if the Station had such statements on file as I had never been asked to sign one and had been dealing with a Plugola issue with midday

person Linda (Logan) Grumbein which had been going on for some time as she plugged the companies and people she had performed outside DJ services for and would be performing for. I instituted such statement and required all on air staff to sign it.

In reference to Part 73 Sec 73.4097

Eas tests logged and certified as being completed between the hours of 6PM and 5:30AM Monday through Friday and from 6PM till 10AM Saturday and Sunday were technically unable to be completed as the station's EAS system requires a manual operator to activate the test tone equipment between two audio elements of a prerecorded EAS Test announcement. During such unmanned hours all tests certified as performed were fraudulent.

In reference to Part 73 Sec. 73.1300

“Regardless of which method of station operation is employed, licensees must employ procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS).” The station fails to ensure compliance with Part 11 while fraudulently certifying compliance.

ATTACHMENTS:

Emails attached [1], [2], [3]: demonstrate the violations and notice of them to the company consultant.

SUMMARY:

I respectfully submit these allegations electronically for investigation and commission action at the earliest possible opportunity to enforce commission rules and regulations.

Lee Kent Hempfling
53 Muirfield Parkway
Charleston, S.C. 29414
P: 843-327-1996
Email: leekent@comcast.net

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

From: Lee Kent
To: DWHALLETT@aol.com
Sent: Thursday, May 02, 2002 5:58 PM
Subject: Re: Air Force People

Well.. I'm not aware of any such delivery... I brought it up and that was that... and as far as the aircheck machine is concerned.. it could be done for even less... a relay on the mic switch to a cheap cassette machine (there are some in the engineering room, John was talking about them last week) and a line to the monitor receiver and wham... a real aircheck machine... and no wires to string... going to have to have control room work done soon anyway for the upcoming beach music (but its not called that, its called Sand Tunes) show that is being sold to the Holiday Inn for late Sunday nights during the summer requires two RCA lines for two mini disk machines Leo Windham will use to do the show.. Woody has moved on to another town... show is barter with Leo... and is making Folly beach happy... Bob Brooks was bringing that engineering duty up with Charlie this afternoon... finally got the new tube installed on the primary transmitter today.. have advised arbitron of our being 50% to 35% of power for the past three weeks...

>Did the engineer from Lexington not hook you up with a care package to wire >the existing 98ROCK machine for both studios in a spot on the rack in >engineering as we had discussed?

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

From: Lee Kent
To: DWHALLETT@aol.com

Sent: Thursday, May 02, 2002 7:37 PM

Subject: Re: Air Force People

ENTIRE MESSAGE CONFIDENTIAL

(after reading this over... when you read it DO NOT think I'm whining... I'm doing what I do... telling the truth but I can't do a damn thing about it)...

Well... now you know how I've been feeling... sad isn't it...

I'll try not to go into the rest of it... to save you the headache... on this subject.. I did NOT know the primary tube was bad... was not told Cool was suffering transmitter problems... got a few calls about losing the station and the answer was that it was a bad area... then I overheard Mike talking about Cool and of course I listened in... then asked later and he told me the primary tube was about to die... I kept my composure (ain't nobody seen me sweat yet)... not once was I told about Cool's transmitter problems until Mike then told me the station was switched to the backup transmitter as Bruce had given the primary a max 30 days before toastville... (to paraphrase of course since I'm being happy) but I had to ask about it

To make a three week excursion shorter... Last week a call from a beauty shop I was told was 50 miles away (is John's wife's beauty shop which ain't no 50 miles away) and there was no problem. I kept asking every couple of days (of Mike since he's OM, I've been nice)... and it was that first Lynn had to actually buy one, then that Bruce had to install it, then that Bruce was going to install it, then that it would be this week then today a call from SUMMERVILLE of all places telling me the station was GONE!... then John called and said at his apartment (2 miles from the station's location) his portable walkman was getting bleed from 105.7 and we were weak... after the 9am air shift was done I walked into the sales meeting (staying in the doorway) and more or less demanded to know when Cool was going to go full power again... the answer was today... (you have no idea how much

restraint I've used in this whole thing) then at noon in the middle of the request Cool Cafe feature the station kept going off and on and off and on and Linda came out to inform me that according to Bruce the station was at about 35% of power and he was replacing the tube and Charlie had called to tell her it was happening but nobody informed me.. Doesn't matter... I know I don't... each get together over the past few weeks regarding the Linda thing has been spiced with things like Alice changing formats opens a hole in the market should be all 80's, what are we going to do with Cool... that I am not focused, (bullshit) that the Linda thing is a matter of not managing by me (bullshit) it has been a "rough road" indeed Don.. and deeper... (which was topped I might add two days ago when she found out (I just found out today from Ken) that Trish came into the building to give Ken something and she told John in the 10 till cross over that she was 'outta here and I'll make sure the door doesn't hit _ME_ in the rear' (which all makes sense now that Ken made it clear this afternoon) which caused me to go ballistic but there was no use in saying anything I can't fire the bitch... John was completely stunned and didn't respond and you supposedly support keeping her, to which I responded you don't have to work with her... and then Trish leaves a message on Ken's voice mail asking if she can apply for the midday position since she heard a rumor (ask Ken I'm fuzzy on what it was) about middays being open soon and I can't talk to her since Lynn last said to us all not to talk to her until he said so... and I asked Ken why was it if we were going to save the midday salary to pay for Stern why we just didn't cut it out now which would mean I'm being punished for getting rid of Linda because no savings will happen until I do a baaaaad thing

like clean the house of shit... oh well I should stay happy... and then there's Citadel supposedly firing a bunch of staff but the only thing fired was admin and sales positions , I was to wait to look for one of them but I can only get one to do a couple of hours live and track the rest and there is a WHOLE HELL OF A LOT MORE.. but oh well... I know when the only way to get me out of the building is to destroy my ability to make the station get numbers and then wham... the real problem is solved and everything can go back to like it was MONTHS before I got there... like I told Pam weeks ago... Geesh.... I didn't dump this load I'm just trying to flush it.. she laughed... Its making me literally sick... they know I have a high blood pressure problem and until very recently I didn't have insurance, now I do.. watch how cool and calm I'll be when I'm taking medication... not prozac like Linda just a simple blood pressure pill or two.... man oh man... I've never seen a more (dare I say it, sure its confidential).... no I won't I'm a gentleman... and each time something happens to supposedly calm things down the dirty tricks get worse, the backstabbing gets worse and the mess gets deeper... now that

Stern is there Cool is totally irrelevant... again.... and if it comes in real bad like the plan is to make it be... i'll be gone... all of the crap that has happened and nothing has been done to fix a thing... 'cept to make me out to look like the devil, the evil one...the we don't talk to him at ALL guy... the i'm not permitted to talk to Lynn again guy (without advance permission, which doesn't apply to Mike but does apply to ANY MEMBER OF MY FAMILY)... (you have no idea how hard I started to laugh but stopped cause now that my wife knows Charlie pulled that crap....) actually it was if I call that area code he better know about it and approve it first... from me or any member of my family unless its my talking to ONLY PAM.... how dare he.... and there is no way that will ever work.... but I'm not leaving.... I will not get mad, blow up and quit...

I have been insulted every single day since I've been there except for the first three days... for some reason... the not permitted to put anything in writing guy.. and the one the people in the building who care (and believe it or not there are those people) see as the fix of the station...

and I wasn't going to dump on you... I am truly sorry... but I know how it feels to be pissed... I stay that way... but there ain't no one who has viewed it... 'cept my wife... and they won't... you told me to knock down the walls without stirring anything up, without causing fights... and that is what I've tried to do... Lynn said he does not have politics in his business but that is all it has been as I watch what I say to whom I say it and watch my back more than I watch the music (and I live in that now as there is nothin else i can do)... EVERY SINGLE PROMOTION I submitted for Spring was killed... oh hell... that's enough... you're a great guy Don... you don't deserve my rambling... I was told Lynn has lost respect for me because I could not get Charlie when he was gone and all hell broke loose... I'm a thorn in the building and by -god they are going to get rid of me... Chris Cantrell was cut out of the engineer race without being contacted because he "doesn't know enough about transmitters" the hell he doesn't... but oh well one more thing then I'll shut up... Charlie tried to talk me into using Bobby for afternoon drive instead of hiring John... now Bobby's not good enough to fill in while a real midday person is found (and YES DAMMIT ... I WANT A BLACK FEMALE... Trish is the only one I know of in this town that loves the station) and I shall be punished for getting Linda the marijuana salesman out of the building... geesh man.. I'm glad I can work on the house....

ps: All of the great response to the parody song and NOT ONE PERSON

that MATTERS GIVES A SHIT (cep't Ken)..... I am doing absolutely NOTHING WRONG yet the concern is when and how this job is going to get destroyed... I am treated like an idiot... not talked to... lied to... set up constantly and the funny thing is I know it ... can see it coming and can out manage the entire thing.. which has kept me from being destroyed so far...

I'll be blunt... all of my training tells me being a former cop is the problem... its what 1500 hours of public peace officer and investigative training will do...

END CONFIDENTIAL... sorry I have to do that he wants me OUT!!!!

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

From: DWHALLETT@aol.com

To: leekent@comcast.net

Cc: NEWAVECOHN@aol.com ; lmccohn@hotmail.com

Sent: Thursday, March 28, 2002 6:03 PM

Subject: Re: John Majhor

In a message dated 3/28/02 4:51:10 PM Eastern Standard Time, leekent@comcast.net writes:

You need to talk to Lynn about the personal advertising issue.

Lee:

If he is opposed, I'm opposed. Company decision. Talk to Charlie. He can help you clarify and enforce whatever the policy is or becomes.

You asked for Plugola/Payola policy stuff. A number are attached in various formats. I particularly like the documents from COX. Infinity's are strong as well.

Regards--

DWH

Exhibit 2-U US Attorney Refers Allegations to Chief Div Counsel FBI

News Release

CONTACT

Lee Kent Hempfling
PO BOX 6932
Apache Junction AZ 85278
480-332-1535
lkh@rollovermartin.com

FOR IMMEDIATE RELEASE

Press Kit Available At:
www.rollovermartin.com

UNITED STATES ATTORNEY'S OFFICE REFERS ALLEGATIONS TO CHIEF DIVISION COUNSEL OF THE FEDERAL BUREAU OF INVESTIGATION IN SOUTH CAROLINA

KEYWORDS: Radio Broadcasting Industry, WCOO, Charleston South Carolina, Equal Employment Opportunity Commission, Federal Communications Commission, Department of Justice, L.M. Communications Inc., Senator Lindsey Graham

Phoenix, Arizona (February 11, 2004) In a letter dated February 9, 2004, the day after receiving an emailed copy of the press release announcing "US Attorney J. Strom Thurmond will not return Hempfling's telephone call", Assistant United States Attorney Nancy C. Wicker has informed Mr. Hempfling that Tom O'Neill, Chief Division Counsel for the FBI in South Carolina has been informed of the 'continued interest in having this matter investigated'.

According to Wicker, the document containing 21 federal felony counts received by Thurmond's office was not forwarded to the FBI as the document indicated a copy was sent to FBI Director Mueller.

Wicker further states that if O'Neill's office has not received the document from Director Mueller the SC United States Attorney's office will 'be happy to furnish him with a copy.'

The Plaintiff appreciates the response from Thurmond's office and the manner in which that office's involvement in the case has been resolved.

The United States Department of Justice Criminal Section of the Civil Rights Division responded February 2, 2004 by informing Plaintiff that without a single review of the evidence they were afforded access to: "We have carefully reviewed the information which you furnished. However, we have determined that your complaint does not involve a prosecutable violation of federal criminal civil rights statutes. Accordingly, we are unable to assist you."

The "information which you furnished" consisted of highlights from evidence in a 21 count accusation 'information' document, and a private username and password with direct URL for access to an extensive collection of evidence.

The copy of that document and the cover letter sent to The United States Department of Justice Criminal Section of the Civil Rights Division was returned rejected by the post office due to a 'closed box'. If the The United States Department of Justice Criminal Section of the Civil Rights Division received the document it would have come from R. Alexander Acosta, Assistant Attorney General in charge of the Civil Rights Division. If their failure to access the evidence was because they were not provided the cover letter, with access location and credentials Acosta must answer as to why.

The only access to the secured evidence location came from an AT&T internet dial up access account based in Charlotte SC, originating from Fayetteville SC using private credentials provided only to Cari Dominguez, Chair of the EEOC. Access was not successful as the server carried a misspelled username. Further access by the EEOC credentials has been banned.

Acosta's delivery confirmation is on file, as is Mueller's delivery confirmation.

Response has not been forthcoming from South Carolina Governor Mark Sanford, South Carolina Attorney General Henry McMaster, North Carolina Attorney General Roy Cooper, Department of Justice Attorney General John Ashcroft, FBI Director Mueller, USDOJ Civil Rights Division Assistant Attorney General R. Alexander Acosta, FCC Chair Michael Powell, USDOJ Inspector General Glenn Fine and EEOC Chair Cari Dominguez. All recipient confirmations are on file.

[February 9, 2004 US Attorney Letter](#)
[February 2, 2004 Civil Rights Division Letter](#)
###



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Columbia, SC 29210-3857
March 12, 2004

Lee Kent Hempfling
P.O. Box 6932
Apache Junction, AZ 85278

Dear Mr. Hempfling:

I have received the communications you sent via facsimile to the Federal Bureau of Investigation (FBI) on March 10, 2004.

In order for the FBI to initiate an investigation of any complaint we receive, specific facts must be present to indicate that a violation of federal law within our investigative jurisdiction has occurred. As you will recall, in 2002, you provided similar information to our office and were advised that this matter did not warrant investigation by the FBI. Unfortunately, the additional information you provided on March 10, 2004, failed to convince me that our earlier decision was made in error. Additionally, it would appear that your complaints are being addressed by the Equal Employment Opportunity Commission and, possibly, by the Federal Communications Commission. Therefore, I regret that we are unable to provide any assistance to you.

You may, however, wish to consult an attorney of your own choice to determine what, if any, legal options you may have concerning this matter. If you do not have an attorney, you may want to contact your local chapter of the American Bar Association or Legal Aid Society for possible assistance.

Sincerely,


Thomas E. O'Neill



U.S. Department of Justice

Civil Rights Division

ANM:amc:mjp
DJ 144-67-0

Criminal Section - PHB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

FEB - 2 2004

Mr. Lee Kent Hempfling
P.O. Box 6932
Apache Junction, AZ 85278

Dear Mr. Hempfling:

This is in response to your letter dated January 13, 2004, in which you allege that several government and non-governmental organizations, as well as individual persons, have been involved in an extensive conspiracy to obstruct justice. Specifically, you cite the EEOC and the FCC as potential suspects.

The Criminal Section of the Civil Rights Division at the Department of Justice is responsible for investigating and prosecuting criminal conduct involving deprivations of rights. In general, these matters include acts involving racial or religious violence, misconduct by local and federal law enforcement officials, violation of peonage and involuntary servitude statutes, and violence against reproductive health care facilities.

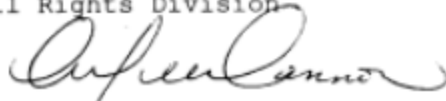
We have carefully reviewed the information which you furnished. However, we have determined that your complaint does not involve a prosecutable violation of federal criminal civil rights statutes. Accordingly, we are unable to assist you.

You may wish to contact the nearest legal aid program or the local bar association to determine whether they may be able to assist you.

Sincerely,

Albert N. Moskowitz
Section Chief
Criminal Section
Civil Rights Division

By:


Aileen M. Cannon
Paralegal Specialist
Criminal Section



Office of
Field Programs

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

FEB 06 2004

Mr. Lee Kent Hempfling
PO Box 6932
Apache Junction, Arizona 85278

Dear Mr. Hempfling:

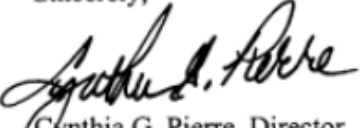
Thank you for your letter of January 13, 2004, to Chair Cari M. Dominguez concerning your charge of employment discrimination filed with the Equal Employment Opportunity Commission (EEOC) against LM Communications, Inc. (Charge No. 140-2002-01867). This office has been asked to respond directly to you.

In your correspondence, you raise concern about the time it is taking for the processing of your charge of discrimination filed with the EEOC Charlotte District Office. We understand your concern, and regret any inconvenience you may have experienced. To ensure that the EEOC's limited resources are used in the most efficient manner possible to eliminate employment discrimination, EEOC staff carefully evaluate each charge to determine the priority it will receive, both at the time of filing and while the case remains open. The information that you provided at the time the charge was filed played an important role in determining the priority and time frame for processing the charge.

We have entered into discussion with our Charlotte office and learned that an on-site visit has been scheduled for the week of February 9, 2004. We wish to assure you that the processing of your charge will be completed as soon as possible. Mr. Billy Sanders will contact you soon. If you wish, you may contact him directly at (704)344-6735. Your continued patience and cooperation are appreciated.

We hope this information is helpful to you.

