

Law Office

**ANTHONY B. GIARDINI CO., L.P.A.**

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Attorney at Law

May 31, 2006

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U.S. Equal Employment Opportunity Commission  
Attn: Pat Sintak  
1240 East 9<sup>th</sup> Street, Suite 3001  
Cleveland, OH 44199

**RE: Dean O. Okafor v. Spitzer Motor City, Inc.**  
**Charge No. 532-2006-00555**

REC'D  
CLEVELAND COUNTY OFFICE

JUN 05 2006

**RECEIVED**

Dear Mrs. Sintak:

I represent Spitzer Motor City, Inc., the respondent in the above referenced charge. I have reviewed the charge with my client and our response is as follows:

First of all, it is my client's position that in no way has Mr. Okafor been racially harassed by Mr. Dombrowski. Mr. Dombrowski's statement is attached and addresses the particular charges. Additionally, Mr. Jim Dombrowski became the General Manager at Spitzer Motor City, Inc. in December, 2005 and under Mr. Dombrowski's tenure, twenty six employees have been hired and of this number six are African American and one is of Indian descent (over 25%).

Spitzer Motor City, Inc., has had a written anti-harassment policy in place since January, 2002. A copy of this policy is attached. All employees, including Mr. Okafor, at Spitzer Motor City, Inc., received a copy of this policy with their paychecks in January, 2002. Furthermore, mandatory seminars regarding Spitzer's anti-harassment policy have been held at least twice during Mr. Okafor's tenure with the company.

As to Mr. Okafor's allegations, the first contact made by Mr. Okafor regarding any alleged harassment occurred on March 24, 2006. Mr. Okafor alleges that he has been harassed since January 6, 2006, however, he never reported this alleged harassment to his direct supervisors or anyone at Spitzer Management, Inc., as outlined in Spitzer's policy.

On March 24, 2006 at approximately 2:30 p.m., Larry Ward at Spitzer Management, Inc., received a phone call from Mr. Okafor regarding his concerns with Jim Dombrowski. Upon receipt of this information, Mr. Ward contacted me. I informed Mr. Ward that he was to contact Jim Dombrowski immediately. Mr. Ward spoke with Mr. Dombrowski at approximately 3:06 p.m. Mr. Dombrowski informed Mr. Ward that he did not make any racial comments. The only comment made to Mr. Okafor was that he was speaking too quickly and that he could not understand him because of his accent. Mr. Okafor does have a strong accent and it is sometimes difficult to understand what he

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is saying. When Mr. Dombrowski made this comment, Mr. Tim Clark, sales manager, was present and states that in no way was Mr. Dombrowski's comment racial or disparaging. (See Statement of Tim Clark)

Mr. Dombrowski was told to speak with Mr. Okafor and discuss Mr. Okafor's concerns. At 3:20 p.m., Mr. Ward called Mr. Okafor and left him a message to call him back to further discuss his concerns. Mr. Okafor never returned Mr. Ward's phone call. (See Statement of Larry Ward.)

I also contacted Mr. Dombrowski and asked him if these allegations were true. Mr. Dombrowski stated that they were not. I informed him that if statements such as those alleged by Mr. Okafor were true, such statements are unacceptable. I informed Mr. Dombrowski that he would need to speak with Mr. Okafor and apologize for what was said.

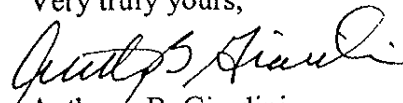
The following day, Mr. Okafor was back at work and has continued to work since that time.

In the process of investigating Mr. Okafor's allegations, I have become aware that Mr. Okafor himself has made certain offensive and racially discriminatory comments. For example, Mr. Okafor stated to another employee, "You would not believe this place, nothing but coons coming in here." (See Statement of Jerry Tonkin.) He has used the term "nigger," and has made disparaging comments about other minorities. These comments and statements by Mr. Okafor are detailed in the attached statements and those statements must be investigated because they violate company policy.

Mr. Okafor has further made statements that he does not like Mr. Dombrowski and is out to get Mr. Dombrowski fired. At one point, Mr. Okafor showed Mr. Jerry Tonkin a letter Mr. Okafor received from either the Equal Employment Opportunity Commission or another government agency and stated, "I am going to hang [Jim Dombrowski] by his balls." When questioned why, Mr. Okafor stated that he didn't like Mr. Dombrowski and wanted him fired. (See Statement of Jerry Tonkin)

As evidenced by the above and the attached, Spitzer Motor City, Inc., feels that that Mr. Okafor's charge against it is unsubstantiated. If you have any further questions, please contact me or my associate, Michelle Pena.

Very truly yours,



Anthony B. Giardini

ABG/mp  
Enclosures

PLAINTIFF'S EXHIBIT

**28-83**

1:06CV02337