

## News Release

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## FREEDOM OF INFORMATION ACT REQUEST FILED WITH THE EEOC Political Cover-up In South Carolina Deepens

**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 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 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 coverup appears to be underway in South Carolina politics.

All letters, documents and FOIAs can be viewed at: [http:// www.rollovermartin.com](http://www.rollovermartin.com)

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

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March 1, 2004  
Lynette Barnes  
Regional Attorney  
Charlotte Regional Office  
Equal Employment Opportunity Commission  
129 West Trade Street Suite 400 Charlotte, North Carolina 28202

BY FAX: 704-344-6734

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

Dear Ms. Barnes:

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 the charge file of 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 United States Senator Lindsey Graham, The Federal Communications Commission, The Office of The United States Attorney General, The Governor of South Carolina, 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/or their legal counsel and any memos, notes, emails and informations within the Equal Employment Opportunity Commission, 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 and documents pertaining thereto. This request includes, but is not limited to, records maintained by the Office of the Chair, the Office of the Deputy Chair and the Offices of the EEOC Counsel.

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

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