Sincerely,


Cynthia G. Pierre, Director
Field Management Programs

cc: Reuben Daniels, Jr., Director
Charlotte District Office



CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA	140A201867
		<input checked="" type="checkbox"/> EEOC	
South Carolina Human Affairs Commission <small>State or local Agency, if any</small>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)	
Lee Kent Hempfling		843-327-1996	
STREET ADDRESS CITY, STATE AND ZIP CODE		DATE OF BIRTH	
53 Muirfield Parkway, Charleston S.C. 29414		09/09/52	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)	
L.M. Communications Inc.	15+	843-769-4799	
STREET ADDRESS CITY, STATE AND ZIP CODE		COUNTY	
59 Windemere Parkway, Charleston S.C. 29407		Charleston	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS CITY, STATE AND ZIP CODE		COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		07/24/2002 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
I. My date of birth is 9/9/1952 and I am currently 49 years of age. I was hired by L.M. Communications Inc., [inc.] on 1/25/2002 and started work on 2/4/2002. I was told I was discharged for "poor performance of the station" on 7/23/2002.			
II. I was subjected to discriminatory terms and conditions of employment, harassed, denied employment, subjected to a hostile religious and retaliatory work environment and discharged from my full time position because of retaliation for my attempt to offer equal employment ability in hiring of minorities. (cont.)			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.			
		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE	
Date	Charging Party (Signature)	(Day, month, and year)	
8-29-02			

Exhibit 2-Z Billy C. Sanders EEOC business cards

CARD GIVEN TO PATRICIA THOMPSON



UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHARLOTTE DISTRICT OFFICE

BILLY C. SANDERS
PROGRAM MANAGER

129 W. TRADE STREET
SUITE 400
CHARLOTTE, NC 28202

FAX: (704) 344-6748
TEL: (704) 344-6735
CELL: (704) 564-9464

(704) 563-1672

Scheli & Grossman

Billy.Sanders@eoc.gov
Billy C Sanders @ Att.net

**CARD GIVEN TO HEMPFLING AT
EMBASSY SUITES MEETING**



UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHARLOTTE DISTRICT OFFICE

BILLY C. SANDERS
PROGRAM MANAGER

129 W. TRADE STREET
SUITE 400
CHARLOTTE, NC 28202

FAX: (704) 344-6748
E-MAIL: Billy.Sanders@eoc.gov
TEL: (704) 344-6735
CELL: (704) 564-9464

Exhibit 2-AA 2-28-2002 Letter from Patricia Thompson to Lee Kent Hempfling

February 28, 2002

**Mr. Lee Kent
Program Director
WCOO-FM – COOL 105-5
59 Windermere Blvd
Charleston, SC 29407**

Dear Mr. Kent:

I am writing this letter, first of all, to thank you for your professionalism, insight and words of wisdom, you have shared with me, as well as your vision for COOL 105-5.

I am certainly excited about watching your vision reach fruition. And, feel certain that your vision, is in great part my own! Regardless, of the capacity in which I realize this vision, as a working comrade for COOL 105-5, or as what I am naturally ... a demographic listener, I, sincerely, wish you and COOL 105-5 much success.

Secondly, as you are well aware, I have been contemplating for some time now to leave my employment with LM Communications, based on various professional reasons of which, some, I have shared verbally with you.

I had thought, the weekend of March 2nd and 3rd, would be my last weekend at COOL 105-5. However, our conversation on this Wednesday, has piqued my interest, I must confess. And, I do appreciate your sincerity in asking me to stay. Furthermore, I must reiterate, that my decision to leave was made, and based solely on numerous events, prior to your arrival to COOL 105-5.

At this juncture, and after much consideration regarding our discussion on Wednesday, it would take the following from LM Communications – WCOO, to start emptying my cup of over-fullness, thereby, causing me to re-consider my previous decision and stay with COOL 105-5 in sincere effort to help reach the vision together:

A specific raise to at least \$10 an hour while in continued part-time status (inclusive of my previous generic request for “just a raise” the month of my one-year anniversary with LM Communications, in October 2001, of which I was lead to believe would be forthcoming and has not yet been received!).

And, certainly more than equal to that of my radio comrades that have become employed or re-employed by WCOO after me, which is all of the staff currently employed under WCOO. I too, was not entry level when I started with LM Communications, having worked in radio prior in the Charleston market at WWVZ & WMGL between 1995 and 1997. And, I have proven myself in ratings during periods that have not been interfered by Citadel football on Saturday afternoons or the frequency change over the Summer 2001.

Also, if consideration is given to me, in the future, for a full-time or specific weekday day-part, I would expect a "true salary" to be negotiated at that time.

Additionally, I will need the weekend of Saturday, March 9th and Sunday, March 10th off.

Saturday, March 9th, is the long awaited Charleston's Promise Children's Festival and Turbo Turtle Race at Brittle Bank Park. I have labored long, tenaciously and diligently, for well over a year, in effort to do my part in helping Charleston's Promise plan this event for the children of the LowCountry and for it to be a pleasurable memory, for all, in years to come.

At the same time, I have continued to promote COOL 105-5 in the community in a positive manner, regardless of the outcome, any acknowledgement and support, or lack there of, from my peers and LM Communications.

On Sunday, March 10th, as I have previously indicated, my son is receiving the Statewide 4-A Football Player of the Year Award in Columbia at a banquet that begins at 2pm. I plan on traveling to Columbia, Saturday evening after the children's festival.

Thirdly, regardless of the outcome of the aforementioned, I trust we can and will still work together for Charleston's Promise, as well as on other promotional endeavors. I still look forward to working with you and Mr. Brown's agent, perhaps as a consultant/liaison.

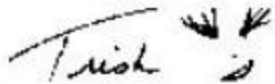
Lee, I have enjoyed the opportunity to work with you for this short time in the field in which I choose to major in college, Mass Communications - Radio/TV Broadcasting (Radio Concentration). Thanks for your mentoring!

Finally, I hope that we can reach an amicable resolution for all parties concerned. If my specific requests cannot be met at this time, then please accept this as my formal Letter of Resignation, because I am seriously feeling the infamous words of one of the greatest rhythm & blues artist ... B.B. King ... "The thrill is gone!" (smile)

And Lee, should this not work out at this particular time, PLEASE, keep me in YOUR mind for any future endeavors or opportunities that you know I would be well suited for.

The quality and work ethic you desire is in the character of the individual; the commitment you seek comes from the heart, as I remain ...

Respectfully,



**Patricia Thompson
(843) 824-8761**

**Mr. Lynn Martin, Owner
LM Communications, Inc.
PO Box 11788
Lexington, KY 40578**

Dear Mr. Martin,

Greetings! I hope all is well with you.

In case you are not aware, I am writing to formally inform you of my resignation from WCOO/COOL 105-5 radio station and your employee as of Wednesday, March 6, 2002.

I'd like to assure you that my reasons to leave have absolutely nothing to do with the arrival of Mr. Lee Kent as the new Program Director (PD) for COOL 105-5. In fact, hiring Mr. Kent is probably the BEST decision that your organization has made in regard to personnel matters, in quite some time.

I am certain that through his professional leadership, Mr. Kent will accomplish great things for both COOL 105-5 and LM Communications.

It is already evident that Mr. Kent is truly a radio professional and I am confident he will clean up what has become a very unprofessional and unorthodox work environment in the COOL 105-5 Programming department. It's about time someone put a stop to the nonsense.

To my dismay, Mr. Kent has arrived a few months too late for me to continue to endure, while he makes the necessary adjustments. However, I am grateful to have worked with him the short time I have and appreciate his mentoring.

However, what occurred prior to Mr. Kent's arrival is why I have resigned.

And, I am sure, you are not aware of the reasons why I have decided to leave. So, to distinguish the common place gossip of people who think they know what they don't know, I am providing you with my reasons, so there will be no mistake, confusion or misunderstanding in this regard.

Additionally, I am in the process of seeking counsel and advisement as to possible EEO violations and/or other violations as they pertain to FCC violations and business operational violations per the Secretary of State for the State of South Carolina, who grants businesses permission and licenses to operate in our State.

The reasons are as follows:

During my tenure with WCOO/COOL 105, in the Programming department, beginning October 2000 – March 2002, I was the only African-American female and Disabled Veteran in the department, working only on Saturday and Sunday.

Upon the departure of PD-Ken Carson, in February 2001, Ken informed me that I possessed the voice and personality 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.

After approximately 5 months of doing weekends, the midday position became available shortly after 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.

Additionally, I was told that Linda Logan (radio name), a former employee who had previously been fired/let go by Ken Carson, was being allowed to return to the midday position.

A few more months went by, and then the afternoon drive position became available. Again, I asked if I was being considered for this position. 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.

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). 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.

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.

After all, as my letter of September 3rd, 2001, to you indicated (please see enclosure 1), 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.

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, of which I was lead to believe it would be forthcoming, although it never did. Not even a bonus for a job well done!

Aside from the fact, that numerous people under your employe regard you as a cheap skating miser and speak of you terribly when you are not around, I was shocked to hear how your “valuable, high-rated employees” referred to you in that way ... but whenever issues about money came up, this is what you are called, or words to this effect.

The realization became even more painfully obvious when other part-timers were being hired at the same rate of pay that I had started and ended with, even though I had more experience and tenure with the radio station.

Furthermore, the so-called veteran radio announcers were:

Behaving unprofessionally; making numerous on-air mistakes; advertising their side businesses over the air and/or placing their side business in COOL Calendar promos updates; while music was playing you could hear them voice tracking over the music or having personal phone calls which went out over the air; among other chaotic activities, etc., it was very obvious that either no one was paying attention or this behavior was being condoned.

And, all because they were too lazy, or careless to pay attention to detail or too busy voice tracking what were supposed to be live air shifts which they were getting paid for as live air shifts, although they voice tracked the majority, if not all of their shifts. These were the same two air-shifts that I was not considered for as mentioned earlier.

Eventually, I grew tired of being associated with a small group of small minded individuals, whom through their CLIQUE association with the General Manager 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.

I could no longer condone this callous, and inappropriate disrespect to my music or my profession. Additionally, 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. During the holidays, I began to take my consideration of leaving the station more seriously.

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 levels.

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

Additionally, while sitting in staff meetings, out numbered by the majority, 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 general manager 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)

Later, 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 oldies R&B, plain and simple. I guess “beach music” is considered a more acceptable term, rather than just saying oldies R&B.

Hearing these remarks offended me. To an African-American listener, and demographic listener, that certain part of the song was the heart and soul of the song for us! It irritated me to realize that these other announcers were not concerned, and did not care about the music or the African-American listeners. 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 continue to stagnate.

On several occasions, I asked friends to call in and request certain songs. Upon doing so, they were told the music was not available or that the station didn’t play that particular artist. When in actuality, the station did play the artist and the song. The particular announcer just was not familiar enough, did not like the artist/song or was just too lazy to bother to look for it. All three applied on a regular basis.

Which leads me to wonder, how a station that operates an urban R&B format and not have obvious, African-American representation, would ever expect to achieve higher ratings?

There are no sales associates that are African-American and now there are no African-Americans in the Programming department, either. The only full time African-American employed by the station is the receptionist.

In realizing COOL 105-5 *“uses”* an urban R&B format for profit and to attract listeners, the majority of its listeners are African-American. And, no matter how much you try to close that gap, they will always be the majority of listeners in this case. In part, because the music being played is the foundation of the African-American soul and there’s nothing anyone can do to change that, without changing the format completely.

My last straw came on December 30th, 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.

When I arrived, Linda was at the station. However, upon noticing that she had voiced tracked into my first hour, I tried to find her to bring this to her attention, but she had left the building.

I then, as a professional courtesy, looked outside the building to see if I could catch her in the parking lot, she was gone. As another professional courtesy, I spoke with Michael Hanahan, from our sister station that was working in the production room, about the situation.

Together, Michael and I tried to find an out-break for Linda, which there was none, but there should have been. So, the only thing left to do was to announce her departure during my opening break. After doing so, I called Linda to inform her as to why I had done so. As I began to explain, 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 proceeded to call the PD-Mike Allen, and while waiting for him to come to the phone, realized he was on his cell phone with Linda. Mike and I spoke briefly and agreed I would come in early the next morning to discuss the situation with him 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 27th, 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 30th 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.

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 and petty gossip and innuendo had set a negative tone to an environment I had once enjoyed being in.

Linda went on to state 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 in to 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. All I have ever done is come to work, be respectable, do my job as professional as possible, don’t bother anyone, and when my shift is complete, clean up behind myself and go on about my business.

As recent as today, 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 had come 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 stated she was wondering if I’d resigned because I’d received a Memo from Lee also. I informed her that I had already told her the week before, when she asked to speak with me, that I’d been considering leaving and that I had not received any Memo from Lee.

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."

My musical colleague was standing near by while Linda was telling me all of this and stated that he would continue to play the music so I could take a break. I then, began to read the Memo to Linda from Lee Kent, dated March 4, 2002. As I read, I found myself agreeing with just about everything that Mr. Kent had indicated in his Memo, as these are typical patterns of how Linda does things. I imagine she's gotten away with it for so long that even she is oblivious to what she does.

In addition, I personally, heard Linda do several sloppy breaks on Thursday, March 7th, during the COOL Café, where she obviously voice tracked and didn't bother to edit the recorded calls to fit the time segment she was in, as well as having spells of dead air?

Additionally, while playing back a lengthy recorded call in, a male listener asked if it was too early in the morning to request a song for the COOL Café. Linda replied it was not too early, even though it was approximately 12:30 pm when she aired the segment. The listener proceeded to request the song "My Girl" by the Temptations. Linda repeated the song, talked a little about the song and then after asking the caller "what station plays your song?" had cued and played Rainy Night In Georgia by Brook Benton instead.

Later that evening, a few of my friends told me they too had heard the same break and some of the other errors as well. They also inquired as to how Linda is allowed to frequently mess up and still be on the radio. I could only reply, I guess it's all in who you know and what they don't know.

And, later that same afternoon, I heard Skip St. John tell Jessica Mickey and Martha (Skip's girlfriend) after the traffic break "now you two can go on and talk to each other" then there was approximately 5 seconds of dead air before an element kicked off. Again, not paying attention to detail or focusing on what you are there for.

These are perfect examples of the unprofessional, unconcerned, unorthodox work ethic that has been going on for well over a year.

No one has time to do the professional business the right way, but everyone has all the time to do the unprofessional personal business thing on professional time, and get paid for it while the station continues to sound bad in spite of positive efforts because the announcers don't care enough. Oh, they put on a good pretense, but that's all it is and I've seen right through it on too many occasions.

My primary reason for bringing this to your attention is because I care about how a station is using my cultures musical sounds and that it, the music, is being represented properly. And, I've always cared about it this way. That's why I could not stand by any longer and see it misrepresented this way. And even though I am no longer an employee, I am still a demographic listener and now my vote and my influence with others FINALLY COUNTS and matters!

Making money is great, Mr. Martin. But, in case you've been in Kentucky too long, and listening to consultants that listen from another State and who really don't know the community of people in this area, let me just share something that should be of interest to you, Sir ... and that is ... the African-Americans of the LowCountry are not as naive as one may wish to believe.

And, if you don't choose to believe me ... get someone you do trust to make some home tape recordings of your midday and p.m. drive radio announcers. Or, I can just send you some that I have if you'd like. I always say proof ... leaves no room for doubt.

But what am I talking about? You have Lee Kent now!!! I'm sure from that Memo he gave to Linda, which she totally deserved, (and had no business showing it to me by the way, just another example of her unprofessionalism because under no circumstances are Linda and I in any capacity friends or allies) Lee has obviously become aware of most of the unprofessional activities that have been going on for a long time now, and just in the short month or so that he's been at COOL 105-5. And, I didn't have to say a word.

What a BLESSING for COOL 105-5, to have Lee Kent to clean up the cancerous virus mess that lives within the bowels of COOL 105-5!

And finally, I'd like to suggest that you take more consideration toward your employees regarding payday. If pay day is the 10th and the 25th of the month, then employees should be allowed to pick up their checks prior to 5pm on paydays, in other words BEFORE the banks close.

Not allowing checks to be picked up before the banks close on the 10th and 25th, means that, in actuality, payday is not until the 16th and 26th of the month. The 10th and 25th after 5pm is merely the day employees can pick their check up, not payday. This needs to be corrected.

Furthermore, if the so-called payday, which is really only a pick up your check day, falls on the weekend, then employees should be allowed to receive their check on the Friday before, and not until after 2pm on the Monday after the day has come and gone.

In the past, it's been stated that your organization does not deposit the money in the bank in time for it to post on the stations so-called payday. I believe Mr. Martin, as the owner of the company, it is your responsibility to ensure funds are available on the day your company designates as payday. It seems something this simple could be remedied very easily.

Therefore, you would need to either ensure the deposit be made the day before the scheduled employee payday, so that the employees may pick up their checks at a reasonable time during the day allowing plenty of time for them to be cashed on the stations designated pay day, or change the day of payday to a day that it can all be accomplished the way it's supposed to be accomplished. That's what payday is supposed to mean ... it's the day you can pick up your check and cash it at the bank.

Mr. Martin, having informed you of all of this, I hope you have a better understanding at to why I felt it necessary to resign from your company's employment.

Mr. Martin, I assure you, I have only provided you with this information to enlighten you, and in no way is it intended to be disrespectful. Take it as a valid objective, unbiased assessment of some of the stations shortcomings as seen by a former employee, if you will.

Having been a supervisor in the military for over 13 years, I have been trained to notice certain professional inadequacies. However, I was also in a position to train personnel and correct those inadequacies, and as part of my responsibilities, I was expected to make those corrections in a professional manner.

