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FEDERAL DISCRIMINATION AND RETALIATION LAW SUIT FILED

Phoenix, AZ (May 3, 2004) Today, a law suit has been filed in the United States District Court in Charleston, South Carolina alleging wrongful discharge, retaliation with malice in reckless indifference to the civil rights of a protected individual and pretext to hide the retaliatory motive; against L.M. Communications Inc., a Kentucky corporation, operating in Charleston South Carolina through two additional Kentucky corporations.

Five separate protected activities are documented in direct evidence with 135 exhibit documents in the 119 page complaint.

During 2002, Plaintiff, Lee Kent Hempfling (Lee Kent (morning drive) on radio), currently residing in Apache Junction, Arizona was retaliated against for attempting to hire a black female, full time after she resigned alleging violations of equal employment laws and for taking part in company investigations and supporting the allegations made by a black female of discrimination in the hiring and promoting policies of the company. She settled an EEOC charge with the company in May of 2003. Hempfling continually requested a 'black female' air talent for the black music R&B Rhythmic Oldies station and argued against ignoring the African-American community and African-American air staff.

The company has testified to the EEOC the reason for discharge was 'unsatisfactory job performance', yet the ratings for the radio station Hempfling was Program Director for (WCOO, then COOL 105.5, now The Bridge at 105.5) were embargoed by Arbitron until after the wrongful discharge.

Mindy Spar, then entertainment writer for the Charleston Post & Courier published a ratings article on August 10, 2002 wherein she showed WCOO had increased position in the coveted 25-54 adult

demographic from 10th to 9th place and had tied with sister station WYBB during Hempfling's watch.

The complaint details five and a half months of continuous, almost daily retaliation acts upon Hempfling, each documented in direct written evidence, beginning after the black female resigned alleging discrimination and escalating after the black female wrote a lengthy letter to L.M. Communications Inc., President Lynn Martin invoking her rights under equal employment laws.

Hempfling took part in three direct investigation discussions investigating EEO violation allegations, including a lengthy telephone interrogation by L.M. Communications Inc.'s, attorney William W. Allen of Lexington Kentucky. Hempfling followed that interrogation with a fax to Allen demanding a stop to intimidation and harassment being perpetrated by the station's employees and management.

"Discrimination is the worst cancer a species can have," said Hempfling. "I will stand up to fight for the rights of minorities at every chance I have. I will not sit and allow that fight to be attacked, especially in a community where hope can live, but old destructive prejudices die hard."

Typically, pretext is proved through evidence that the respondent treated the complainant differently from similarly situated employees or that the respondent's explanation for the adverse action is not believable. Pretext can also be shown if the respondent subjected the charging party's work performance to heightened scrutiny after he engaged in protected activity. Each such claim is documented in direct evidence, including written refusal of management to stop the harassment.

The federal civil rights complaint demands \$986,500.00 plus punitive damages and demands a jury trial.

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[July 2004](#)
[June 2004](#)
[May 2004](#)
[April 2004](#)
[March 2004](#)
[February 2004](#)
[January 2004](#)
[December 2003](#)
[November 2003](#)
[October 2003](#)
[September 2003](#)
[August 2003](#)
[July 2003](#)
[June 2003](#)
[May 2003](#)
[April 2003](#)

[* Articles By Author](#)
[* Articles by category](#)

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July 2004

Su	M	T	W	T	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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(Because Martin Luther King would be rolling over in his grave if he knew of the degree of cancerous discrimination still permeating in the south, today.)

Posted by Suesie Kent Hempfling at May 03, 2004 07:09 AM |

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Posted by: [Bruce Musso](#) on May 3, 2004 01:24 PM

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