

MIAMI-DADE COUNTY EQUAL OPPORTUNITY BOARD

Intake Questionnaire

I. General Information

Full Name

Charles Dabney Perez c/o Damian & Valori LLP

Address 1000 Brickell Avenue, Suite 1020 City Miami State FL

Zip Code 33131

County you live Miami-Dade County you work Miami-Dade/Broward Phone Number c/o 305.371.3960

Date of Birth 3/2/1963 Social Security No. [REDACTED]

Please provide the name of a relative, friend, or neighbor, who would know how to reach you:

Name Melanie E. Damian Phone Number 305.371.3960

Have you sought assistance about the action you think is discriminatory from any government agency, from your union, an attorney or from any other service?

No Yes (if Yes, complete below)

Name of source of assistant Melanie E. Damian, Attorney Date 7/17/09

Result Filing Complaint

Have you filed a discrimination complaint in the past?

No Yes (if yes, complete below)

Approximate date filed N/A Organizational Charge N/A

Charge Number (if known)

How did find out about this agency?

Consulted attorney.

What was the cause of the discrimination which affected you based upon? (Mark the appropriate basis)

- Race
- Color
- Religion
- Family Leave
- Age
- Sex
- Retaliation
- Marital Status
- Sexual Orientation
- National Origin
- Domestic Violence
- Familial Status
- Handicap

Your sex:
Male Female

Your Race:

- Black
- White
- Asian/pacific Islander
- Hispanic
- American Indian
- Alaskan National



National Origin

Marital Status (if marital status complaint) Single Widowed Divorced

Your handicap (please list if handicap complaint)

N/A

The most recent date you were allegedly discriminated against (e.g., the date you were discharge etc./) is:

June 25, 2009

The name (company or government agencies name), address, and phone number of the employer which you are alleging discriminated against you. If you are filling a housing complaint or public accommodation complaint, name the apartment complex, condominium association, or development, public facility, etc.

Name

Address

City

State

Zip Code

Phone Number

The approximate number of persons employed by the employer which you are alleging discriminated against you: If housing, give the approximate number of units, houses in development, etc.

Your date of hire (if employment)

Your present position or position held at time of discriminatory act

What personal harm did you experience? e.g., were you discharge, denied a promotion, etc., refused opportunity to rent or buy, evicted, etc., or denied service?

COUNTY

What reason(s) (if any) were you given for the action taken against you?

The reason you believe that you race, color, sex, religion, national origin, age, handicap, marital status, financial status, sexual orientation, domestic violence and/or retaliation determined the action that was taken against you?

See attached narrative.

If you have any direct evidence which would support your claim that the action taken against you was because of your race, color, sex, national origin, age, handicap, marital status, sexual orientation, domestic violence, or in retaliation for your engaging in a protected activity, please present it at this time. (Direct evidence can be testimonial or documentary. An example would be a company memo in which it is stated that the company wants to get rid of the older workers)

I have no direct evidence I have direct evidence as follows:

See attached narrative.

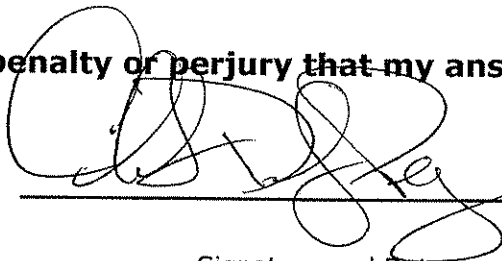
If you know of anyone who was treated differently from your under similar circumstances, please identify by name and job title (if employment). Also identify the person's classification according to your reason for filling the complain. (for example, if you are filling a race complaint, identify what race the person is. Also explain briefly, what person(s) did and how the person(s) was treated differently than you).

See attached narrative.

See attached narrative.