At no time, was I allowed to discriminate, disrespect or humiliate a fellow soldier in the process. And, if reasonable corrective measures were not achieved through written documentation or proper training, then other measures were taken to include disciplinary action, if warranted.

I, professionally and personally expected more from my co-workers, employer and the radio station(s) of LM Communications in the Charleston market.

And Sir, unless I'm grossly mistaken, so does the EEO, FCC, the Secretary of State and the people "all of them" of the LowCountry.

After consideration of advisement from my attorney, I will notify you of my course of action regarding the matters mentioned during my tenure with WCOO, LM Communications.

Mr. Martin, thank you for your time.

Respectfully,



**Patricia Thompson
Former WCOO/COOL 105-5
Radio Announcer**

**cc: Mr. Charlie Cohen, General Manager, WCOO/WYBB
Mr. Lee Kent, Program Director, WCOO
Linda Logan and Skip St. John (radio names)**

Exhibit 2-CC Complaint letter about FBI O'Neill response

Lee Kent Hempfling
PO Box 6932 Apache Junction AZ 85278

Mr. James K. Schweitzer
Special Agent in Charge
Federal Bureau of Investigation
151 Westpark Boulevard
Columbia, SC 29210-3857
Via Fax: 803-551-4219
Via Email: jschweitzer@fbi.gov

March 22, 2004

Mr. Schweitzer;

This letter is a formal request for an internal investigation by the Federal Bureau of Investigation into the conduct and motivation of Thomas E. O'Neill, Chief Division Council of The Columbia SC FBI Office regarding his actions taken, dated March 12, 2004 and mailed March 16, 2004 in regards to a request for investigation and prosecution of several federal and state crimes committed under the color of law, and a formal request for proper investigation of violations of 18 U.S.C. § 24 and others.

In the letter received from Mr. O'Neill, he stated: "In order for the FBI to initiate an investigation of any complaint we receive, specific facts must be present to indicate that a violation of federal law within our investigative jurisdiction has occurred." 18 U.S.C. § 24 is specifically within the FBI's jurisdiction.

In an article published by The State, dated Wed, Nov. 26, 2003, Mr. O'Neill is credited with this statement; "... Tom O'Neill, spokesman for the FBI's Columbia division, explained the way the process works when it receives a complaint: The FBI, he said, conducts a preliminary investigation and turns over its findings to the Justice Department. The Justice Department determines whether a violation has been made or if additional information is needed, O'Neill said."

Mr. O'Neill did not conduct a preliminary investigation prior to his response. Instead, he referred to a prior complaint filed with your office in 2002 for a completely different issue and purposely mixed those two complaints, claiming, "As you recall, in 2002, you provided similar information to our office and were advised that this matter did not warrant investigation by the FBI. Unfortunately, the additional information you provided March 10, 2004, failed to convince me that our earlier decision was made in error."

The facts are:

- 1: The 2002 complaint was in regards to a terrorist inspired email with an implied threat on my life, of two Palestinian gunmen and Yassar Arafat, sent after the 9/11 tragedy to a Jew. It was not only offensive, but very threatening.
- 2: The local agent in Charleston ruled no investigation would take place as the threat on my life was 'not current'. Under that logic, investigating any crime is not possible as crimes take place, then are investigated to find culpability. They are hardly ever 'current'.
- 3: Mr. O'Neill was copied in written correspondence by J. Strom Thurmond's office advising him of my continued interest in having the present matter investigated wherein Thurmond's office stated they would be happy to send a copy of the complaint to O'Neill if he had not received the copy sent to Director Mueller.
- 4: No response came from Mr. O'Neill after that referral from the United States Attorney's Office. After a month of no response a copy of the complaint was faxed to Mr. O'Neill.

5: Mr. O'Neill either failed to read both complaints, or at least the second complaint, as having done so would show beyond any doubt the present complaint is regarding a series of crimes committed BY the EEOC, the SCNAACP and the FCC and a radio broadcast licensee company among others, with intent to defraud the United States and the victim and nothing remotely similar to the first complaint.

6: To summarily rule, "unfortunately, the additional information you provided March 10, 2004, failed to convince me that our earlier decision was made in error," is simply not possible for a person who would have read and reviewed either complaint as they are not related.

7: The present complaint provides, not only detail of each allegation made (plenty enough for initial indication of crimes being committed) but included a private username and password for Mr. O'Neill to 'investigate' the documents proving the allegations. That location is a secure server on the Internet. Mr. O'Neill did not access that location and never once reviewed the evidence before making his judgment.

8: Mr. O'Neill's statement that: "you provided similar information to our office and were advised that this matter did not warrant investigation by the FBI" is simply untrue.

9: Mr. O'Neill stating; "additionally, it would appear that your complaints are being addressed by the Equal Employment Opportunity Commission and , possibly, by the Federal Communications Commission," is also untrue as the EEOC is NOT investigating their own commission of crimes, they have in fact, ignored the complaint in writing, yet an unauthorized person acquired the private access credentials of Cari M. Dominguez and attempted access to the secure server from North Carolina. The FCC is NOT investigating their culpability as no complaint was filed with them to do so. Complaints were filed with the FCC in 2002 and 2004 as the motive of the commission of the crimes in the present complaint was the license renewal of the radio broadcast licensee and was perpetrated through fraudulent submission of EEO and License Renewal forms to the FCC, made possible by a violation of 18 U.S.C. § 24, among others.

10: The EEOC and the FCC do NOT investigate the laws within the investigative jurisdiction of the FBI, to which, Mr. O'Neill has refused to follow his own procedure. He refused to investigate by claiming two completely different complaints were related directly, with the second supposedly supporting the first. That is untrue.

11: By mixing the two complaints into one action Mr. O'Neill has attempted to brand me as an 'unreliable' source, which is not only untrue but as the relevant evidence shows beyond any doubt, is absurd.

12: What is truly amazing to me is Mr. O'Neill saying; "As you recall." The documents speak for themselves and 'as I recall' (which means to read the documents), the documents are not remotely connected as the first complaint deals with a crime committed during the period contained within the EEOC Charge and the present document deals with the commission of felonies following the EEOC Charge filing and proves, with documented relevant evidence Mr. O'Neill failed to investigate or view, the charges to be valid in a conspiracy of government employees, acting under color of law with accomplices in business and outside influence to deprive the victim of a right secured by the Constitution or laws of the United States and did so willfully in a direct violation of 18 U.S.C. § 242.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

13: This case involves the direct corruption of protected civil rights by EEOC staff and others and as such has implications nationwide and presents an important public policy consideration; a novel issue of law; a case that be-

cause of peculiar facts and circumstances, may set important precedent, namely exposing corruption within the EEOC; and is therefore undeniably of "national interest".

The United States Attorneys may decline cases in their offices by orally advising the FBI, which declination shall then be reflected in the investigative report submitted by the FBI. The United States Attorney in this case referred it to Mr. O'Neill for 'investigation'. Not even Mr. O'Neill's letter indicated any USAO declination.

14: The United States Attorney is responsible for the enforcement of criminal civil rights statutes in accordance with written procedures and advised Mr. O'Neill of my continued interest in having the matter investigated, yet Mr. O'Neill did not respond to the USAO's referral and did not act upon it in his own admission having acted: "Unfortunately, the additional information you provided March 10, 2004, failed to convince me that our earlier decision was made in error," in error of fact and reason as the present complaint was NOT additional information to the prior complaint and the combination of the two is suspect of Mr. O'Neill's motivations for having combined them.

15: In the Civil Rights Resource Manual 44, Standards for FBI Investigation -- Investigation Required: Investigation Is Required when: Upon receipt of a civil rights allegation from a complainant or victim not known to be unreliable. The failure of the 2002 complaint to be investigated was not due to the complainant or victim being 'unreliable' and the present complaint does not relate to it. The complainant or victim IS reliable where documented relevant evidence shows explicit reliability. And Upon receipt of a request from a United States Attorney. Upon receipt of a civil rights complaint alleging a "Color of Law" violation (Title 18, U.S.C., Sec. 242) from any source not known to be unreliable.

Mr. O'Neill failed to conduct any investigation into a serious and substantial in nature case by not interviewing each subject for full details of the incident and by not accessing and reviewing the evidence. Mr. O'Neill did not, as a part of each interview, secure the identity of witnesses or obtain a complete physical description and background for each subject during interview or from police records. (See Section 44-10.6(9) of the FBI Field Manual regarding the need for signed statements.)

Mr. O'Neill failed to interview all or a sufficient number of witnesses to fully develop the facts of the case. Mr. O'Neill failed to acquire the identity of witnesses, which may be obtained from subject(s), victim(s), or police reports. Mr. O'Neill failed to obtain and document the names and addresses of all witnesses who were not interviewed during the investigation. Mr. O'Neill failed to, as a part of the interview with each witness, obtain full name, address, telephone number, employment, race, sex, date of birth and social security number. Mr. O'Neill failed to advise witnesses that information furnished may be used in a court of law.

Mr. O'Neill failed to contact appropriate officials at the subject officer's (middle management of the EEOC) agency to obtain pertinent records, i.e., Internal Affairs Report, personnel file, etc., and any other complaint(s) against subject.

According to "Standards for FBI Investigation -- Additional Investigation Required -- Substantial Case": After completion of the investigation, advise the United States Attorney of the results and ask the United States Attorney if further investigation is warranted. Regardless of the United States Attorney's answer, submit report of investigation completed. If United States Attorney requests further investigation, conduct whatever investigation the United States Attorney requests as long as such requests are reasonable and pertinent to the case. If a problem arises with a request of this nature, handle pursuant to instructions set forth in Section 8-3.311(c), supra. The results of this investigation should be furnished in an investigative report supplementing the initial report. When the United States Attorney states that the investigation is adequate, request the United States Attorney to furnish an opinion as to the prosecutive merit of the matter. Do not delay the submission of any report pending a prosecutive opinion by the United States Attorney. The United States Attorney's prosecutive opinion can be furnished in a supplementary report.

Instead, Mr. O'Neill furnished his own opinion of prosecutive merit in incorrectly relating the present complaint to the 2002 complaint and literally brushed off his official responsibility to FBI regulations and his refusal to review the relevant evidence.

Federal Rules of Evidence: Rule 401 Definition of "Relevant Evidence": "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. The FBI failed to review the "Relevant Evidence" and just as the USDOJ Civil Rights Division, ruled against the evidence without ever viewing it.

Although Rule 1002. Requirement of Original: requires the original writing, recording, or photograph, except as otherwise provided in these rules or by Act of Congress, the information provided to the FBI was scanned copies of originals in a secured online location as providing originals to the FBI would be detrimental to the case and no assurance of the return thereof would be justified and review of the evidence for investigation does not require originals. The failure of the FBI to even look at the evidence provided shows prejudice in refusing to honor the charge allegations.

A United States Attorney forwarded the request for investigation to Mr. O'Neill who failed to act upon it and in doing so provided false and untrue statements regarding a previous complaint in relation to the present complaint, and in doing so failed to show the complainant or victim as 'unreliable' and in fact showed his own judgment to be unreliable.

The South Carolina Governor's office received the present complaint, signed for it in certified mail, then promptly failed to log it into their mail log and have never responded to the request for its location.

The South Carolina Attorney General's office representative Robb McBurney, wrote an email to someone within that department (or outside of it) and said the following: "I don't recall this. it could be one of those calls that Marian forwards to me from time to time, but i don't have any record of it. I will call him back and find out what it was that he sent if you like. Let me know."

That email, obviously not intended to be mailed to Hempfling, was received on March 16, 2004 at 5:07 pm Eastern Time. That is the same day the Mr. O'Neill mailed his rejection letter, dated March 12, 2004.

Hempfling's response asked, "If no record was kept of the phone call, which took place as indicated in the letter copied below, then what was the purpose of telling me I would receive a return phone call with an update as to where the case document was?"

McBurney is the person Hempfling spoke with on the phone who promised to follow up and find the complaint.

On March 17, 2004 at 12:42 Eastern Time, 'Amy' of the SC AG office called Hempfling and left a message. The return call resulted in this "...was trying to find if she had the documents in her office...wondered what it was about...she was told about the <http://www.rollovermartin.com> site and she said she would have one of their attorneys review the site contents but most likely they would refer such a thing to the FBI for investigation as well."

I respectfully request the Federal Bureau Of Investigation to investigate the allegations, proven in documented relevant evidence contained in government emails from a government mail server through the EEOC and other documents and all pertinent and relevant evidence contained in the secure server and public server location previously provided, and to follow the requirements for investigation as provided in official FBI documentation without prejudice, to properly collect and analyze all relevant evidence and to submit the proper required documentation and forms to the United States Attorney J. Strom Thurmond Jr., and to investigate the reasons and methods behind Mr. O'Neill's letter of March 12, 2004, mailed March 16, 2004 in refusing to investigate a valid and reliable complaint of violations of 18 U.S.C. § 24, among others.

The following synopsis of the case is publicly available but was not accessed by Mr. O'Neill.

This case is of nationwide interest in uncovering a prevailing and ongoing corruption within the EEOC. I cannot stress my disappointment more at the lack of interest paid to it by the FBI.

I await your timely response.
Sincerely,

Lee Kent Hempfling
PO Box 6932
Apache Junction AZ 85278
480-332-1535

Public record files: [Http://www.rollovermartin.com](http://www.rollovermartin.com)
Secure record files: <http://secure.enticy.org>

Username and password are in the possession of Mr. O'Neill. All letters are publicly available for review a the public records site.

The Case:

The case, although complicated in depth and scope, involves the simple premise of equal protection and equal rights, with violation of such under the color of law.

Essentially, an EEOC claim was filed for retaliation for upholding the rights of a minority under Title VII.

That case was used in negotiations for the minority's case and discarded to provide her a preferential settlement. That settlement was sealed in May 2003.

The motive was two-fold:

For the employer: eliminating this case allowed filing a license renewal for government broadcast license (the employer filed that license renewal and accompanying EEO report and fraudulently misrepresented this case in all three elements) as well as removing financial responsibility for a case they knew they could not adequately defend in court. They would lose this case if it were to go to trial. The best way to deal with it was to get rid of it, hide it, cover it up, conspire with a willing Government official to quietly put it away hoping the victim would simply 'move on'.

FCC EEO FORM FCC 396 filed 07/28/2003: "IN LATE 2002, A FORMER PART-TIME EMPLOYEE, PATRICIA THOMPSON, FILED A COMPLAINT BEFORE THE EEOC (FILE NO. 140A201837) AGAINST WCOO CONTENDING THAT SHE WAS DISCRIMINATED AGAINST IN HER ATTEMPT TO ACHIEVE FULL-TIME STATUS. THIS CASE WAS SETTLED IN MAY 2003, AND THE COMPLAINT WAS DISMISSED. IN LATE 2002, A FORMER EMPLOYEE, LEE HEMPFLING, FILED A COMPLAINT BEFORE THE EEOC (FILE NO. 140A20187) AGAINST WCOO ALLEGING WRONGFUL TERMINATION BECAUSE OF HIS JEWISH HERITAGE. THE LICENSEE DISPUTES THIS CLAIM. THERE HAS BEEN NO FURTHER ACTION TAKEN BY THE EEOC ON THIS MATTER." There had been considerable action taken by the EEOC on that matter, records are available to law enforcement only. The reported Charge Number is NOT the charge number of the case. The claim was for 'retaliation' not heritage. That form is fraudulent.

FCC FCC 303-S filed 07/28/2003, APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE : "IN MAKING THIS CERTIFICATION, THE APPLICANT HAS RELIED ON A REVIEW OF ITS FILES AND RECORDS, AND HAS EXAMINED THE PUBLIC RECORDS OF THE COMMISSION AVAILABLE AS OF MAY 12, 2003. AS USED IN THIS CERTIFICATION, THE PHRASE 'TO APPLICANT'S KNOWLEDGE' MEANS TO APPLICANT'S ACTUAL KNOWLEDGE WITHOUT FURTHER INVESTIGATION OTHER THAN AS DESCRIBED IN THIS EXHIBIT. BASED UPON AND SUBJECT TO THE QUALIFICATIONS IN THE PRECEDING PARAGRAPH, TO APPLICANT'S KNOWLEDGE, THERE HAVE BEEN NO FCC VIOLATIONS OR ALLEGED VIOLATIONS OF THE COMMUNICATIONS ACT OR THE FCC'S RULES AS DEFINED BY THE INSTRUCTIONS TO QUESTION 4 OF SECTION II OF FORM 303-S BY THE APPLICANT DURING THE PRECEDING LICENSE TERM." Public record of the FCC will show August 13, 2002 an official complaint was filed in email to the FCC for violations of seven rules and laws alleging WCOO, L. M. Communications Inc. of Charleston South Carolina as the violator. It will further show correspondence with the FCC regarding that complaint and that it was never acted upon by FCC. Public record of the FCC will also show

receipt of the same complaint in U.S. Mail and a subsequent additional email submission. The form for license renewal is a fraudulent submission.

For the SC NAACP & EEOC: eliminating this case allowed the preferential treatment of a minority person who had filed her complaint through the SC NAACP.

Both cases are against the same employer.

