

SUMMARY: August 13, 2003

EEOC Charge number: 140A201867 filed 8/29/2002, received by EEOC 9/4/2002.

Dates of discrimination inclusive from 2/1/2002 to discharge and 7/25/2002:

} Lee Kent Hempfling: vs.  
}  
} LM Communications Inc,  
} LM Communications of South Carolina Inc.,  
} LM Communications II of South Carolina Inc.,  
} All owners of stock in above companies,  
} Lynn Martin,  
} Charles Cohn,  
} Robert Brooks,  
} Michael Almond,  
} Bruce Musso,  
} Linda Grumbein, et al.

Adverse action took place throughout my employment with LM Communications for my attempt to hire a minority full time staff member. It started before I was hired with attempts to stop the hiring process through intimidation for not having a credit card and last minute reduction of authority, title and salary.

Agreement to accept position was partially predicated on immediate health insurance coverage, which took months of prodding to acquire.

It continued throughout the employment through email, letter and phone call intimidation, equipment destruction, sabotage of equipment and signal of the station to damage my ratings results and refusal to provide equipment, equipment repairs and refusal to approve all promotional presentations made, other than the first promotion offered. Immediately after my discharge ALL equipment needs were fulfilled and repairs were completed.

It escalated after being interviewed by the company attorney and owner for allegations made for violation of laws enforced by the EEOC.

It continued through the attempt to order me to violate a rule established by the owner for direct contact with the EEOC complainant.

It continued through prohibition of calling the area code for the main company office, which included prohibition of my family members.

It continued through the use of external relationships to intimidate and threaten through email correspondence.

It continued through refusal to accept an application from an African-American female for a job position that was in the process of searching for a replacement by the General Manager.

It continued through refusal of management to allow me access to the company engineer.

It continued through false accusation of missing commercials during a computer break down period even after the production director informed the general manager that I was not responsible and was in fact the person who brought the issue to the attention of management.

It continued through threats of legal action against me from a former employee who was discharged yet remained in contact with the general manager.

It continued AFTER discharge with the receipt of a claim of responsibility from Bruce Musso including a photo and an audio file.

With continuous praise of job performance by the company consultant I was discharged with malice and in an attempt to hide the retaliatory motive for 'poor performance' of the station. The station has performed worse after I was discharged and continues to perform worse.

The retaliation was the result of malice and reckless indifference to my federally protected rights.

I am entitled to compensatory as well as punitive damages for illegal retaliation from

LM Communications Inv., LM Communications Of South Carolina Inc., LM Communications II of South Carolina Inc., the company attorney and the attorney's firm, the general manager of the station, and the individuals responsible for the retaliatory actions and those individuals used by the company and its employees to assist in the retaliatory actions.

I am further entitled to relief from the deliberate actions of the company to refuse prosecution of these claims through their repeated frivolous attempts to escape jurisdiction.

I am further entitled to the investigation of illegal activity by the FBI and the FCC for laws and regulations violated during the period of employment on behalf of or caused by the company and persons mentioned.

The FCC has ignored the charges filed.

The FBI ignored the charges until I called the field office where an agent refused

investigation as the threat on my life was not 'current'. That reasoning would prohibit their investigation of any crime.

Retaliatory Motive:

To stop my participation in Patricia Thompson's complaint;

To eliminate my credibility in opposing illegal discrimination by the company;

To remove me from my position to stop my attempt to resolve such discrimination:

Specific EEOC Compliance Manual Details:

The Protected Employee:

(1) Protested repeatedly

(2) Answered questions of company attorney as assistance of discrimination investigation

(3) Asserted my rights under laws enforced by EEOC, even at first refusing to discuss the issues until granted, by the attorney, the judgment that discharge would not occur from being honest.

Retaliation Charge Asserts:

1. Opposition to discrimination or participation in covered proceedings;
2. An adverse employment action; and
3. A causal connection between the protected activity and the adverse action.

Protected From

1. Complaining to anyone about the alleged discrimination against oneself or others;
2. Refusing to obey an order because of a reasonable belief that it is discriminatory;

I was protected from retaliation, as I had a reasonable and good faith belief that the employment practices I was opposed to were illegal under anti-discrimination laws.

The "Participation Clause" covers me.

Adverse Employment Action:

I was subjected to:

Denial of job benefits as my health insurance that was to start immediately took months to acquire:

Discharge and threats as I was threatened repeatedly with outside legal action and received threats repeatedly including a terrorism inspired threat on my life:

Negative evaluation was provided as the reason for discharge without prior information:

Harassment was continuous as indicated by the time line of incidents.

Suspending access to internal grievance procedure, as I, and my family were forbidden to call the area code of, or contact the owner.

Any adverse treatment based upon retaliatory motive and reasonably likely to deter a charging party or others from engaging in protected activity is illegal.

Retaliation was the motive as:

1. Evidence raises an inference that retaliation was the cause of the challenged action;
2. The employer produces evidence of a legitimate, non-retaliatory reason for the challenged action; and
3. Complainant proves that the reason advanced by the respondent is a pretext to hide the retaliatory motive.

An "inference of retaliation", results from evidence that the adverse action occurred shortly after the protected activity, and the person who undertook the adverse action was aware of the individual's protected activity.

Company's explanation is a pretext to mask retaliatory action.

Poor job performance (performance of the station) was given as the reason for discharge without any prior indication of such insubordination (as well as being branded as a complainer) was cited numerous times for having raised objections to illegal activity.

According to the compliance manual the EEOC takes the position that all anti-discrimination laws provide for compensatory as well as punitive damages for illegal retaliation.

The retaliation was the result of malice and reckless indifference to my federally protected rights.