Witness(es) to the action

I swear or affirm under penalty of perjury that my answers to the foregoing questions are true and correct

 July 29th 2009

Signature and Date

FOR OFFICE USE ONLY

Intake Notes (081A)

SUMMARY

On Tuesday, June 30, 2009, Bill Pohovey, news director, called me, Charles Perez, main anchor for WPLG ABC 10 Miami, into his office. He sat me down, closed the door, and told me how significantly the advertising revenues have shrunk in the South Florida market. He then said, "I'm not going to beat around the bush. We are going to a one-anchor show to save money and you will, once again, become the weekend anchor, reporting three days per week."

In the span of approximately 5 minutes, I was told that the career I had built and the promise of spending the next 20 years at WPLG was now essentially over. Given my age and my position, their action would kill my value, marketability and reverse my career trajectory, not based on my abilities or on their financial situation, but because of their discomfort over the increasingly high profile of my sexual orientation.

Per my contract, the station is required to pay me at my current level thru June of 2010. If his concern were truly about money, then immediately taking me off the anchor desk would not save him any money for at least 11 months. I knew his reasons were not genuine because of the series of action, events, language and emails that began just four months earlier in March, 2009 which were completely counter to any feedback I had received from company management up until then.

The series of action, events, language and emails will demonstrate that, beginning with a widely circulated email on March 16th, and culminating with an article in the Miami Herald, dated April 4th 2009, the station and its management, the Washington Post Organization, made a decision to remove me from the weeknight evening anchor desk, not because of my performance, abilities, ratings or finances, but because of their discomfort over the increasingly high profile of my sexual orientation.

Beginning on March 17th, Bill Pohovey, my immediate supervisor, began what sounded like a campaign to lay the groundwork to remove me as the main male anchor. Our meetings began in his office, at our previous location at 3900 Biscayne Boulevard in Miami Dade County, with what were, by any measure, grossly inappropriate attempts at intimidation, often treading the line of what would itself, be legally actionable.

SERIES OF EVENTS:

* "Performance Review" – On Tuesday March 3rd 2009, Bill Pohovey called me into his office where he gave me the following notes. He said I was coming across on the air as "too anchor-like," saying that I was at times "too strong" and too "Brian Williams" in my delivery. He then showed me a clip of Laurie and me sharing a light moment, smiling and laughing to a "light" story. He said, "Charles, this is what I want. I want to see more of your personality. I want the audience to see the interaction between you and Laurie. I want them to see you smile. We're not like other stations or other markets. You need to

show that side." I shared this review with Laurie who told me that I was "fine" and to just keep on doing what I was doing.

*"The Email" – On March 16th a private email I had written to a Los Angeles therapist on February 20th was widely circulated to the contacts on my online address book. The action, I believe, was an act of malice on the part of my former partner (I have since obtained a temporary restraining order against him).

As a result of the email, Bill Pohovey called me into his office and said, "Charles, I want to ask you one thing, and tell me the truth. Did you write the email?"

"Yes," I told him.

"Okay. That's all I needed to know," he responded. The email seemed to call into question my sexual identity.

*"New Performance Review" – On Thursday March 19th, Bill Pohovey called me into his office again. This time, after sharing grossly inappropriate pictures of one of his "conquests" and sharing what he could do to that person, sexually, he gave me the following review, using the term "we" implying that the review was not just from him, but from station management. The review included the following points:

- * "Too soft" - The station management concluded I was "too soft" and not looking of sounding "main anchor-like."

- * "Girlfriends" - The station management concluded my interactions with my co-anchor, Laurie Jennings, were too light. It was the exact reversal of what he had told me on March 3rd! He went on to say that I smile too much and that Laurie and I were, in Bill's words "like girlfriends" while on the set.

- * "Masculinity" – Bill confirmed, in meetings with station management, questions had been raised about my masculinity and whether I carried enough "weight" for the anchor desk.

My response was frustration. I did not understand how the station had turned so dramatically so suddenly. I expressed this frustration with my colleagues Michael Putney and Laurie Jennings.

Over the following week, in an attempt to bridge the sudden and growing divide between me and station management, I confided in Bill about certain personal matters, including:

- * "Marriage" - When I told Bill of my desire to one day marry my partner, I was told, "Charles, don't get married. We don't need it." I could never imagine him saying such a thing to a heterosexual counterpart.