EEOC Program Manager Billy C. Sanders (active in the NAACP) handled both cases and in many emails in government email laid out the 'plan' to discard this case and detailed the manner of defense to be used by the employer if there was to be a persistence in demanding this case be acted upon.

EEOC has not issued a ruling on this case in two years.

Issues: EEOC is able to manage cases through preferential treatment by sacrificing same-employer cases of non-minorities and hiding the results of such in sealed settlements. EEOC is continuing to evade the case, not ruling on it and claiming the contents of records in the minority's case to be other than fact as they were submitted. The original copy of the minority's EEOC filing, including her signed FORM5 and the entire packet sent to the EEOC, provided by Thompson are in file. EEOC's inaction is intended to extend Hempfling's right to sue past the limit, thereby removing claim potential for the employer and hiding the case from the public's interest.

Main issues of the EEOC's emailed statement:

EEOC stated: "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"

Fact: The documents that were submitted as her file do include such statements, including the original FORM 5 signed by her, written by the EEOC or NAACP for her claims, extensive letters written by her to the station owner showing character references, and within her filing were scores of documents from this case, referenced and included. The documents in her file now are the result of the EEOC's tampering with evidence to allow the scheme to play out in sealed settlement.

FORM5 (contained in Thompson's original EEOC submission packet): Thompson's original submission EEOC FORM5 signed by her and dated August 21, 2002, states: "In fact a white manager tried to get them to hire me to a full time job and they refused and forced him out."

LETTER (contained in Thompson's original EEOC submission packet): A letter dated February 28, 2002, addressed to Lee Kent, signed by Thompson, in which she resigned due to prior discrimination states: "I am writing this letter, first of all, to thank you for your professionalism, insight and words of wisdom, you have shared with me, as well as your vision for COOL 105.5. I am certainly excited about watching your vision reach fruition. ... our conversation on this Wednesday has piqued my interest, I must confess. And, I do appreciate your sincerity in asking me to stay. Furthermore I must reiterate, that my decision to leave was made, and based solely on numerous events, prior to your arrival at COOL 105.5. ... Lee, I have enjoyed the opportunity to work with you for this short time in the field in which I choose to major in college... Thanks for your mentoring! ... And Lee, if this should not work out at this particular time, PLEASE, keep me in YOUR mind for any future endeavors or opportunities that you know I would be well suited for."

DEMO: Thompson, after her resignation, did not have a demonstration compilation tape of her on-air work. She provided numerous cassettes of past shows to Hempfling. Hempfling, on his own time, at home, edited those tapes into a CD demo and provided Thompson with the copies she had to 'officially' submit to the station to be considered for re-hire.

LETTER (contained in Thompson's original EEOC submission packet): Dated March 9, 2002, signed by Thompson, addressed to Lynn Martin of L.M. Communications Inc., stated: "I'd like to assure you that my reasons to leave have absolutely nothing to do with the arrival of Mr. Lee Kent as the new Program Director (PD) for COOL 105.5. In fact, hiring Mr. Kent is probably the BEST decision that your organization has made in regard to personnel matters, in quite some time. I am certain, that through his professional leadership, Mr. Kent will accomplish great things for both COOL 105.5 and L. M Communications. It is already evident that Mr. Kent is truly a radio professional and I am confident he will clean up what has become a very unprofessional and unorthodox work environment in the COOL 105.5 Programming Department. It's about time someone put a stop to the nonsense. To my dismay, Mr. Kent has arrived too late for me to continue to endure, while he makes the necessary adjustments.

However, I am grateful to have worked with him the short time I have and appreciate his mentoring. However, what occurred prior to Mr. Kent's arrival is why I have resigned."

That letter also contained: "I am in the process of seeking counsel and advisement as to possible EEO violations... I was the only African American female and Disabled Veteran in the department..."

EMAIL: In an email dated September 04, 2002, sent to Billy C. Sanders of EEOC, Thompson, after receiving a phone call from Lynn Martin states: "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."

REFERENCE: After being fired for attempting to hire an African American female, Disabled Veteran full time, Hempfling sought employment elsewhere in the market and wanted to hire Thompson for a full time on-air position at that station. Thompson provided a job reference for that interview process. She stated, in part: "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, trustworthiness, and relentlessness." That reference was written long after the LM Communications employment issue, making any claims of reversed bias by Thompson, written by Sanders, a lie.

ORIGINAL SUBMITTED THOMPSON EEOC PACKET page 19: "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"

ORIGINAL SUBMITTED THOMPSON EEOC PACKET page 21: "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 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."

40 enclosures were within the EEOC Packet of Thompson, provided by Hempfling that detailed the attempts to hire her, the issues within both cases and the fact that Martin and his attorney both questioned Hempfling following Thompson's invoking Title VII of the EEO Act of 1964 as amended wherein Hempfling stood up for her rights causing further retaliation.

EEOC stated: "you will need a statement from her to support some of your case"

Fact: The documents filed by her contained numerous statements from her supporting this case. These include character references, comments and praise as well as detailed letters to the employer regarding the standing of this case. Additional references to the case are contained in other documents from her on file.

EMAIL: See the email dated September 04, 2002 above.

EMAIL: Extensive email correspondence is on file between Thompson and Suesie Hempfling and Lee Kent Hempfling. Suesie Hempfling and Thompson were 'close' friends up until the period where Sanders of EEOC took over the case. Those emails, as well as birthday, sickness and well-wishing greeting cards from Thompson are available to law enforcement only.

EEOC stated: "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"

Fact: This implied threat by EEOC spells out the manner in which a defense was to be concocted by sim-

ply reversing the harassment claim. This has come to fruition in an email received March 10, 2004 by someone posing as a former employee of the employer. That person was to be replaced with the minority and was used throughout the ordeal by ownership to add intimidation and threaten legal action for doing the job of a Program Director: (critiquing her on air performance). The emailed letter received said; "The government won't do anything about it because you are crazy and you deserved to be fired, not for trying to hire a black employee, but because you were a lazy troublemaker who refused to help Mike Allen when the Commercial computer was down." Documents from numerous other employees show otherwise. Those documents, from both full and part time personnel at the station are available to law enforcement only.

EEOC stated: "But we will cross them bridges when we get to them."

Fact: 'them' bridges were already built awaiting the pressuring of this case in a conspiracy between the EEOC and the employer and the SC NAACP to use this case to settle the minority's case preferentially and provide a reason for the employer to settle a small claim in lieu of having to deal with a far larger claim.

EEOC stated: "I am waiting to hear from their attorney re the Fact Finding Conference."

Fact: This statement was made on August 20, 2004 (as were the above statements) after Senator Lindsey Graham's office's inquiry into this case to the EEOC. In reality, a fact finding conference was scheduled by EEOC for April 24 or 25, 2003, but canceled at the last minute by the EEOC only for this case. The minority's case was settled the following month. No fact finding conference has ever been held for this case, no ruling has ever been made, no right to sue letter has ever been received. EEOC wrote a letter to me after I sent a copy of the proven 21 counts of federal and state laws violated in this issue by EEOC and others stating that Billy C. Sanders would contact me regarding this case. That has never happened. It is a stalling tactic to wait me out and ignore my constitutional rights to equal protection.

EEOC stated: "C U Later"

Fact: Clearly intended to be the 'kiss off'.

That EEOC correspondence was following the contact by Senator Lindsey Graham's office to EEOC Greenville SC and came from EEOC Charlotte NC.

Criminal allegations were in the hands of Tom O'Neill Chief Division Council of the FBI in Columbia. Nancy C. Wicker of US Attorney J. Strom Thurmond Jr's office referred the case to him. The allegations were faxed to him March 10, 2004 after not hearing from him for a month. On March 16, 2004, O'Neill mailed a letter, dated March 12, 2004 wherein he attempted to declare Hempfling to be an 'unreliable' source by incorrectly and purposely claiming the complaint he had received in fax was 'additional information' regarding a complaint filed with the FBI in 2002 involving threats received in interstate e-mail. Neither were related, yet O'Neill dismissed the current complaint of 'color of law', criminal civil rights violations as 'additional information' to the first complaint. The document he ruled was 'similar' to the first complaint was not at all similar making his ruling intentional deprivation of civil rights by a federal officer under 'color of law'.

That document was originally submitted for action to Attorney General Ashcroft, who's office has not responded; to FBI Director Mueller, who's office has not responded; to SC Attorney General Henry McMaster, who's office has responded after a phone call they could not find record of and an email they called about. SCAG is expected to hand the case to the Columbia FBI, which has already ruled against it, to NC Attorney General Roy Cooper, who's office has not responded; to SC Governor Mark Sanford, who's office has not responded; to Glenn A. Fine, USDOJ Inspector General, who's office has not responded; to FCC Commissioner Michael Powell, who's office has not responded; to EEOC Commissioner Cari. M. Dominguez, who's office responded twice: once by giving Dominguez's private username and password for access to the law enforcement secured server to an unauthorized person who attempted to break into that server, and once in U.S. mail informing Hempfling, without reference to the federal offenses that Sanders was in charge of the case and would be contacting soon. No such contact has been made.

It was the right thing in upholding the rights of a minority who was alleging violations of Title VII and state labor laws.

It was the right thing in filing directly to the EEOC. The 'back door' entrance for preferential treatment was not used.

It was the right thing when in filing an FCC complaint showing how the employer illegally reduced power to the transmitter to damage the results of Arbitron ratings the position of Program Director was responsible for. That filing was stopped within FCC and lost three times, two email and one ground mail submission were 'mysteriously' ignored.

It was the right thing in showing EEOC their claim of the employer not qualifying for EEOC jurisdiction was in error.

It was the right thing in attempting to hire a minority to a full time position, then to attempting to rehire her to a fulltime position after she resigned over previous discrimination.

It was the right thing trying to make a black music radio station have black air talent.

It was the right thing in every step of the employment and every step of the case that followed.

It was the right thing in filing an FCC complaint showing proof the employer lied on their EEO and license renewal forms.

It was the right thing in keeping records of all incidents, emails, letters and notes: every single allegation proven by document.

It was the right thing to assume one's Senator to be an advocate of his constituency.

It was the right thing to request the FBI to uphold its responsibilities.

It is a sad thing to know that "An independent, bi-partisan agency within the executive branch responsible for enforcement and compliance concerning elimination of employment discrimination by private and public employers", is guilty of the very law it is to enforce and seems to be beyond oversight.

Not this time. Every crime is documented. Every scheme is documented. Every claim is documented.

"I will stand up for equal rights. I will stand up for affirmative action in cases needing it. I will also stand up for my own rights as those rights afforded by the constitution are for all persons in this country, not just for those who have special consideration." Lee Kent Hempfling.

Exhibit 2-DD FCC letter 3-10-2004 Complaint

Federal Communications Commission
Enforcement Bureau
445 12th Street, SW
Washington, DC 20554

Fax: 202-418-0232

March 10, 2004

FCC:

The following complaint was filed with the FCC starting 13 August, 2002 for three submissions. You lost or ignored every single one.

It was filed again 11 February, 2004 as the 4th submission.

Now, you have indicated it was received on March 10, 2004. Records of email below will show this to be a lie.

This is now the FIFTH (5th) submission of this complaint to the FCC.

Your immediate attention and investigation of this complaint is demanded.

A copy of this letter is being faxed to news media and Government numbers.

At a time when you are spearheading an anti-indecency campaign, fining stations for infractions of ambiguous rules you have shown your agency to be indecent in the manner in which you protect the public frequencies by ignoring complaints, stalling complaints and passing the buck.

The buck stops now.

Lee Kent Hempfling
PO Box 6932
Apache Junction AZ 85278
480-332-1535

Exhibit 2-EE 3-16-2004 Dismissal letter From Sanders



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office

129 West Trade Street, Suite 400
Charlotte, NC 28202
(704) 344-6682
TTY (704) 344-6684
FAX (704) 344-6734 & 6731

March 16, 2004

Charge Number 140A201867
Hempfling vs LM Communications

Mr. Lee Kent Hempfling
P. O. Box 6932
Apache Junction, Arizona 85278

Dear Mr. Hempfling:

The processing of your charge of employment discrimination in the above referenced matter has been completed. The Equal Employment Opportunity Commission (EEOC) is dismissing your charge and is issuing you a Notice of Right To Sue.

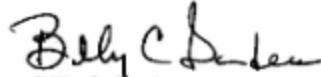
The evidence obtained by the Commission indicates that after five and a half months of employment you were discharged from your position because of unsatisfactory job performance. The evidence obtained by the Commission reveals that the offensive e-mails from your co-worker as well as anti-Semitic e-mail from non-station employees do not rise to the level of religious harassment that violates Title VII of the Civil Rights Act of 1964, as amended. It is undisputed that you complained about your co-workers, however, your complaints were not about religious discrimination. It is also undisputed that your co-workers complained about you and felt that you were harassing them and violating their Civil Rights. The evidence obtained by the Commission also reveals that you did not have to accept a Black Female's Letter of Resignation submitted to you on February 28, 2002, wherein she specifies the conditions under which she would continue her employment with the station. However, you pre-selected a male as well as sought and obtained a salary of \$30K per year for him and recommended the hiring of another male. No evidence was presented that shows you opposed a Black Female not being rehired by the station or that prior to your discharge you participated in an employment discrimination investigation of the station relative to failure to hire minorities. The evidence shows that you had the opportunity to hire another Black Female applicant but claims she lacked experience and needed training as well as promote another Black Female who you did not have time to train. Other than your verbiage, no evidence was presented that shows your intent to hire minorities especially Black Females or that you opposed the station's failure to hire minorities. Therefore, despite your claims, the decision to discharge you had nothing to do with your opposing discrimination in the workplace or your participating in an investigation of discrimination in the workplace. With respect to your being subjected to discriminatory terms and conditions of employment, no evidence was presented that shows your terms and conditions of employment were any different than your co-workers.

In view of these facts, it is unlikely that further investigation of your charge will result in a finding that a violation of the law(s) under which you filed your charge has occurred. For that reason, we have dismissed your charge and closed your file.

Enclosed you will find a Dismissal Notice of Right To Sue and, Information Sheet which describes your right to pursue the matter in court by filing a lawsuit within 90 days of your receipt of the dismissal notice. This 90 day period for filing a private lawsuit cannot be waived, extended, or restored by EEOC.

I regret that we cannot be of further assistance to you in this matter.

Sincerely,

A handwritten signature in black ink that reads "Billy C. Sanders". The signature is written in a cursive style with a large, prominent "B" and "S".

Billy C. Sanders
Program Manager
(Outreach & Education)

Exhibit 2-FF FCC Violations

Apache Junction AZ 85278)
Telephone: 480-332-1535 }

Details of WCOO: }

WCOO SC KIAWAH ISLAND USA

Licensee: L.M. COMMUNICATIONS II OF SOUTH CAROLINA INC.
Service Designation: FM 'Full Service' FM Station or Application

288C2 105.5 MHz Licensed
File No.: BLH -20011012AAX Facility ID No: 50729
CDBS Application ID No.: 584316
Antenna Structure Registration Number. (ASRN): 1217880

32 ° 39' 57.00" N Latitude
80 ° 03' 11.00" W Longitude (NAD27)

Polarization: Horizontal Vertical
Effective Radiated Power (ERP): 50.0 50.0 kW ERP
Ant. Height Above Average Terrain (HAAT): 133. 133. meters HAAT
Ant. Radiation Center Above Mean Sea Level: 135.0 135.0 meters RCAMSL
Ant. Radiation Center Above Ground Level: 133. 133. meters RCAGL

Not directional
Not in a Border Zone

For Violations Of The Following:)

APPLICABLE LAW AND RULE CITATIONS

Part 73 Sec. 73.1560 (d) was not adhered to or followed in the requirement to "If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored."

Part 73 Sec. 73.1745 was clearly violated in the reduction of power of WCOO during the first phase of the spring Arbitron rating period by (a) No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.(b) Any unauthorized departure from an operating schedule which is required to be filed with the FCC in Washington, DC, will be considered as a violation of a material term of the license.

Part 73 Sec. 73.1870 was violated by Mike Almond (Mike Allen) during the period of low power transmission by his position as chief operator where he (c) shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner. 3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.

Part 73 Sec. 73.4180 Before I instituted a Payola, Plugola, kickback policy and required all staff to sign the disclosure documents (after learning that the station did not have such compliance in force) Linda Logan advertised her own DJ service on the air without payment to the station and in doing so devoted air time each day following a DJ job in thanking and recognizing the businesses and persons who had paid her to perform the out of station position and did advertise her own service without payment to the station. Upon initial objection to this illegal function management dismissed the problem. It took contacting the consultant to acquire a Plugola, Payola standard form in order to comply with this rule.

Part 73 Sec. 73.4097 EBS (now EAS) attention signals on automated programming systems.

Part 73 Sec. 73.1300 Unattended station operation. "Broadcast stations may be operated as either attended (where a designated person is responsible for the proper operation of the transmitting apparatus either at the transmitter site, a remote control point or an ATS control point) or unattended (where highly stable equipment or automated monitoring of station operating parameters is employed). No prior FCC approval is required to operate a station in the unattended mode. Regardless of which method of station operation is employed, licensees must employ procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS)."

