

Equal Employment Opportunity Commission

August 27, 2002

I, Lee Kent (Lee Kent) Hempfling, former Program Director of WCOO-FM a radio station owned by L.M. Communications II Of South Carolina Inc. and operated by L.M. Communications Inc. of Lexington KY. , located at 59 Windemere Charleston S.C. 29407 do hereby submit the following statement on behalf of and in support of the alleged EEO violations as submitted by Patricia Thompson, a Black, former part time radio announcer with same ... as follows:

When I arrived at WCOO to begin my duties as program director I searched for documentation regarding current employees to determine the pay scales and terms whereby new employees would be hired in relation to existing employees.

The only records I could find were copies located in my department and consisted of a few disciplinary records on past and present employees and two statements providing wage information. I could only assume that current part time employees were being treated equally.

I asked General Manager Charlie Cohn what the rate was for part time employment in programming as both records on file indicated a vast discrepancy with one person receiving over \$9.00 an hour and another receiving a monthly salary in order to keep him below his required disability earnings limit even though he was paid for outside work by writing the checks to his girlfriend instead of him (Wayne Morath).

There were no pay records in the programming files for Patricia Thompson.

Cohn's response was between \$7.00 and \$7.50 per hour after he inquired whom it was I was planning to hire. At that time it was Jessica Mickey to work Sunday mornings. This was before Ms. Thompson left the station.

138-B

I again asked Cohn the same question when I hired Dwight (Landon) Lane for part time on Saturdays with the same response. This was after Ms. Thompson left the station.

I was appalled to find out at a later date that Patricia Thompson had been with the station longer than any other part time employee and had been receiving far less in hourly rate.

During the initial stages of my taking over the programming of WCOO I evaluated each employee's on air work performance and determined that Patricia Thompson was the most qualified current employee for promotion to full time status. This was based on my listening to her show and to tapes of her show provided by Ms. Thompson as the station did not have an air check machine so she taped her show on her own machine.

After approximately 30 days of evaluation I approached Cohn informing him that I had decided for the best interest of the station's ratings potential to replace Linda (Logan) Grumbein in "middays" on air and to replace Wayne Morath (Skip St. John) in the afternoon position and would be seeking the best qualified candidates through public advertisement in trade journals and on line trade publications.

At that time I informed Cohn that I was thinking of Patricia Thompson as the midday replacement. His response was an emphatic 'no' with the reason given that he 'had issues with Trish'. He offered no further explanation at that time.

I placed an equal opportunity ad on AllAccess.Com, and TVAndRadioJobs.Com for the afternoon position as a blind box because of the concern that both current parties would be disgruntled if they knew they were being replaced.

Only Mike (Allen) Almond, then program director of WYBB (the sister station), Cohn and myself knew of the ads being placed.

Shortly after the placement I listened to both Grumbein and Morath's air shifts and wrote an aircheck critique and letter to both separately indicating the problems they had on the air and the problems I had with their execution of the format.

Both Grumbein and Morath approach Cohn about the critiques and wrote complaint letters about me to Cohn threatening legal action for having dared tell them how they were to perform their jobs.

It was then that I looked deeper into what personnel records I had access to and noticed that Grumbein had been hired as full time status the day after I left for Charleston from Phoenix, Arizona. Such hiring was without equal employment opportunity as no public notice was made of the opening and no person within the station or outside of the station was given the ability to compete for the position.

When I arrived I had been treated to a good deal of gossip about fellow employees from both Grumbein and Morath and Leslie Twigger (Office Manager) with Grumbein specifically referring to Patricia Thompson in derogatory terms and telling me to watch out for her.

After careful consideration of the employees in the department I found the truth to be the opposite. Grumbein was the one to watch out for. Patricia Thompson was a professional and did not fit in with the unprofessional bickering and backbiting going on inside the department from Grumbein.

Over the course of my employment I repeatedly approached Cohn about the midday position (afternoons were filled by hiring John Majhor of Sante Fe, New Mexico and severing the employment of Morath) and each time I reiterated my strong belief that not only was Patricia Thompson the most qualified person in the building for the position but the station did not have a single full time black employee in programming. (Denise Moseley was the only other black employee and she was the receptionist). I strongly

(138-D)

Page 4 of 7

believed the station required an ethnic presence for proper presentation of the format and it appeared to me that the station did not care to do so.

When Patricia Thompson resigned from the station she broke down and cried when she informed me of her decision. I told her I was planning to train her more as I had intended to move her into full time. She did not know at that time that I had been trying to do that without success.