- * "Family" - When told of our desire to start a family, I was frankly told by Bill, "Charles, don't have children, Charles." Once again, I could never imagine him saying such a thing to a heterosexual counterpart.

* "Perception" – On Saturday March 21st I was to MC a gala, along with my colleague Neki Mohan, for "Women of Tomorrow." Bill Pohovey secured seating for all married or partnered attendees with their spouses, except for me. Refusing to secure seating for me and my partner, I asked colleague Glenna Milberg what I should do. She suggested that I contact Jennifer Valoppi, the Gala's Director, personally and get the seat for my partner ,anyway. I did.

After the event, I reported to Bill that the event was a success and mentioned that my partner, Keith, was there with me. The very first thing he said was, "Tell me that you didn't dance with him, did you?" and seemed to care nothing more for the event. Again, I can't imagine management questioning any of the others in attendance about the "appropriateness" of dancing with their partner.

It is my strong belief, as Bill is himself a gay man, that he was merely reflecting the attitudes and concerns of station management above him.

*"Restraining Order" – As a result of the widely circulated email, I no longer trusted that my former partner would not make good on his many threats. As some of those threats were to physically harm me, so I approached station management about pursuing a restraining order against him.

* "Permission" - Station management gave me permission to proceed with the legal action against my former partner, telling me, "Don't worry, no one in the press will be interested in this."

* "Protection" - Concerned that the press may actually be interested and aware that any possible scandal or perceived scandal could be grounds for termination according to my Talent Contract, I sent a letter to station management confirming that they had given me permission to proceed.

* "Reaction" - The station management reacted by calling my written acknowledgement "way out of line" and called my effort to put their permission in writing, an attempt to "impugn" the reputation and integrity of the station. I did not see how confirming what they had told me would impugn them unless their stated permission was never meant to be sincere.

"Hearing" - On Friday, April 3rd, I went to court to secure a restraining order against my former partner. The judge continued the action which is due back in court on August 18th. At the hearing, my former partner submitted an 11 page motion filled with salacious stories and accusations grounded in nuggets of truth, though profoundly inaccurate and misleading. Miami Herald reporter Joan Fleischman obtained a copy of the motion and notified station management that she was writing an article based in the legal action and in the contents of the motion in her upcoming Sunday column.

* "Foiled" – They likely would have preferred to terminate me at that point, though, by giving me permission to go forward with the legal action, and my confirming it in writing, they had been denied an opportunity to remove me as the main male anchor. They would have to put their plan to remove me on hold for the time being.

* "Press" – The Joan Fleischman article appeared in the Saturday issue on April 4, 2009.

* "Shift" – There was an immediate shift in profile and positioning that was even noted by my, then, co-anchor Laurie Jennings. For the first time since being publically tapped to replace Dwight Lauderdale (see 11pm newscast dated 5/22/08 – Youtube – Search: Dwight Lauderdale), the station's morning anchor, Calvin Hughes, was tapped, for the first time, to fill in for me sitting alongside Laurie Jennings, on April 3, 2009. (Calvin is an African American male anchor who came to the station from Philadelphia at about the same time as I did. It was understood that we would both vie Dwight's job.) It was certainly suspect that the station would have him fill in for me, alongside Laurie, on the very same day they learned of the upcoming Miami Herald article.

In the make-up room, on the afternoon of Monday, April 6th, 2009, Laurie noted that the shift was obvious but that she and her husband had thought it may have had more to do with race, and the station's desire to return an African American male to the main evening anchor desk, though the timing was suspect. We talked about the transition on NBC's Today Show from Jane Pauley to Katie Couric and of how Deborah Norville became the interim "fall-guy." She then said to me, "if this is because they want a black man on the evening anchor desk, then there's nothing you can do about it." (Note: In actuality, if that were the case, along with substantial evidence, it would be actionable under the law. Just as someone cannot be removed from their position because of their race, someone cannot be removed from their position for the purpose of race based substitution.)