DISCUSSION AND ALLEGATIONS:

In reference to: **Part 73 Sec. 73.1560. [1]**

On or about three weeks prior to May 2, 2002 (approximately April 11 through the 18th, 2002) while the WCOO main transmitter was turned off and the station was broadcasting from its back-up transmitter said back up transmitter was purposely operating at between 35 and 50 percent of authorized power. The Commission was not advised of this purposeful reduction in power as the intent was to defraud the market of the WCOO transmission thereby affecting the ratings outcome and the rates and revenue structure of the market. Bruce Musso, the engineer of WCOO, purposely consummated this act. At no time did WCOO advise the Commission of low power in violation of this section.

During the above-mentioned time frame numerous phone calls were received to WCOO by listeners complaining of being unable to pick up the station from areas that are well within the

normal contour. Phone calls were received from employees (Joel Barnes, Dan Williams, Ken French, John Majhor) advising they could not pick up the station. John Majhor's wife Sirit advised of her beauty parlor being unable to pick up the station when they normally listened regularly throughout the day.

When these calls were mentioned to General Manager Charlie Cohn his response was to

- 1: Identify the location as being too far away to be relevant or
- 2: Identify the problem as being 'temperature inversion' or
- 3: Advise the solution was a tube replacement in the main transmitter.
- 4: Not at any time did Charlie Cohn deny the station was not running at full authorized power.

The event which took the main transmitter off the air was referred to as a 'lightning strike' by the Chief Operator. The Program Director of WCOO was not advised and had no knowledge of a 'lightning strike'. Listening to WCOO it was not evident that any such interruption took place.

No such 'temperature inversion' problems were evident by sister station WYBB-FM which is located on the same tower during the above-mentioned time frame.

The Orban station processor was re-set by consultant Don Hallett and Chief Engineer Phillip Fraley on an in station visit as it had been set to make the station sound very dull. Immediately after their departure engineer Bruce Musso hacked into the re-set security codes of the Orban and changed the settings back to the dull and aggravating settings used prior to the change by Hallett and Fraley in a clear attempt to further damage the station's ability to be listened to.

In reference to: **Part 73 Sec. 73.1745**

In so reducing power WCOO violated this section.

In reference to: **Part 73 Sec. 73.1870**

The Chief Operator either did not certify logs properly or falsified logs to be certified during the above-mentioned time frame.

In reference to **Part 73 Sec. 73.4180**

At no time during the station's entire history prior to [3] April 1, 2002 did the station or its sister station WYBB-FM ever have or require the signature of employees on a payola-plugola statement. Such statement was drafted (see [3]) from copies provided by the consultant (Don Hallett) after I inquired if the

Station had such statements on file as I had never been asked to sign one and had been dealing with a Plugola issue with midday person Linda (Logan) Grumbein which had been going on for some time as she plugged the companies and people she had performed outside DJ services for and would be performing for. I instituted such statement and required all on air staff to sign it.

In reference to **Part 73 Sec 73.4097**

Eas tests logged and certified as being completed between the hours of 6PM and 5:30AM Monday through Friday and from 6PM till 10AM Saturday and Sunday were technically unable to be completed as the station's EAS system requires a manual operator to activate the test tone equipment between two audio elements of a prerecorded EAS Test announcement. During such unmanned hours all tests certified as performed were fraudulent.

In reference to **Part 73 Sec. 73.1300**

"Regardless of which method of station operation is employed, licensees must employ procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS)." The station fails to ensure compliance with Part 11 while fraudulently certifying compliance.

ATTACHMENTS:

Emails attached [1], [2], [3]: demonstrate the violations and notice of them to the company consultant.

SUMMARY:

I ONCE AGAIN respectfully submit these allegations for investigation and commission action at the earliest possible opportunity to enforce commission rules and regulations. This is the FIFTH submission of this complaint to the FCC.

[SIGNED]

Lee Kent Hempfling
PO Box 6932
Apache Junction AZ 85278
P: 480-332-1535
Email: lkh@rollovermartin.com

Exhibit 2-GG Copy of Email from Thompson to Sanders 8-4-2002

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 hedidn'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)

Exhibit 2-HH OGE.GOV RESPONSE TO LETTER 2-17-2004

From: "Suesie" <suesie@cox.net>
To: "John Eaton" <jeaton@oge.gov>
References: <s031d9cc.045@int_pri_cluster_groupwise_pool_server>
Subject: Re: An open letter to George W. Bush, President of The UnitedStates of America.

Date: Tue, 17 Feb 2004 07:10:03 -0700

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: "Suesie" <suesie@cox.net>

X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165

It is ABSOLUTELY within the executive branch.

It is ABSOLUTELY a series of violations of ethics.

Review the case. Read something. Instead of just a short
'look see'.

The executive branch of this government has violated my
constitutional rights in a series of unethical and illegal acts.

Want to try that again?

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

From: "John Eaton" <jeaton@oge.gov>

To: <suesie@cox.net>

Sent: Tuesday, February 17, 2004 7:07 AM

Subject: Re: An open letter to George W. Bush, President of The UnitedStates
of America.

> Dear Ms. Hempfling:

>

> I am writing in response to your email sent to OGE on February 15, 2004

> . Unfortunately, your matter is outside of OGE's jurisdiction.

>

> OGE is a separate Federal agency whose mission is to direct executive

> branch policies relating to the prevention of conflicts of interest on

> the part of the officers and employees of executive branch agencies.

> OGE's primary duties include developing executive branch rules and

> regulations pertaining to standards of ethical conduct, post-Government

> restrictions, and public and confidential financial disclosure.

>

> I sincerely regret we could not be of further assistance to you.

>

> John Eaton

> Office of Government Ethics

>
>
> >>> "Suesie" <suesie@cox.net> 02/15/2004 11:22:17 AM >>>
> An open letter to George W. Bush, President of The United States of
> America.
>
> Dear Mr. President,
>
> What would you do..... if your civil rights were violated by the VERY
> administration you support?
>
> How would that make you feel?
>
> I and my husband are registered Republican voters. We have supported
> and prayed with this administration from day one,
> cried for each life lost in the 9-11 attack's on our brothers and
> sisters, praised our soldiers for their dedication to this country as
> they still fight the battle for freedom and justice.
>
> Justice, Mr. President. Justice.
>
> That is what we all want.
>
> What if you knew about crimes and these crimes were against you, which
> involved the NAACP's "back door"
> to the EEOC, a Senators office (Lindsey Graham); and that Senators
> office turned evidence over to the VERY
> department that had violated your civil rights: the EEOC itself?
>
> How would you feel about that, Mr. President?
>
> And now, the Criminal Division of the Justice Department blew you off
> and NEVER bothered to see the evidence
> that is FULLY documented in a secured location on line??? Username and
> password were given to EACH department
> that received the urgent plea for justice from the country we both
> love.
>
> No one entered the site.....no one bothered to see the evidence.
>
Doc 342
3
> Would you still support the people in charge of running this country or
> would you mistrust them?
>
> What would you do?

>
> What if you DID as your President asked of you and you put country
> before self and you lost EVERYTHING you owned?
>
> Would you give up? Even if you had already fought for two years for
> justice?
>
> We went to our state Senator, Lindsey Graham, and provided 131 pages of
> documented evidence and even demanded that it be turned over to the
> justice department to be investigated. Instead, it was ignored for
> months and months then turned over to the department we were charging,
> thanks to Jean Price of Senator Graham's Mt. Pleasant office in South
> Carolina and Senator Graham's Chief of Staff, Mr. Richard Perry,
> Washington D.C.
>
> How would you feel, Mr. President, if this happened to you and your
> family?
>
> I am a colo-rectal cancer survivor, Mr. President. I beat that disease
> fourteen years ago, Sir.
>
> Will the country ever rid itself of the cancer that has woven itself
> deep inside our government?
>
> I call upon you, Sir, to clean up the corruption inside your own house
> so no one else will EVER be a victim
> of the government we so desperately want to trust again.
>
> The details have been kept for the press and law enforcement in a
> secure location. It is time the people know what this government does to
> its citizens.
>
> The buck stops at your desk, Mr. President. Will the injustice stop
> there too?
>
> Abraham Lincoln:
>
> "Character is like a tree and reputation like its shadow. The shadow is
> what we think of it; the tree is the real thing."
>
> Sincerely
>
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4
> Suesie Kent Hempfling
>

> ...and every citizen of this mighty country
>
> The press briefing material has been secure until now.
> <http://www.rollovermartin.com>
> is now open to the public.
>
> Suesie Kent Hempfling
> POB 6932
> Apache Junction AZ 85278
> 480-332-1535
> .
>

Exhibit 2-II ABCTV4 WCIV CHARLESTON SC MANAGEMENT CENSORS
CHARLESTON RACIAL SCANDAL 2-13-2004

Doc 340

1

ABCTV4 WCIV CHARLESTON SC MANAGEMENT CENSORS CHARLESTON
RACIAL SCANDAL
FOR IMMEDIATE RELEASE

KEYWORDS: Radio Broadcasting Industry, WCOO, Charleston South Carolina, Equal Employment Opportunity Commission, Federal Communications Commission, Department of Justice, L.M. Communications Inc., Senator Lindsey Graham, WCIV

Phoenix, Arizona (February 13, 2004) ABCTV4 WCIV's Nina Sossamon, six times voted Charleston's favorite news anchor who recently joined the WCIV Anchor Team had been provided with confidential information and pre-release notification since February 9, 2004 regarding a racial scandal inside Charleston media that touches both races, equally. Other local Charleston television news departments have not been provided information out of respect to Ms. Sossamon's coverage of the story.

A white radio station program director in Charleston SC (WCOO) tried to hire a part-time black female to a full time job on a black targeted rhythmic oldies station. He was harrassed for it in 42 different acts, then fired.

The EEOC with the SCNAACP used the white manager's EEOC Complaint as leverage to settle the black female's case with the radio station by destroying documents, altering forms in a 21 federal count disaster.

On February 12, 2004 Ms. Sossamon was provided with a press release (that was only transmitted to <http://www.allaccess.com>, the radio industry online source of record and Ms. Sossamon), entitled: "UNITED STATES ATTORNEY'S OFFICE REFERS ALLEGATIONS TO CHIEF DIVISION COUNSEL OF THE FEDERAL BUREAU OF INVESTIGATION IN SOUTH CAROLINA". That release stated, "Assistant United States Attorney Nancy C. Wicker has informed Mr. Hempfling that Tom O'Neill, Chief Division Counsel for the FBI in South Carolina has been informed of the 'continued interest in having this matter investigated'."

In an email of February 13, 2004 Ms. Sossamon informed the Plaintiff: "I am holding on to all of this and have talked to management about the story - it is not something we can tackle right now" .

The scandal involves racial prejudice and retaliation at local radio station WCOO (now known as The Bridge at 105.5), EEOC corruption, special interest influence by the South Carolina NAACP, The Reverend Joseph Darby, Patricia Thompson, now living in Columbia, WCOO parent company, L.M. Communications Inc., L.M. owner Lynn

Martin, EEOC Program Manager Billy C. Sanders and the office of South Carolina Senator Lindsey Graham.

Senator Graham has recently changed his involvement in the 'memo-gate' investigation within the Senate. According to online journal CommonVoice.Com, "Sen. Lindsey Graham has taken the side of Democrats on the Judiciary Committee who insist that the real scandal over the memos containing the plot to block judicial nominees is the fact that the memos got into the wrong hands, not what they contained."

Very recently, in the word of NewsMax.Com, Graham "told Fox News' Cal Thomas that one of the best senators he has worked with is Hillary Rodham Clinton."

Siding again with the Democrats, Graham said, "Somebody needs to be fired," said Graham, according to The Associated Press. "Somebody in Washington needs to eventually lose their jobs, whether it's on weapons of mass destruction or this type of behavior."

According to FoxNews.com Friday, December 12, 2003: "Sen. Lindsey Graham, R-S.C., said in a recent statement that if someone feels violated by the leaks, it should 'be dealt with,' but neither should the substance of the documents be ignored. 'I will be their worst nightmare when it comes to what these memos said,' Graham said."

Why has Graham changed his stripes?

The end of December 2003 marked the fourth month Graham's office in Mt. Pleasant represented by Jean Price and Chief of Staff Richard Perry in Graham's Washington D.C. office had held on to serious allegations of federal offenses without turning them over to the Justice Department and without addressing the charges.

It is evident by the correspondence with Graham's office that the Senator did not have knowledge of the charges and that they were concealed from him.

Since becoming aware of those charges and his staff's illegal obstruction of justice Graham's heavy handed remarks of mid December, challenging the Democrats, have changed to appeasement.

On January 15 and 16, 2004 South Carolina Governor Mark Sanford, Attorney General Henry McMaster, United States Attorney J. Strom Thurmond, Attorney General John Ashcroft, FBI Director Robert S. Mueller, Civil Rights Division Assistant Attorney General R. Alexander Acosta, North Carolina Attorney General Roy Cooper, EEOC Chair Cari Dominguez, FCC Chair Michael Powell and Inspector General Glenn A. Fine confirmed receipt of a document providing information of 21 federal felony violations Within the 21 count 'information', which has been referred to the FBI in the proper manner, by Assistant United States Attorney Nancy C. Wicker, offenses include: Fraud by wire, radio, or television; Aiding and Abetting; Conspiracy to commit offense or to defraud United States; Conspiracy against rights; Deprivation of rights under color

of law; Federally protected activities; Government seals wrongfully used and instruments wrongfully sealed; False Statements - Statements or entries generally; Tampering with a witness, victim, or an informant; Obstruction of proceedings before departments, agencies, and committees; Engaging in monetary transactions in property derived from specified unlawful activity; Concealment, removal, or mutilation generally of RECORDS AND REPORTS; Conspiracy against civil rights; Extortion by officers or employees of the United States; Interstate communications; Accessory after the fact; Extortion; Altering court documents or entering unauthorized judgments and others. All charges are fully supported in written documents.

Access to the evidence documents was provided to all recipients through a secure server. NOT ONE recipient accessed the evidence, yet the US Department of Justice Criminal Department of the Civil Rights Division ruled that allegations made in the document, after 'carefully review[ing]' do not meet the requirements for violations of Plaintiff's civil rights. This means blatantly illegal acts by the federal government and its employees in direct involvement with the NAACP, which results in the loss of civil rights of a white male, without looking at the evidence, are deemed to not have had violated civil rights of the victim as the defendants included the EEOC and the FCC.

The ONLY access attempt made to the secure server was using private credentials provided only to EEOC Chair Cari Dominguez and originated from a Charlotte N.C. AT&T dial up account out of Fayetteville N.C. at 8PM. That attempt was caught and failed.

Through special interest involvement, the EEOC destroyed and tampered with official documents (originals are available) in order to settle the case of a black female before the EEOC to quash the case of a white male before the EEOC in order to protect the license renewal filing of the radio station and provide preferential treatment to the minority complainant at the expense of every civil right afforded to the white complainant.

To compound the case, EEOC Field Management Programs Director Cynthia G. Pierre responded to the 21 count private notice to Chair Cari Dominguez by addressing "in your correspondence you raise concern about the time it is taking for the processing of your charge of discrimination filed with the EEOC Charlotte District Office."

The document mentioned the 19 months since filing, but in no way was that all that was mentioned and it documented the criminal activity causing the case to be ignored by EEOC with emails from Billy C. Sanders of EEOC, charged in the majority of the counts. Pierre's letter continued: "The information that you provided at the time the charge was filed played an important role in determining the priority and time frame for processing the charge."

Lee Kent Hempfling's (known as Lee Kent in the morning on Cool 105.5 WCOO in Charleston) filed documents weighed over two pounds and were copies of originals

depicting and proving over 42 individual incidents of retaliation for Hempfling's repeated attempt to HIRE A BLACK FEMALE FULL TIME at WCOO.

For that act, Hempfling was fired. Billy Sanders of EEOC received Patricia Thompson's complaint, after she had resigned from the station and settled that case with WCOO in May of 2003. In government email, Sanders warned Hempfling in August of 2003 that the topic would change if the case continued and threatened Hempfling's reputation in the process.

Sanders also claimed Thompson had nothing good to say about Hempfling, whereas the email and printed document record from Thompson shows exactly the opposite. Following the press release that started the association and "it should break in Charleston" relationship with Nina Sossamon on February 9, 2004, EEOC mailed Pierre's letter, hand stamped but not type dated as written on the 6th of February.

To add intimidation to the EEOC's crimes Pierre informed Hempfling that "an on-site visit has been scheduled for the week of February 9, 2004 ... Mr. Billy C. Sanders will contact you soon."

The one person who had the most federal felony charges alledged against him in the horrible, racially based, scandalous incident was to pick up where he left off as if nothing had happened.

Only the DOJ Civil Rights Division, who never bothered to see the evidence, the EEOC, who gave access to the accused and Thurmond have responded to the charge allegations. And now, the case of a white male, who's civil rights were destroyed by special interests and the EEOC has been handed right back to the charged person who committed most of the crimes and ABCTV4 WCIV finds it within their personal best interest not to run the story, after preferential information was provided to them just for that purpose.

The entire case is available for the press in online locations.

Access <http://64.176.52.217/pressrelease.cgi> to read all press releases.

Access <http://www.rollovermartin.com> to view the evidence and all 21 federal felony charges. Use username: press and password: access .