Ms. Thompson wrote a letter to L.M. Communications owner Lynn Martin in which she described the hostile environment she had suffered under while working in his station and told him of many other goings on all of which I was aware of but was unable to do anything about as I could not remove the two persons mostly responsible for the environment problems (Grumbein and engineer Bruce Musso who had begun a threatening email campaign directed at me and had been intimidating the staff I had hired ever since I had insisted to Cohn that the station have a black full time staff employee) and I could not do anything about Cohn's obvious distaste for involving Ms. Thompson in any station position.

I was aware of a letter written by Ms. Thompson prior to my arrival where she brought up the problem of her not being given fair treatment for full time status and promotion and even though I do not remember her mentioning race in that letter it was my first reaction in reading it knowing the mannerisms and facial expressions used by Cohn when speaking of any minority person.

In fact Cohn blamed the lack of sales for WCOO on the station not having a black salesman when it was obvious to me that color had nothing to do with sales. Cohn repeatedly tried to talk me into getting rid of the 'black' format and to change the station to an all 80's format. Considering his close relationship with Musso and Musso's continuous attacks on me and those who worked for me I was convinced the problem was similar to Musso's racial bigotry, flying the confederate flag on his truck and carrying a gun in it as well.

138-2

Shortly after her letter to Martin; Cohn and Almond approached me to inform me that they had offered a full time position in traffic to Ms. Thompson. It was not necessary for them to tell me that as I knew better from word inside the station and from Almond talking away from Cohn earlier in the search process for a midday replacement. I knew they were lying and trying to make up a cover story and they were trying to include me in it.

Management was instructed by Martin, the owner, not to have contact with Ms. Thompson while any potential legal issues were outstanding yet knowing this, Cohn ordered me to call her to see what she wanted while at the same time insisting he would never hire her. I refused to disregard the owner's orders. I told Martin I considered that act to be a set up.

Also shortly after that letter Cohn ordered me to train Denise Moseley as a part time air staff member. When I tried to coach her he refused to allow her to be coached unless it was on her own time. That move was simply to put a black person on the air, qualified or not and the refusal to permit coaching during paid working hours amounted to Cohn's insisting Moseley learn the job without the benefit of instruction thereby guaranteeing she would not learn. Cohn interrupted a training session and yelled at Moseley that she was not to do that on company time.

Weeks went by when finally Consultant Don Hallett approached me at the station on an in station visit with Martin and told me it had been decided to replace Grumbein and that if I wanted "Trish" I should get a demo of hers and send it to him. I was then supposed to remove Grumbein, advertise properly for the position and include Ms. Thompson's demo as an applicant and if I still felt Ms. Thompson was the most qualified for the position that it would pay mid 20's and would be a full time position.

Cohn rejected the instruction and refused to permit Grumbein's replacement with Ms. Thompson or Grumbein's discharge. I strongly believe the reason to be that Ms.

138-F

Thompson had complained about unequal treatment in the past and Cohn refused to deal with that.

When I later learned that Ms. Thompson was working for a lot longer and at a much lower pay scale than her white counterparts I was appalled that such behavior had been permitted and apparently condoned by the ownership.

The EEOC is welcome to any material I have on file relating to WCOO and L.M. Communications (in all three of its incarnations) and they are offered in support of the correction of wrongs perpetrated upon Ms. Patricia Thompson and all other minority persons who have or may have worked for that company.

I was fired on July 23 2002 which occurred the second day of the week following my airing of a parody commercial on WCOO that I wrote and produced using one of my character voices that spoke of the confederate flag as being a display of treason. I am convinced it was a major part in my discharge.

A replacement morning personality was hired after I left without advertisement, without equal employment ability for any other race, creed, sex or national origin to compete for said position and the person was hired part time at what I believe to be \$8.50 per hour.

Hallett on behalf of Martin had asked me repeatedly if I intended to remain with the station until retirement. The answer was repeatedly, yes.

I took the position based upon Martin's initial statement to me in the employment interview that he desired to have me stay until retirement even though the money offered was less than the initial discussions.

I thought I could make a difference inside that station by standing up for what was right and at nearly 50 years of age an offer of 'stay until retirement' was a valuable asset in taking a position.

138-G

Page 7 of 7

I repeatedly, both orally and in writing requested a full time black employee in programming. The issue was repeatedly ignored.

Sincerely

A handwritten signature in cursive script, appearing to read "Lee Kent Hempfling", written over a horizontal line.

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