* "The Gay Thing" - Immediately following, both the station general manager and the president of the company separately and specifically told me, using the same language, they had no problem with the "gay thing." Their statements sounded rehearsed and insincere.

* "Promos" - In the weeks following the hearing I began to disappear from the station promotional spots. Whereas Laurie and I had always been sold as a team, now I was told, "We're no longer doing the "Team Thing." Laurie pointed out the obvious shift in focus and even went to management to question why the promotions were solely focused on her. She told me it didn't make sense. They began running promos with Laurie alone, or Laurie with other reporters. Also, they began airing promos of our morning male anchor with his children saying, "Nothing is more important to me than being a father." Calvin was now being sold as the "family guy" and I was being marginalized. I was now seen by management in a different light and being treated in a different manner.

* "Denial" - Once I was notified of their decision to remove me from the desk, Laurie Jennings went to management to ask them how they were going to handle this. She reported back to me, they said they were going to act as if my promotion had never happened. They were planning on saying nothing, demoting me and never acknowledging to the staff or the audience that any change or reversal had taken place. They would act as if Dwight Lauderdale (whom I replaced) had never passed the torch to us on the air, one year of promos establishing me as the new main male anchor had never aired, and that the main title during the newscast that says, "You're watching Local 10 News with Laurie Jennings and Charles Perez" had never aired.

* "Ratings" - One of their big concerns with Dwight's retirement was to maintain continuity in the broadcasts and in the ratings. Since his retirement, with Laurie and me anchoring the shows, we have maintained our standing as the number one and dominant news station in the market.

ADDITIONALLY:

*When they hired me they knew I was gay, though they likely assumed they wouldn't be too uncomfortable with it and that I would not be public about it. Years earlier, the main female anchor, Ann Bishop, was believed to be gay, though it was never confirmed by her or anyone in the work place. They likely assumed this would be similar. Others at the station, however, have had their personal and family lives highlighted and even promoted in an obvious double standard.

*I received my most recent Employee Performance Review on October 13, 2008. In it, I received an Above Satisfactory overall assessment. The review included comments such as "very professional," that I do "everything that is asked of me," and that I am a "newsroom leader." Additionally, I had just won an Emmy Award for a recent Primetime Special.

*"Soft" is not an adjective I have ever heard to describe me. In fact, were an unbiased group of jurors to view my performance on camera along side my peers and the competition in the market, I may even be considered the least "soft" of the bunch. The term "Soft" is a euphemism. What they really mean is "gay." I believe that I was never too "soft" for them, but merely, because of the increased public exposure of my sexual orientation, had become too "gay" for them. Bottom line, I will put my masculinity up against that of Craig Stevens, Calvin Hughes, or Antonio Mora any day of the week.

*The "Face of the Station" - I do not believe that any of these executives would individually see themselves as homophobic, though, collectively, share a concern about the possible effect that having such a public gay male anchor could have on their station image. In retrospect, I believe that picking an "out" gay male anchor became a choice they would rather not have made and had decided to reverse. Though the station has no obvious problem hiring gay employees or gay reporters, there is a decided difference between being one of those employees and being, along with Laurie Jennings, the face of the station.

* Hurricane Season - June is the start of hurricane season. The prospect of a significant storm at some point in the season is likely along with the extended storm coverage that the station has planned. It doesn't make sense that they would transition to a single anchor format at the top of hurricane season and, in essence, leave Laurie to fend for herself, possibly, for hours on end at the anchor desk. It is counter-productive.

*"Finances" - The station's argument for removing me from the weekday evening anchor desk is financial. Note: WPLG is one of six television stations owned and operated by Post Newsweek Stations, a part of the Washington Post Organization. The other five stations are in Detroit, Houston, Jacksonville, Orlando and San Antonio. WPLG is among the strongest stations in the group but is the only one allegedly going to a single anchor format to save money. It doesn't make sense.

Also, the station recently built a new state-of-the-art facility equipped with millions of dollars of new equipment and erected a new broadcast antenna, also with a multi-million dollar price tag.