<http://64.176.52.217/pressrelease.cgi?contentid=thurmond> Read the February 9, 2004 US

Attorney Letter

<http://64.176.52.217/pressrelease.cgi?contentid=civil> Read February 2, 2004 Civil Rights Division Letter

http://64.176.52.217/eeoc_scam.gif Read the February 9, 2004 EEOC letter

As published in AllAccess.Com TUESDAY, FEBRUARY 10, 2004: "Former WCOO/CHARLESTON, SC PD LEE KENT (HEMPFLING) is suing over what he alleges is the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION's failure to properly adjudicate his claim that he was dismissed in 2002 in retaliation for his attempt to promote an African-American female for a full-time job. KENT says that

when he and PATRICIA THOMPSON filed separate complaints to the EEOC, only THOMPSON's racial discrimination claim was prosecuted (and settled), while his was held back, mischaracterized by licensee L.M. COMMUNICATIONS as a religious bias claim, an eventually ignored by the EEOC."

"KENT's suit alleges that several major political figures, including Attorney General JOHN ASHCROFT, Sen. LINDSEY GRAHAM (R-SC) (whose office KENT says held onto the case for four months and then, instead of sending it to the Attorney General, sent it back to the EEOC), FCC Chairman MICHAEL POWELL, FBI Director ROBERT MUELLER, and SOUTH CAROLINA Gov. MARK SANFORD were in receipt of the initial complaint and evidence yet did nothing. KENT says that the EEOC, working in concert with the SOUTH CAROLINA NAACP, never performed fact-finding and held the complaint in abeyance until the station's license renewal could be filed; he also alleges that the license renewal forms were fraudulently filed and documents were destroyed."

As published in AllAccess.Com THURSDAY, FEBRUARY 12: "LEE KENT fires another round in his battle over his dismissal from the PD post at WCOO/CHARLESTON, SC with the filing of a complaint with the FCC charging WCOO licensee LM COMMUNICATIONS with filing a "fraudulent license renewal."

KENT charges that the company mischaracterized his filing of a complaint at the EEOC as based on his religion instead of alleging a retaliatory firing based on his attempt to promote an African-American worker to full-time status. KENT also alleges several FCC rule violations, including improper power, a jock improperly plugging her own mobile DJ service, unattended station operation, and EAS test violations. "

The national radio media is covering this story which originated in Charleston South Carolina. A United States Senator is changing his stripes to avoid being a target of Democrats in a Presidential election year, with Senator Fritz Holling's seat being vacated. ABCTV4 pulls the story. WCIV's Nina Sossamon was selected to break the story in Charleston due to her high degree of integrity, journalistic fairness and deep concern for the LowCounty. WCIV management's decision to block the story smacks of a good old boy political coverup.'

###

CONTACT

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lkh@rollovermartin.com

Press Kit Available At:
www.rollovermartin.com

Exhibit 2-KK YASSAR ARAFAT THREATENING IMAGE 4/23/2002

return-Path: <wazuptoyou@hotmail.com>
Received: from msgstr01 (msgstr01-data [172.20.3.33]) by
msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.3 (built Apr
8 2002)) with ESMTTP id <OGV0008N3XJC8B@msgstore03.icomcast.net> for
leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Tue, 23 Apr 2002 09:59:36
-0400 (EDT)
Received: from bright11.icomcast.net (bright11-qfe0.icomcast.net
[172.20.4.100]) by msgstore01.icomcast.net (iPlanet Messaging Server 5.1
HotFix 0.3 (built Apr 8 2002)) with ESMTTP id
<OGV000KIUXJ8BD@msgstore01.icomcast.net> for leekent@comcast.net (ORCPT
leekent@comcast.net); Tue, 23 Apr 2002 09:59:32 -0400 (EDT)
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bright11.icomcast.net (8.11.6/8.11.6) with ESMTTP id g3NDxXO23988 for
<leekent@comcast.net>; Tue, 23 Apr 2002 09:59:34 -0400 (EDT)
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mtain01.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.3 (built Apr 8
2002)) with ESMTTP id <OGV0001BHXJ9UH@mtain01.icomcast.net> for
leekent@comcast.net (ORCPT leekent@comcast.net); Tue, 23 Apr 2002 09:59:33 -
0400 (EDT)
Received: from mail pickup service by hotmail.com with Microsoft SMTPSVC;
Tue, 23 Apr 2002 06:59:33 -0700
X-Priority: 3
X-MSMail-Priority: Normal
Received: from 68.59.6.131 by pv2fd.pav2.hotmail.msn.com with HTTP; Tue, 23
Apr 2002 13:59:32 +0000 (GMT)
Date: Tue, 23 Apr 2002 13:59:32 +0000
From: "Its Me" <wazuptoyou@hotmail.com>
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165
Subject: Fwd: Kiss My Cheeks
X-Originating-IP: [68.59.6.131]
To: <leekent@comcast.net>
Message-ID: <F174ZKpjE5aHaZVrDs900007fdc@hotmail.com>
MIME-Version: 1.0
Content-Type: multipart/mixed;
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FILETIME=[184FB010:01C1EACF]

This is a multi-part message in MIME format.

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Content-Transfer-Encoding: 7bit
Content-Type: text/plain;
charset="iso-8859-1";
format=flowed

>From: "Donald Strawn" <xradio@bellsouth.net>

>To: "Lee Kent" <lk@LeeKent.com>
>Subject: Kiss My Cheeks
>Date: Fri, 15 Mar 2002 22:17:45 -0500
>
>**Mr. Morning Dick Jockey**
> **This man would love to kiss yo cheeks!**



Exhibit 2-LL EEOC DISMISSAL

EEOC Form 161 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM Doc 18

DISMISSAL AND NOTICE OF RIGHTS

To: Lee K. Hempfling
P.O. Box 6932
Apache Junction, AZ 85278

From: Charlotte District Office
129 W. Trade Street
Suite 400
Charlotte, NC 28202

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No. 140-2002-01867
EEOC Representative Gloria J. Barnett, Enforcement Manager
Telephone No. (704) 344-6751

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- List of reasons for dismissal with checkboxes. The checked box is: 'The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.'

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this Notice; or your right to sue based on this charge will be lost.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Signature of Reuben Daniels, JR.

Reuben Daniels, JR, District Director

3/16/04

(Date Mailed)

Enclosure(s)

cc: Mr. David B. McCormack
Buist, Moore, Smythe, McGee
Attorneys at Law
P.O. box 999
Charleston, SC 29402-0999

Exhibit 2-MM RICHARD PERRY FOIA

March 3, 2004

**Mr. Richard Perry
Chief Of Staff
Office Of Senator Lindsey
Graham 1429 Longworth House
Office Building, Washington, DC
20515**

BY FAX: 202-225-3216

Re: Freedom of Information Act Request, Privacy Act of 1974

Mr. Perry:

Lee Kent Hempfling requests access under the Freedom of Information Act, 5 U.S.C. 552, et. seq. and the Privacy Act of 1974 to any record relating to Lee Kent Hempfling and communications between the Equal Employment Opportunity Commission, its District, Field, Area and Local offices and regional offices and any member of the staff of any United States Senator, Representative or Administrator, elected or appointed, The Federal Communications Commission, The Office of The United States Attorney General, The Office of the Governor of South Carolina, Any Executive Branch Offices, The South Carolina Human Affairs Department, The Attorney General of South Carolina, The Attorney General of North Carolina, L.M. Communications Inc., Lynn Martin, The South Carolina NAACP, The NAACP and their legal counsel and any memos, notes, emails and informations within the offices of Senator Lindsey Graham, from July 2002 through the present, regarding Lee Kent Hempfling, the Complaint Demanding A Federal Grand Jury, the EEOC charge and submitted documents by Lee Kent Hempfling, letters to and or from the office of Senator Lindsey Graham from EEOC's District, Field, Area and Local offices, letters to and or from any other person or organization and documents pertaining thereto. This request includes, but is not limited to, records maintained by the Office of the Senator and the Office of the Chief of Staff and field offices of Senator Lindsey Graham.

This request includes, but is not limited to, any and all communications regarding the correspondence of, from and to staff members of Senator Lindsey Graham.

Please search for responsive records regardless of format, medium, or physical characteristics. Records are sought of any kind, including electronic records, audiotapes, videotapes, CD's and photographs. The request includes any telephone messages, voice mail messages, email messages sent and received, daily agenda and calendars, information about scheduled meetings, whether in person or over the telephone, agendas for those meetings, participants included in those meetings, minutes of any such meetings, the topics discussed at those

meetings, e-mail regarding meetings, e-mail or facsimiles sent as a result of those meetings, and transcripts and notes of any such meetings.

Should you determine that a record or portion of a record is exempt from disclosure, please black out rather than white out that information, identify and describe it, and explain your legal justification for its nondisclosure. Any reasonably segregable non-exempt portion of a record, of course, must be disclosed. See 5 U.S.C. 552(b) ("Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt. . . "); see also *Schiller v. National Labor Relations Board*, 964 F.2d 1205, 1209 (D.C. Cir. 1992).

It is further requested that any records relevant to this request not be destroyed. If any record responsive to this request has been destroyed, please identify it, describe its contents, and provide the justification for its destruction.

Fee Waiver Request

In accordance with 5 U.S.C. 552(a)(4)(A)(iii), and the Privacy Act of 1974, Lee Kent Hempfling requests a waiver of fees associated with processing this request for records.

The information responsive to this request will be analyzed, and such analysis will likely be shared with the public, either through memorandums or reports which are likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester as such information pertains to federal offenses and criminal allegations filed with The Department of Justice, The Federal Bureau of Investigation, The South Carolina Attorney General's Office, The North Carolina Attorney General's Office and others, the prosecution thereof being in the best

interest of The United States of America. 5 U.S.C. 552(a)(4)(A)(iii). See eg., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Furthermore, under The Privacy Act of 1974 citizens have the right to see files about themselves and the right to request an amendment if the record is incomplete, untimely, irrelevant, or inaccurate. Release of this information is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Acquisition of the requested information specifically concerns identifiable "operations or activities of the government" and the public's understanding of the subject matter in question, as compared to the level of public understanding

existing prior to the disclosure of requested information will be significantly enhanced.

Under these circumstances, Lee Kent Hempfling fully satisfies the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee problems in fully releasing the requested records within the statutory period, please call me within that time period. I can be reached at (480) 332-1535.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Your prompt attention to this request is appreciated.

As the charging party I do hereby grant you permission under the Privacy Act of 1974 to release said information about me, to me.

Sincerely,
Lee Kent
Hempfling PO Box
6932
Apache Junction, AZ 85278

Exhibit 2-NN PATRICIA THOMPSON RECOMMENDATION 8/1/2002

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 <0H05004ATXIOOE@msgstore03.icomcast.net> for leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Thu, 01 Aug 2002 07:35:12 -0400 (EDT)
Received: from mtain03 (bright-LB.icomcast.net [172.20.3.155]) by bright08.icomcast.net (8.11.6/8.11.6) with ESMTP id g71BZB026463 for <@msgstore03.icomcast.net:leekent@comcast.net>; Thu, 01 Aug 2002 07:35:11 -0400 (EDT)
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Received: from OnlyOnePatriciaT@aol.com (mail_out_v33.5.) id i.174.c413245 (30960) by imo-d09.mx.aol.com for <leekent@comcast.net>; Thu, 01 Aug 2002 07:35:00 -0400 (EDT)
X-Priority: 3
X-MSMail-Priority: Normal
Date: Thu, 01 Aug 2002 07:35:00 -0400 (EDT)
From: <OnlyOnePatriciaT@aol.com>
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165
Subject: Fwd: Mr. Lee Kent
To: <leekent@comcast.net>
Message-ID: <174.c413245.2a7a76e4@aol.com>
MIME-Version: 1.0
X-Mailer: AOL 5.0 for Windows sub 40
Content-Type: multipart/mixed;
boundary="-----_NextPart_000_079D_01C410F6.F9F1A920"

This is a multi-part message in MIME format.

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charset="US-ASCII"
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A response ...

Also, your MEGA summary is MEGA Excellent ... after going over it in detail, for the most part, when I finally reached the end ... I wish you would have elaborated more in your staff meeting notes that you sent to DH after our first meeting together as a staff ... on the specifics of my enlightening you on the tension between me and LL ... it would have established a broader pattern from you as a new person coming in ... but just the fact that you mentioned it ... makes everything that much sweeter and oh how sweet the sweets will be ...

I also heard from Joe Darby, and he's invited me to attend the next NAACP meeting, fourth Thursday in August, perhaps you should consider coming along with me.

And, since Reverend Darby is from the Columbia area, originally, I believe, I know he is not from Charleston, as he moved here from Columbia about 4 years

ago ... I'll reach out to him regarding "attorneys" I'm sure he has to know of a few ... at least one.

Would you mind if I share the MEGA Summary with him ... I'm going to ask him to set some time aside for us to meet and I'd like to take your MEGA Summary along with me ... if only to see how wide his eyes bulge ... ;o)

Have a Tony Tiger G-R-E-A-T Day ...

Some of your MEGA Summary was soooooo funny ... some soooooo sad ... but ALL SOOOOOO HONEST!!!

Like SQ says ... The good will prevail!!! ;o) And, that's for MEGA sure!!!

-----=_NextPart_000_079D_01C410F6.F9F1A920

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Content-Type: message/rfc822

Content-Disposition: inline

Return-Path: <jfaidoo@hotmail.com>

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Received: from hotmail.com (f162.sea2.hotmail.com [207.68.165.162]) by rly-zd05.mx.aol.com (v86_r1.15) with ESMTTP id MAILRELAYINZD510-0731181604; Wed, 31 Jul 2002 18:16:04 -0400

Received: from mail pickup service by hotmail.com with Microsoft SMTPSVC; Wed, 31 Jul 2002 15:16:03 -0700

Received: from 205.219.45.3 by sea2fd.sea2.hotmail.msn.com with HTTP; Wed, 31 Jul 2002 22:16:02 GMT

X-Originating-IP: [205.219.45.3]

From: "Judith Aidoo" <jfaidoo@hotmail.com>

To: OnlyOnePatriciaT@aol.com

Subject: Re: Mr. Lee Kent

Date: Wed, 31 Jul 2002 22:16:02 +0000

Mime-Version: 1.0

Content-Type: text/plain; format=flowed

Message-ID: <F162wpHbn2MjdAfTtYJ0000ec4b@hotmail.com>

X-OriginalArrivalTime: 31 Jul 2002 22:16:03.0439 (UTC)

FILETIME=[DBAFCFF0:01C238DF]

X-Mailer: Unknown (No Version)

Thanks for the letter of recommendation... I really appreciate your taking the time to write it. Thanks again and very best regards, Judith Aidoo

>From: OnlyOnePatriciaT@aol.com

>To: jfaidoo@hotmail.com

>CC: leekent@comcast.com

>Subject: Mr. Lee Kent

>Date: Sun, 28 Jul 2002 16:16:21 EDT

>

>Ms. Aidoo,

>

>First let me personally welcome you to the Charleston Radio Market.

>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 reinspired 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
>843-709-1089

Send and receive Hotmail on your mobile device: <http://mobile.msn.com>

-----=_NextPart_000_079D_01C410F6.F9F1A920--

Exhibit 2-OO TRISH THOMPSON LETTER TO EEOC 8/1/2002

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:

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.

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.

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.

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.

If race, age, sex and/or disability discrimination was, indeed, a factor during this time.

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.

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:

Unlawful intentional discrimination

Compensation, assignment, or classification of employee

Job advertisements

3

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

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.

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.

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 3rd, 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.

6

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.

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.

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

Additionally, while sitting in a staff meeting, on August 20th, 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 11th, 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.

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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 30th, 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 31st, 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.

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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 27th, 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 30th 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.

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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 9th, 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.

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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 23rd, 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.

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 25th, 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.”

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:

“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!”**

In conclusion, on July 31st, 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

Exhibit 2-PP Case brief presented to Billy Sanders, 8/20/2003

I am Lee Kent Hempfling. I am nearly 51 years old, a victim of intense and horrendous intimidation, indignities and threats in my attempt to carry out equal employment opportunity within LM Communications and its affiliated companies. My complaint is real and enormous in scope and is highlighted here in presentation:

In the short time I was able to spend attempting to uphold the promise I made to Mr. Martin at my job interview to stay with the job until retirement I was subjected to a horrendous array of attacks from within and without the physical confines of the work place and after repeated and direct appeals to management, ownership and ownership's legal council to halt the intimidation acts I was constantly confronted with objections to my objecting; ignoring and blocking of my attempts to do the job as desired by Mr. Martin; attempts at character assassination including questioning my integrity and honesty and I suffered high blood pressure and massive weight loss as both my wife and myself suffered sleepless nights throughout it all.

The reason Cohn gave me for being discharged was "poor performance of the station". I wrote it down in my notebook of the day's meetings immediately after the entry made in the sales meeting where I was shocked to hear that after all those months WCOO was finally going to be given promotional items and

advertising to being told in front of the sales staff to meet ‘Charlie and Mike’ in a private meeting then be fired thereby making the new found cooperation shown in the sales meeting as the public humiliation it was.

Mike Almond’s presence as witness in that meeting was typical of past behavior when Mr. Almond was present at meetings dealing only with WCOO, meetings having to do with possible personnel changes and meetings called impromptu in order to show me a unified “story”.

