

July 22, 2020

Mr. Jerome J. Dobson
Dobson, Berns & Rich, LLP
5017 Washington Place, Suite 300
St. Louis, MO 63108

VIA email at jdobson@dbrstl.com

RE: Lt. Col. Troy Doyle

Dear Mr. Dobson:

Recently, I attended a meeting organized by you in which you threatened to file and make public a charge of discrimination. You threatened to file the charge with the Missouri Commission on Human Rights and EEOC (hereafter, together, the "MCHR") if St. Louis County did not pay you and your client, Lt. Col. Troy Doyle, \$3.5 million prior to the upcoming primary election. Please understand that St. Louis County will not be effectively extorted into paying money in exchange for your agreement not to disrupt the upcoming election.

Specifically, at our meeting, you demanded \$3.5 million from St. Louis County to prevent you from filing and making public the MCHR charge of discrimination before the upcoming election and you demanded that the money be paid within 16 days. You offered that if the County paid you and your client \$3.5 million, you would hide the documents "in your desk drawer," and that "nobody would know" about the complaint. You were clear that the County needed to pay this amount by July 24, 2020, or you would file and publicize the MCHR charge prior to August 4, 2020. When asked specifically why July 24, 2020, was your deadline, given that the due date for filing such a complaint (under state law) would not be until mid-September 2020, you candidly replied that it was because of the upcoming August 4, 2020, primary election.

Since that meeting, I have reviewed and considered your client's allegations and applicable law. On its face, I do not believe you have alleged facts which would support a finding of discrimination against St. Louis County. Dr. Page supported Lt. Col. Doyle as his choice for Chief. The Police Board, however, voted unanimously not to promote Lt. Col. Doyle. This was not Dr. Page's decision, as you are aware, and you have also provided no facts to establish that the Police Board as a group made their decision based upon race.

In addition, Missouri law does not permit administrative complaints to be made public. *See* Mo. Rev. Stat. §213.077.2(1) ("if a complaint has been filed...alleging commission of an unlawful employment practice...[d]uring investigation, the public shall not have access to records relating to the complaint, nor shall any information relating thereto be released to the public"). I, therefore, do not see how your plan to make the administrative complaint public would be a legal option for you at this time.

I appreciated you sharing a copy of the threatened MCHR charge for me to review, so that we could understand what you are asserting on your client's behalf and reach our conclusion. It was also interesting that you would not let us have a copy of the document. In any case, your theory of the case is that Dr. Page sought to raise more campaign contributions by ensuring that the Police Board did not promote Lt. Col. Doyle. Aside from being factually false, you made no factual allegation of how Dr. Page did or could have controlled a board made up of five independent commissioners, who unanimously reached their decision. In the end you made no factual allegations that would support a good faith belief that race was a "motivating factor" or that it "had a determinative influence on the adverse decision or action." *See* Mo. Rev. Stat. § 213.010(19). Instead, it seems clear to me that you are seeking to exploit the timing of the impending election for money. We will not be involved in such matters.

In a related matter, you called a member of Dr. Page's staff instead of the County's lawyer to discuss "resolve" of your frivolous claim. You have litigated many cases with my office over the years. As you know, the St. Louis County Charter sets out my duties and responsibilities as the County's attorney and counselor at law. *See* Section 5.020, St. Louis County Charter. I was surprised that you did not initially call me, or anyone else in the County Counselor's Office, about your threatened claim. Instead, you chose to contact Winston Calvert, Dr. Page's Chief of Staff. Rule of Professional Conduct 4-4.2 states in part, "a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter." In violation of Rule 4-4.2, you called a County employee who is not employed in the County Counselor's office to make your initial demands. In your voicemail message left for Mr. Calvert, you clearly stated your demand – that you would go public before the August 4, 2020, election if you and your client did not get paid off. Curiously, after our meeting, you continued to try and contact Mr. Calvert by telephone, even though you know that I represent the County. Please direct any future communications directly to me.

In sum, let me be clear: We will not pay money to you or your client in exchange for a scheme designed to threaten embarrassment and disrupt the upcoming election. You have not alleged facts that we believe support a claim of discrimination. If you learn or possess facts that *would* form a good faith claim on behalf of your client, please let me know and we can discuss them. We will certainly not, however, pay any such money in a secret deal that is hidden from the public like that you proposed. The charge that you drafted seems simply part of a charade that is, by your own admission, intended to interfere with an election.

I am hopeful that upon receiving this letter, you and your client will critically and honestly review your conduct to date and the allegations (and lack of facts) in the threatened charge, and ultimately refrain from pursuing this matter any further. Again, all future communications regarding this matter should be directed to me.

Sincerely,


Beth Orwick