

(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 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 26<sup>th</sup> 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 4<sup>th</sup> of January 2002 Hallett transmitted reference requests to the names I provided.

On January 14<sup>th</sup> Hallett asked where things stood with 'Charlie' and me.

On January 16<sup>th</sup> 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 17<sup>th</sup> 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 16<sup>th</sup> 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 9<sup>th</sup> 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 14<sup>th</sup>, 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 28<sup>th</sup> 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 16<sup>th</sup> 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

iggitt@iggitt.com