The intimidation incidents were initially summarized in my filing with the Equal Employment Opportunities Commission wherein I listed:

- 1) Threatening emails while employed.
- 2) Threatening email after discharge.
- 3) Threatening anti-Semitic terrorist photo sent in email.
- 4) Refusal to permit carrying out the duties of my position.
- 5) Blame for lost commercial revenue.
- 6) Sabotage of work performed.
- 7) Public humiliation and character assassination.
- 8) Humiliation by management to staff.
- 9) Attempts to trick me into violating corporate policy.
- 10) Sabotage of transmitter power.
- 11) Sabotage of station audio processing equipment.

- 12) Sabotage of program elements.
- 13) Ordered not to so much as call the area code of Lexington Kentucky (both for me and my wife.)
- 14) Refusal to permit necessary work tools (which were provided immediately after I was fired.)
- 15) Called a liar repeatedly.
- 16) Insulted continuously behind my back.
- 17) Every report I made of unsafe or illegal behavior and conditions was ignored.
- 18) Receipt of a carefully edited mp3 file of “Crying Time Again” AFTER I was fired.
- 19) Equipment was damaged (but only effecting WCOO).
- 20) Notices of unsafe working conditions were ignored.
- 21) Music scheduling software was tampered with.
- 22) Attack continued after discharge.
- 23) Penalized for wanting to do my job and improve the midday slot at the radio station by insisting that such a position would be part time only.
- 24) Rumors and innuendos.
- 25) Threatened with legal action and advised of legal action against me.
- 26) Refusal to repair broken and damaged equipment only
 - a. for WCOO.
- 27) Replacing equipment (only for WCOO) with defective parts.
- 28) Hatred of ‘black’ music.

- 29) Branded a 'complainer'.
- 30) Intimidation of a new employee before the start date of that employee.
- 31) Software was deleted from production computer.
- 32) Given a broken 'boom box' to suffice for an air check machine.
- 33) Constant references to changing the station's format.
- 34) Being told to write a memo about a microphone caused an outrage by the engineer.
- 35) Show prep stolen from my desk.
- 36) Equipment in my desk was damaged.
- 37) Given a non-working telephone for my desk.
- 38) Ethics questioned.
- 39) Interruptions using the 'hot-line' during my morning show causing dead air and bad radio.
- 40) Tampering with the station's legal ID.
- 41) Given worst computer in the building to suffice for WCOO's music computer.
- 42) Degradation of my wife for having spoken to Mr. Martin.

These 42 individual events aimed at intimidating me into either leaving on my own accord or setting up a false claim for discharge of me from the position were perpetrated with malice and forethought and intended to bring about my rejection of, or

ejection from the position all because I hold a plain, logical philosophy of equality between races.

From the very first day of work in February to April 2002 I carefully performed the duties of my job under great duress not understanding why I was being attacked and treated like a sub human.

The interview trip was different.

On that interview trip I met people who were concerned for their jobs (as any air staff would be with a new programmer) and I met people who were assured of their jobs.

One person acting assured of his job was Bruce Musso.

Musso and I met for the first time while Cohn was taking me on a tour of the building. Musso was not friendly but he also was not hostile. We smoked cigarettes out the 'back door' and talked about radio while others joined in or listened. It was an agreeable discussion.

I had commented to Cohn that I was both shocked and thankful the station had a full time engineer, as it was a luxury most stations no longer have. I was excited about having a real engineer close by.

Then I was witness to a disgusting act when Musso caressed Logan and rubbed his chest into hers near the front doors of the building while laughing and snickering.

Why did the first meeting I had with Musso give me an impression of him other than what I was shown when I arrived to work on the very first day? Perhaps he was more like the incident at the front door than he was privately.

Musso would not talk to me. He would not recognize even a simple good morning. He ignored me. I later learned from employees that Musso treats everyone that way. He did not treat me that way when we met. There had to be a reason things changed.

Throughout March and April 2002 I kept wondering what the reason was that I was being subjected to at first being ignored then intimidated then threatened then sabotaged.

One potential was the Linda Logan issue. Linda Logan was in my professional and experienced opinion one of the worst midday performers and attitudes I had ever worked with. My attempts to replace her with the 'professional' Mr. Martin said he wanted in his radio station was met with objection and attack at every step even though she had been fired from the very same station for bad attitude before.

What did Linda Logan have to do with my being intimidated?

I looked into the issue with employees in the building and learned that Logan was believed to have sold drugs in the building while Steve Jason was General Manager. I did not know Steve Jason but additional digging found that allegations were

alive that Jason was a major drug connection in this town. Jason was later fired by Citadel for allegedly selling drugs in their building.

Perhaps the connection was Cohn's friendship with Jason and Logan's mutual interest with Jason.

Jason had hired Logan back after the company before had fired her. That made sense if the sources were accurate. But that issue was just a part in the chain of events. It was not the cause.

I learned in April 2002 that Linda Logan was changed from part time staff to full time staff without competitive open applications sought on January 21 2002, the day before I was finally able to speak with Cohn about a job and it became effective on the very day I was leaving Phoenix, Arizona to arrive here to be her new supervisor.

That would only have been done when a new programmer is coming to a station if the person doing the hiring had either a personal interest in the employee or an ulterior motive for a different interest. A professional manager would never show a direct disrespect for a new program director even before the programmer arrived at his first day.

Regardless of the overwhelming evidence pointing to a Steve Jason connection that did not sit complete with me so a further examination was in order. It had to be something simple and Logan had to just be a part, not the point.

Radio Consultant Don Hallett first read material written by me on or near October 01, 2001 at 9:54 AM when he logged into the Radio-Aid.Org site I had produced, acquired an account to receive the download and read my take on broadcasting as well as having been subjected to my postings about broadcasting on the AllAccess.Com posting board.

Hallett posted a message on that board later that supported what I had to say and I wrote thanking him for his post.

That was December 19, 2001: a day that made it all come together in retrospect.

During the morning hours of December 19, 2001 Hallett and I exchanged emails resulting in a mutual interest regarding a position open at one of his client stations.

At 10:26 that morning I provided Hallett with a web address containing my personal resume and air-checks. Lee Kent dot Com.

Later that afternoon Hallett informed me that he had spoken to the "GM" about me and that the "GM" had spent some time at my website.

I was discussing a position that had not been advertised and never was. I had sent a potential employer and consultant to a web site that contained my story. Part of that story was a reference to why I resigned from the Cincinnati Police

Department: because I would not take part in the beating of an innocent black man.

What did become advertised in AllAccess.Com's job board was a job opening for morning talent for WCOO where "previous programming experience could mean more".

Mike Allen, Operations Manager, placed that job ad on the afternoon of December 19 2001.

Hallett told me that Allen's holding the position was temporary and we pursued discussions about my being hired as Operations Manager for both WYBB and WCOO.

Hallett transmitted reference requests to my references asking for a reference for me as an Operations Manager. Months later I was confronted with shock from the LM Communications attorney while speaking on the phone that Mike Allen was still working for LM Communications at all. He apparently had assumed I was hired to replace Allen. It was believable, as Cohn had recently asked if I would mentor and teach Allen programming.

On December 19 2001 Hallett explained the position to me as Operations Manager for WYBB and WCOO for which the OM would also hold an air-shift. Later that day a job ad was placed for the air-shift I said I would like to hold, mornings on WCOO: while the position I was talking about was not advertised at all.

How could Hallett read my resume and bio and continue active discussions to help improve the performance of WYBB and WCOO and Cohn read my bio and resume and conclude that obstacles should be placed in the way of my being hired? How could Musso go from talkative to rude between interview and start day?

On the 26th of December 2001 I called for a ‘diverse airstaff, leaning black’ presented in one idea for a new WCOO in an email to Don Hallett.

From December 19 2001 to January 2 2002 I received no contact from Cohn about the position.

After repeated attempts to make telephone contact with Cohn over days since Hallett told me time was ripe we finally connected on January 3, 2002 where I was told I was one of 10 finalists. He was very friendly to both myself and my wife in two separate phone conversations.

I was excited about the opportunity, as both classic rock and rhythmic music were personal favorites of mine and my wife and I were looking for a home with a stable company wanting to succeed.

On the 4th of January 2002 Hallett transmitted reference requests to the names I provided.

On January 14th Hallett asked where things stood with ‘Charlie’ and me.

On January 16th I informed Hallett in email of the telephone conversation I had with Cohn about a meeting with me in Charleston for the following week.

On the 17th of January Hallett told me in email he would not be attending the ‘meeting’ in Charleston.

January 21, 2002 Cohn hired Logan full time effective February 1, 2002.

January 22 2002 Cohn called me to begin setting up air flight arrangements for the ‘meeting’.

Cohn tried to get me to buy the tickets. I refused to front the money (besides not having extra cash to throw around) and Cohn started discussions about my not having credit cards.

January 23 2002 Hallett informed me he was coming to the ‘meeting’ and that ‘discussions if not concern’ prompted him to say “You may need me in your court at the end of the day.”

A businessperson would logically look upon a potential employee who uses a debit card as less of a risk for garnishment but Cohn managed to make it an issue.

As evidenced in email to Hallett of January 23 2002, an offer for employment was made January 16th 2002 after I called Cohn responding to his message “We are ready to make you an offer and get to work...”. The only issues remaining were bonuses and

ratings incentives and the dollar amount was agreeable in the 'mid 50's.

In the January 23 letter to Hallett I informed him of my confusion of having been discussing the Operations Manager position for WYBB and WCOO and the abrupt change in talk from Cohn about Program Director only of WCOO.

January 25 2002 I met with Cohn, Martin and Hallett starting with lunch where Martin explained his vision for a professional and profitable property and Cohn lowered the starting amount of money and sidestepped the position issue. Martin talked a great deal about his goal to have a person in 'this' position that would stay with the company until retirement.

Yes, red flags were bothering me about Cohn and his roadblocks but the offer of a job till retirement was too enticing after all those years in radio. A job till retirement for a company that wanted professional radio was exactly what my wife and I were looking for. Martin appeared sincere in his desire for me to stay until retirement and it was on that issue alone I overcame the objections to Cohn's handling of the discussion and interview process and decided I would accept the position if I heard it from Martin.

I did later that day in a closed door meeting with Cohn, Martin and Hallett but not until after Hallett obviously was confused by the change of conditions so much that he interrupted the offer

discussion and made an offer to me directly to help find me a different job if I did not like the terms of this one.

But I believed Martin. After all, why would a man in business give perfectly logical reasons for a perfectly logically desired way of doing business and go against his own logic?

Days after the interview Linda Logan was apparently clandestinely hired by Cohn and raised to 19,000+ per year full time. When I arrived for work I did not know who was or was not full or part time or when they started. Cohn never provided me with any information about staff. It was not until April 2002 that a search of documents found inside the desk I was assigned and under a pile of useless papers unveiled the payroll authorization to hire Logan.

Not only had I been hired to perform that task but I was on that very day in transit to my new job.

What was the reason a hiring was made just before it was discussion time with me and effective just before I got to town?

It had to be to protect what was an obvious position I would be seeking to replace. Not to protect Logan but to keep anyone in the building who might be part time from being given the knowledge that a full time position was open. It would have been very obvious from my writings on radio and the bio and resume I presented on line that I follow equal opportunity guidelines. In

fact I had created a product called “Virtagent” (virtual agent) for a company I previously chaired that addressed equal opportunity in broadcasting and sought to make it standard operating procedure.

Patricia Thompson was presented to me from various different perspectives after I arrived for work the first week. I noticed many different objections to Thompson but all of them seemed shallow so I took a closer look.

I did not like the way show prep was being copied for a weekend air talent and put a stop to it. I brought up that item at the first staff meeting in which Thompson handled herself well. After talking with others in the building and listening to Thompson on the air I found a personality talent in her that was not being tapped and had not been properly extracted and a distaste for her from Musso, Logan, St. John and others that had nothing to do with performance or attitude.

On the 9th of February I made the first comment to Hallett in email regarding Thompson being more than I was led to believe and informed him that I was thinking about considering her for the 20-hour weekly evening shift then held by Stevie ‘Byrd’. “I’m

starting to think with a little coaching Trish could make one hell of a night girl...”

It surprised me in response that Hallett said, “I’ve never heard her”, since she had been with the station in what appeared to be longer than most others.

After ‘Byrd’ resigned when confronted with his having falsified pay record reports for months without actually showing up for work at all during that time except for Saturday nights when he would make the entire week’s generic voice tracks I was told by Cohn the position would not be replaced.

I saved the company from fraud and the result was the elimination of the position. My first plans for a shift in which to train a talented personality was eliminated.

At that point I was taking the first 30 days of the new job to get to know the staff and did not make any recommendations for staff changes until that evaluation period had completed.

It is best to give people the most opportunity possible to prove themselves over and above the results their ratings show and I provided that time period, meeting with staff members, listening and watching their interactive nature within the business.

After that period completed and I knew the direction to take the station I planned to work with Logan and St. John to see if I could improve their performance and trim their attitude problems softly. In the mean time I placed a blind box ad for production director air staff member in numerous on line industry job sites including allaccess.com and insideblackradio.com.

The process was a backup to any potential failure to salvage existing staff and with St. John suffering from strokes having a backup could have been necessary.

While that search was underway I set standards for performance by staff in the first air-staff meeting and talked to them individually about adhering to them. Those standards along with more detail about issues no one would have expected to see on air were issued on February 20 2002 to all air staff in writing. 1 full time air staff employee was left while Skip was in the hospital.

A necessary tool for the job of programmer is an air-check machine. WCOO had no air-check machine, although I was told it used to. It is rather ridiculous to expect a program director to discuss a person's on air performance without having a taped copy of the program by which to refer yet I was prohibited from acquiring an air-check machine. WYBB had one installed and working well and after attempts through Cohn failed Hallett managed to get agreement in his words for a 'care package' of parts to create an air-check machine from the chief engineer in Lexington.

Neither Musso nor Cohn ever requested the 'care package'. I did not have the authority in any engineering topic.

My first day on the air was February 14th, Valentine's day. The contest I ran to open the show drew quite a few calls and the trend for that period of time showed a giant increase in black females. Imagine that. A black music station getting a giant increase in trending black females on the day after two weeks of promotional mention a piece of diamond jewelry was up for grabs after getting a Huggies diaper and a Hershey's kiss.

The jump in black females was pointed out to Cohn who rejected it as a fluke. Here I was. The guy who is against bigotry, wanted to place a black part time female into a previously held black part time male's shift who had that shift destroyed and run

without a talent so the black female could not be hired for it and the person responsible for all the intrusion winds up pulling a great trend with black females and to imagine the Confederate flag on Musso's truck and his constant ranting in the halls about "fucking cool" and his refusal to place WCOO in the music on hold for the station after months of WYBB playing Howard Stern to the business person on hold.

It was just the beginning.

But it was a beginning that set the tone for the rest of my tortured existence at WCOO.

On February 20 2002, after talking to Cohn about the problems in the evening shift as Stevie Byrd had just resigned and suggesting that perhaps Skip could take the shift when he returned from the hospital (as there was no way a great afternoon show was going to be presented by Skip who was from a different era in radio and not acceptable professionally in the style of his delivery and the corniness of his content and his inability to perform the entire shift) and that would fill a slot that was vacant and not involve the objections Cohn continually displayed to Thompson doing anything with the station other than her weekend shift and would provide Skip a job.

Then on the same day the 360 telephone recorder in WYBB's studio died. A meeting was held with Cohn, Musso, Allen and myself about the recorder. Musso suggested pulling the telephone recording computer out of WCOO and putting it into WYBB. I said no. WCOO's equipment was in horrible shape, the control room was never finished, the phone computer was the only thing that worked properly even though the phone was never set correctly. So he pulled my computer and put it in WYBB and blamed the incident on why he didn't like me, at least according to Martin in a telephone conversation.

Later that night I wrote Hallett and asked if I missed something. Mike Allen (Almond) was always present at meetings that involved only WCOO. As Program Director of WYBB his presence was not only unwarranted but it was curious. Did Mike retain the Operations Manager position my references had referred me for or was it a recent promotion? Did Mike have to be in every meeting to provide a 'witness' for Cohn?

Hallett did not know and said "Hmmm? I'll do a little digging with Charlie." Later, Hallett suggested I suggest a co-Operations Manager position for Mike and I. I never did so. My intention was not to have a position I was not hired for. My intention was to know why Mike Allen had to be involved in absolutely everything I did about WCOO. Later Bob Brooks distributed a sales piece claiming great numbers in a trend and listed Mike Allen as Operations Manager. At least it finally got cleared up.

I did not care about position or title and never did. I care about being told the truth and being dealt with professionally and fairly as it is the way I perform my job.

February 25 2002 Skip St. John returned to work and provided a doctor's note restricting him to fewer hours than the job called for and even went so far as to 'order' a one week vacation every quarter.

Dealing with a tender situation from a man who had just suffered a stroke combined with his previous inability to do the job properly led me to attempt to move him to the part time evening shift vacated by Stevie Byrd but the position had been canceled.

February 28th I received a hand delivered resignation letter from Patricia Thompson. In that letter I learned for the first time the station had an 'in' with Charleston's Promise, the local arm of Colin Powell's America's Promise and a community group I had been seeking contact for ever since the 'Turtle Race' first

was introduced to me to talk about on the air. I had presented (on February 24 2002) a promotion idea to Hallett for Cool Kids and Charleston's Promise was the source of the best kids connection the station could have.

