

fact sheet

March 20, 2004

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 simply 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 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.