Finally, The Washington Post Company has increased its dividend payments to stockholders for each of the past five years in a row. In addition, they have reported company revenues of over \$4.4 billion, an increase of approximately \$300 million over the previous year at a time when most companies are showing a decline in revenues.

In addition, the station has recently prematurely re-negotiated Laurie Jennings' contract for what I believe was a substantial increase. Bill Pohovey had regularly complained to me about what he called, "her outrageous demands," noting, "she's crazy. She thinks she's Katie Couric." (Some of these comments would later be attributed to me, though they were never mine. They were always Bill's and I was simply expressing my concerns about his inappropriately sharing his thoughts and the details of their negotiations) This will all be demonstrated in discovery. (note: I have never had anything but the highest regard for Laurie and that has been reflected in my thoughts and language).

Once the station and PNS reached a deal with Laurie, she went from "*persona non grata*" to "the greatest" overnight. She, likewise, seemed pleased. I can only conclude that, as they decided to marginalize me, because of their growing discomfort with me, they solidified their relationship with Laurie by paying her closer to what she'd wanted. Saving money quickly became less of a concern.

PERSONAL CONSEQUENCES:

*In television, perception is everything. By removing me from the main anchor desk, after very publicly promoting me, I will be perceived as having failed. I will be, and have been, significantly devalued in this market and in the industry as a whole. As my agent informed me, I had about two weeks to market myself and then I'd be dead. Regardless of my work, the viewers, or the ratings, the company is, through their action, actively devaluing my work by as much as 2/3rds of its current value. They have also profoundly impacted, if not destroyed, my opportunity for lateral movement. It was obviously more important to remove me from the desk as soon as possible, than to allow me, at no financial cost to them, to shop for a new job while I was still on the desk.

*The ramifications of their actions will likely affect my earnings potential for years to come, if not for the rest of my professional career. Up until June 30th I had a career that was on it's way up. Now, I have a career that is on its way down. The only clue as to why is in the language, actions, contracts and emails we will produce during discovery.

If I conservatively calculate what this discriminatory action will cost me in financial terms, the amount totals in the millions of dollars. In addition, they are impugning my reputation in the industry and humiliating me within my immediate work environment by removing me with complete disregard for the dynamics of the workplace. As my agent, Richard Leibner at NS Bienstock has told me, "at your age, Charles, once you go down you don't go back up.

" Other Options" - If the company's reasons were genuine, and this was a decision simply to save money, they could have made one of two other choices, both rather standard in the industry: 1) They could have informed me of their decision not to pick up their option next June and set me free to look for work elsewhere, while keeping me on the anchor desk, at least for a negotiated period of time. This would have allowed me to save face, maintained my value in the marketplace and cost them no money, as they have to pay me through the end of the contract period, anyway. 2) They could have simply left me on the anchor desk and given me 60 days notice of their intent "not" to pick up their option at the end of the contract period. Again, this would not have cost them any more money. Instead, they have acted in a way that is potentially devastating to my career and will not save them money, as they profess.

IN CONCLUSION

I do not believe that, had I been a heterosexual male anchor with the exact same performance, ratings and reviews, even undergoing a somewhat public divorce and in the current economic climate would I have been pulled from the main anchor desk and from my position, alongside Laurie Jennings, as one of the anchors of the 6 and 11pm newscasts. Both of my colleagues Trent Aric and Rob Schmitt have been in questionable situations during the past year, neither to have their position with the company challenged. Rob Schmitt was arrested and charged with assault, yet did not suffer as much as a day's suspension. His charges were later dropped.

None of the main anchors at the company's other stations have been put in this position. I was set up to take a fall from which I may never professionally and economically recover. I believe, with all my heart, mind and soul, that the company has taken this action because I am a high profile gay man. Whether my sexual orientation makes them too uncomfortable, raises concerns with sales executives, advertisers or a minority of viewers, I cannot say. But, I can say, were similar discomfort and concerns raised because of someone's race or gender, the company would never risk pulling them from the anchor desk with such devastating consequences.