Thompson's terms of continued employment were foreign to me as I did not know what the salary rate was for part time staff in the market but I knew the amount she quoted had to be too high for a market the size of Charleston. I was forced to accept the resignation but I did notice that the one person who 'got it' from the entire air staff listed what I was looking for in keeping staff employed: "The quality and work ethic you desire is the in the character of the individual; the commitment you seek comes from the heart..."

It was work ethic and quality I was seeking for the station's staff and I was not being shown either by those who I thought held full time positions. It is the definition of a professional and exactly what Lynn Martin had instructed me to do on the day I accepted a job with his company over objections to the way I already had been treated by local management.

On March 2 2002 I wrote Hallett asking his advice (that is what a consultant is supposed to offer) on the horrible situation with Musso being uncooperative with a belligerent attitude and not getting anything fixed.

He replied by saying "I feel your pain".

Throughout the rest of my tenure with LM Communications and its various child companies I experienced one form of abuse, intimidation or threat every single week, (each event is detailed in the exhibits in the direct email and notes kept by me) often, on a daily basis especially after I learned about the staff I had, after I showed a large gain in black females in my first trend, after the station's transmitter tube all of a sudden was not working making the station have to broadcast using the backup transmitter, after I was never told the transmitter was on backup, after

I was told, face to face by an embarrassed Linda Logan, standing in the hallway outside of the programming office door that “Bruce” told her we had been running on 35 to 50 percent of power for a while causing me to file a letter of notice with Arbitron, after informing Cohn numerous times of complaint phone calls from angry listeners who could not hear the morning show in Summerville, after his telling me that was 50 miles away and not a problem and finding Summerville to be so far inside the contour map of the signal to have been a catastrophe to receive so many complaint calls, after receiving a literal threatening email from a Bruce Musso engineer friend’s email account containing color images of Yassar Arafat with two Palestinian gunmen holding AK-47’s and wishing me good luck in my new job that I withheld from my wife for days in order to save her the fear and shock that happened when she saw the threat it represented, so close after 9/11, so direct an attack on a Jew, after learning that only until later in the Spring, 30 days after WCOO started receiving morning complaint calls about a lost station did WYBB experience what Musso and Cohn had continued to call Temperature Inversion Interference, after the company chief engineer and Hallett set the station’s processor correctly to have it broken into (passwords were changed by the chief engineer who had to break in himself since the approved password had been changed) and changed to sound like it did before the experienced ears of Hallett and the chief engineer corrected it, after Cohn rejected the idea that Musso would have tampered with equipment after he had tampered with equipment every month I was employed by LM Communications, after I was turned down on every single large cume building and quarter hour retention promotion I submitted, even though they were designed to make money for the station, even after Hallett praised each one, and the list goes on and on and on and the weight went off and the blood pressure went up and the literal aggravation of being stopped at every single step in my attempt to give Mr. Martin what he demanded to have: (A professional radio station with professionals behind the mic resulting in a professional representation of LM Communications in the market and the ability to let programming help sell the station instead of hinder that function.) as I was the only threat in the building or apparently the company to have already been known to have sided with the

logical thought process of putting black air-staff on a station that played black music.

When I learned that Linda Logan was actually a part time staff member before I was hired and was hired full time while I was on the road to the job it made me think long and hard on what the real reason could be for all of the pain and aggravation and sleepless nights.

It was too obvious.

I came to program a black music radio station targeted to both black and white listeners. If Linda Logan was not hired full time quickly before I arrived it would have been obvious for me to ask for full time salaries for the other two important day parts. It would also have been obvious that Mr. Martin would have argued the need but would have seen the requirement and would have approved that move. He wanted to succeed.

I openly called for a diverse air staff, leaning black even before I was hired. All correspondence, according to Hallett, that he receives from employees are subject to be forwarded to management as well they should be.

My history of anti-segregation was posted on the very same web site Cohn was said to have spent time at and was posted on the very same web site while I was employed with the company saying the same thing.

There was a black part time female employee who obviously would have applied for a full time on air midday position and would have been a preferred choice as a longer time employee than most others in the building.

And if I meant what I said there was a good chance that the afternoon drive shift would be staffed by a black person as well.

Even after dodging my initial calls, talking only after Hallett brought it up and trying to annoy me in the process by seriously asking me to front the trip air fare, after looking at my web site, talking to Hallett and then placing a job ad for the very shift I showed interest in but not advertising for an Operations Manager or a Program Director but an air talent who could be more on the very same day, after lowering the dollar amount from telephone negotiations to personal interview, after losing my health insurance forms after telling me they had been filed with the company and many more incidents detailed in the exhibits I still wound up in the job.

I took the job because of the desire of the owner for me to stay until retirement and I figured he had a handle on his company and expected that impression to be true each of the times Hallett took me out to the back landing of the second floor of the building to ask me if I still intended to stay until retirement. He eluded each time that the question was on behalf of Mr. Martin. It made the pain more tolerable but not less cumbersome.

After I was hired the best way to get rid of me was to ruin my chance of success.

Every proposal, every promotion, everything I did to try to accomplish the job I was hired to do was stopped or ridiculed and stopped.

I was subjected to having a compliant letter about me personally from an acquaintance of Linda Logan written to the General Manager displayed, shown and allowed to be read by the entire sales staff before I received a copy of it and then only after Mike Allen delivered it to me.

I was ridiculed in front of two Arbitron representatives in a meeting about ratings enough to cause them both to comment on Cohn's behavior after he left the room.

Not once during my stay with LM Communications did Cohn ever take the common decency and the logical good move of a manager and ever ask my wife and I out to dinner or coffee or any socialization.

The simple act of providing a serious on air critique to daytime employees, Logan, the full time and St. John part time, where very serious issues were found and addressed very seriously, including Plugola (for which the station had no policy or signed required Plugola forms on file until I caused it to happen through Hallett) and what sounded like a blatant violation of fixing a contest by Logan resulted in a complaint letter from both of them directed at me personally and the company threatening legal action for daring to critique and call things as they sounded. Before those letters were given to me Logan started meeting every morning before her shift with Cohn. Alone. She was constantly missing her change over with me because of her being 'downstairs'.

The St. John letter was held over my head just about every other meeting after that from Cohn even telling me he had heard that St. John was going to sue me personally. The Logan letter was rejected by Cohn and literally TORN UP IN MY FACE in front of Logan.

Cohn kept those false and fire-able legal challenges as the main topic of concern while I attempted to wrestle a station into the future with power reduced, no advertising permitted, no marketing permitted, no Internet access permitted in the control room, no air check machine permitted in the control room, no quality in the on air signal and email threats repeatedly from Musso one even repeating what Cohn had told me about a musical group. Almost all of the prohibited things I requested were installed within days of my being fired.

Every single act perpetrated on me was brought to the attention of Hallett. I expected Hallett was doing what he said and forwarding emails to Mr. Martin when they were confidential, he even insisted I copy Martin and Cohn after a round of

problem emails. Every single act of email threat, intimidation and sabotage was brought to the attention of Cohn through a complaint by me both verbally and in writing to have it stopped and every single time he rejected my complaint. He began having lunches with Musso. He tried to set me up to go against Mr. Martin's orders and he questioned my integrity and honesty three times.

Every single bit of it was to keep me from hiring the obvious choice in the building full time for a shift on the station and to stop me from having the ability to have a shift even open to fill. I had to argue with Cohn to get the afternoon staffed with a professional. I had to take it to Hallett to get anything at all done in the station. I had to be subjected to having Linda Logan quietly air checked by Cohn himself during a week when I was astonished at how little she was actually talking and how concentrated she was on the job she didn't think she needed to work hard in: even to leave the building during her shift to get lunch: during a live on air shift with a contest running even after I had told them all to stay in the control room during a live shift. She went to Mike to get permission.

The serious accusations of threatening email and Musso's 'madness' were brought to the attention of Martin in emails begging for the stoppage of intimidation, in telephone discussions reasoning the stoppage of intimidation and after a solution was agreed to, to have Hallett call me about the engineer I used for a reference, to have that engineer talk to Cohn on the phone and Martin on the phone and come away from both calls totally confused as to him Martin said one thing and Cohn said another, to have Musso quit his job by throwing his cell phone and keys at Cohn in his office after I refused to take his vulgar abuse in a phone call as he was complaining that I dare leave him a request memo that Cohn had instructed me to leave, to have that engineer come back to work and continue the harassment and intimidation can only show me and any prudent person that with all of the events and all of the consistent connection between Cohn and Musso and Cohn and St. John and Cohn and Logan that Cohn was the central point and obviously so in

charge that he refused, ignored and excused in writing the acts of his engineer and refused and sabotaged the attempt to hire a replacement.

It had, for some reason, to have been very important to drive me out of the station and keep me from adding any black people or promoting a black person who had not been fired by the station for bad attitude, was making far less per hour than the part time Logan who was promoted to 19 thousand plus dollars a year and keep me from having any staff position open by eliminating them if I chose to replace the person holding the position.

It happened with evenings. Then it was the excuse for mid-days. The excuse for afternoons was Bobby Collins at first but that was rejected by Hallett and then said to be my idea. When Patricia Thompson filed one of her letters to Martin I was told by Cohn to get Denise Moseley and train her to be a disk jockey. Denise Moseley was the station's only black employee at the time. She was flattered but she was not ready for air. Training would be needed. When she took her first training session (during her break) Cohn burst into the production room and angrily ordered her out and back to work and that any training would be done on her own time.

Absolutely everything that could be done by a small staff of people working together to stop the black radio station from actually serving the black audience was done.

Every single act, no matter how contorted the reasoning was with one purpose: To intimidate me into leaving and thereby stop any potential black employees from coming into the building.

Cohn was quoted as even saying he didn't know any "intelligent black sales" people.

I can imagine the amount of lies told to Martin under the guise of mutual friendship to cause him to believe I was a complainer (and not a victim) and it took a long time for Martin to lose his faith in me and all it took was money.

The station's equipment problems were horrendous. Nothing would get fixed even with the luxury of a full time engineer and certainly not after he reduced his hours and changed the checks from Bruce Musso without taxes withheld to an engineering company without taxes being held due to his new name for a contract employee under direct control and supervision including his own locked office work space, his own locked behind a door private computer and his willingness to do anything Cohn wanted done including enlisting engineer friend's Internet access accounts to send his email threats.

Finally the ancient DCS computer system crashed and both stations were left without up to date commercials. Since I worked in the morning hours in tandem with Bobby Collins, the production director we would spend all morning long dubbing and replacing and airing every single commercial order in the house to get both stations running them. There were quite a lot that were missed but what was missed was not the commercial in the system it was the traffic department's lack of using the number they assigned to Collins and not picking up daily logs for review over a long holiday weekend.

When I came in to work on the following week I noticed that the commercial logs that were normally picked up every morning by the receptionist while I was on the air or sometimes taken by Mike Allen had collected the entire long holiday weekend and needed to be dealt with to make up any lost commercial revenue over the long holiday weekend.

The only person in the building early enough to talk to about it was Bob Brooks. I brought it to his attention that someone had either dropped the ball or needed to catch up on the logs.

That incident became an accusation by Cohn that I caused the commercials to be missed and the loss of revenue obviously played a major role in the decision by Martin to finally let Cohn get rid of the black threat. John Majhor told me that Hallett told him that if I had just come into the station on his last visit I might have saved my job. I was at the hospital with my wife in surgery and had informed Hallett in advance of the late notice being unable to attend any afternoon functions.

Bob Brooks called me into my office, closed the door and very sheepishly forced a fake personal and angry attack on me for not making my staff do their jobs and losing commercial revenue.

I was the one who identified the problem. I was the one that was the seed of its being fixed. I was the one blamed for it and Martin fell for it. It was indeed the “hornets nest” Hallett kept referring to the station as. It made Musso’s asking “why are you still here” in email so relevant.

The entire time Cohn was objecting to my ‘management style’ Hallett was complimenting me and asking me to do something he could complain about. The entire time Cohn was talking about getting rid of the ‘format’ I was trying to make the format work. Hallett was in agreement with motives for changes to improve the station in the format it was in. Hallett sent a list of 80’s tunes to Cohn who was to give it to me to review for possible add titles from the era and format played of the 80’s on the station already where Cohn presented it to me as a list of the new station he planned by replacing the Cool format with an all 80’s station called The Bridge. I was building a station and it was being chipped out from under me.

I did manage to get the station van laid out in new graphics, tires, ground effects and a large sound system. The first night the van sat in the parking lot it was keyed down the side. The first time Linda Logan took the van to a remote broadcast Musso showed up and the speakers were blown out.

Musso took people on a tour of the station during a weekend shift of Dwight Lane where he explained loud enough for the part time talent to hear that they were getting rid of that music and going all 80's. On another weekend Musso had to be called in to fix a broken microphone. Ray Lewis called Cohn and Cohn had Musso respond. When Musso arrived he "started saying the following: 'That fucking Lee Kent probably sabotaged the fucking thing'. Bruce was calling Lee, mumbles, cocksucker, motherfucker, etc., and also said that is why the trend went down to a 2.8 share". The trend went down because Musso put it down with low power, horrible sound quality and a month of waiting for a 'new tube'.

On June 16th I received a memo from Musso "As per my agreement with your Supervisor, Charlie Cohn, I only respond to engineering request from Mike Allen, Ken French and Charlie Cohn..." Not only would I be accosted if I talked to Musso about engineering items I was prohibited from talking to Musso about engineering items.

On July 3, 2002 after thinking that perhaps if I just gave them a helping hand and showed them a way to make money with what they had and did not take credit for it I could ease the threat of losing my income and help Mr. Martin that way. Hallett told me to take the credit for the proposal I made to increase revenue. But I still offered to not take the credit when I dropped off memos offering the proposal in confidence to Brooks and Cohn. Neither one ever responded to it.

Just the week before I was fired I ran a pre-produced parody commercial for one of my morning show characters, Honey Ida Vane where she had, in a series of fake political ads for governor produced by me and partially voiced by John Majhor espoused her position on important topics of the day. That version was the Confederate flag. It followed weeks of being referred to as "you suck" by Ken French and others as that was the constant term used in the abusive emails

received directly from Musso and it was common station wide knowledge that I was being subjected to intimidation and abusive treatment.

After I was called into the private meeting with Cohn and Almond and fired for poor performance of the station I received an email from Bruce Musso's engineer buddy containing a photo of me copied from my personal web site with A VICTIM OF MUSSO MADNESS etched across the image.

The email also contained a snippet of CRYING TIME AGAIN in an audio file.

I sent both on to Martin, Cohn and Hallett.

On August 12 2002 I sent an email to Cohn and Martin requesting my legal right to view the contents of any personnel file there may be that I was not aware of. I was aware from Denise Moseley that there was no personnel file. I know that no document ever was presented to me complaining about my job performance. In fact I was never talked to about my job performance.

My ordeal was over but my rights were trampled, my equal protection under the law was destroyed, my career was tainted with a discharge for poor performance by a program director, my pleas for help from Martin, Cohn, Hallett, Bill the LM Communication corporate attorney, both in fax and on the phone were ignored, ridiculed and used against me. The phone conversation from the corporate attorney was for the express purpose of finding out what I knew to be the facts about Patricia Thompson's complaint letter to Mr. Martin and as I did with both telephone conversations with Mr. Martin: I elaborated on additional evidence and supporting facts that backed up the allegations of Thompson and the mistreatment of her and blacks in general. While acting in an official capacity I informed the corporate attorney of the intimidation I was subjected too and in both verbal and written correspondence demanded the unbearable conditions of a threatening

work environment be dealt with by management and stopped. Everything continued.

I have suffered immense harm from the attempted destruction of the credibility of my programming expertise, by the devastation of months of intimidation and attack, by the impossibility of fulfilling the insistence by Martin that I stay until retirement, which was the only reason I took his job in the first place, and from the emotional and health consequences of continuous bombardment of attacks, lies and deceit that continued even after I was humiliated in front of the sales staff, fired and ushered out of the building by Mike Almond.

Every single thread of evidence in the exhibits and all previous documentation submitted to the EEOC, The FBI, The FCC and Mr's. Martin, Cohn and Bill the corporate attorney are hereby claimed as relevant and inclusive and supportive of the charge that I was discriminated against by LM Communications and its companies controlled by LM Communications and each individual involved in the rejection of my rights afforded under law, prove beyond a reasonable doubt that I was the victim of bigotry at its worst:

Bigotry that sought to demean and destroy the person who tried to uphold the Equal Employment Opportunity laws of this nation.

I demand the fullest extend of every applicable law's monetary judgment representing real damages and emotional distress for the total expected period I was required to agree to work to accept the position and all applicable penalties and compensatory damages afforded to me by all applicable federal and state laws.

**Lee Kent Hempfling
53 Muirfield Parkway
Charleston SC 20414
843-225-6310 843-227-1996**

Exhibit 2-QQ REDACTED CLERK LETTER

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**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517
www.ca4.uscourts.gov

No. 05-1987, Hempfling v. LM Communications In, et al
CA-04-1373-2-PMD, CA-04-1373-2-PMD

Mr. Lee Kent Hempfling
P.O. Box 6932
Apache Junction, AZ 85278

Dear Mr. Hempfling:

Enclosed is a copy of the Court's opinion for this case which
issued on March 27, 2006. The opinion was

unpublished.

Sincerely,

Shirley J. Beasley
Deputy Clerk
804-916-2702