

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Revocation of License of )  
)  
SANDRA V. CRANE )  
Amateur Radio Station )  
N6TFO )  
)  
and )  
)  
Suspension of License of )  
)  
SANDRA V. CRANE )  
Amateur Extra Class )  
Radio Operator License )  
)  
and )  
)  
Revocation of License of )  
)  
CHARLES P. PASCAL )  
Amateur Radio Station )  
WB6CIY )  
)  
and )  
)  
Suspension of License of )  
)  
CHARLES P. PASCAL )  
Amateur Extra Class )  
Radio Operator License )

PR Docket No. 92-119

ORIGINAL  
FILE

To: Administrative Law Judge Joseph Chachkin

LIST OF WITNESSES  
AND OUTLINE OF EVIDENCE

The Chief, Private Radio Bureau (Bureau), provides the following list of witnesses and outline of evidence:

1. Christine F. McElwain, an amateur station and operator licensee, will testify concerning:

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- (a) Her participation in the Commission's "amateur auxiliary" program, and her other amateur service credentials.
- (b) Her attendance on August 4, 1991, at a class taught by the respondents, Charles P. Pascal and Sandra V. Crane, during which (among other occurrences):
  - i. The primary instructor was Mr. Pascal, who was assisted by Ms. Crane.
  - ii. The instruction included answers to all questions in the written amateur service examinations (elements 2 and 3A) administered to students at an examination session held immediately after the class.
  - iii. The instruction did not include answers to at least 50% of the questions contained in the question pools from which the questions for elements 2 and 3A are drawn.
  - iv. Mr. Pascal gave the students two sentences and told them that the Morse code examination would consist of one of the two sentences.
- (c) Her attendance, immediately following the class on August 4, 1991, at an examination session, during which (among other occurrences):
  - i. Volunteer examiners administered the written examination elements (2 and 3A) to the students.
  - ii. Mr. Pascal, who was not a volunteer examiner, gave the students a Morse code examination (element 1A) consisting of one of the two sentences he had taught

to them during the class on the same date.

- (d) Her attendance on August 24, 1991, at a class taught by Mr. Pascal and Ms. Crane, during which (among other occurrences):
- i. The primary instructor was Mr. Pascal, who was assisted by Ms. Crane.
  - ii. Mr. Pascal told Ms. Crane to keep all three tests in front of her and make notes on anything he missed.
  - iii. Ms. Crane, who had three versions of examination elements 2 and 3A in front of her, remarked that the tests had just been received. She subsequently (throughout the class) provided key information concerning the specific test questions and answers, doing so on her own initiative and pursuant to Mr. Pascal's requests.
  - iv. The instruction included answers to all questions in the written examinations (elements 2 and 3A) administered to Ms. McElwain and in at least some<sup>1</sup> of the examination elements administered to other students at an examination session held immediately after the class.
  - v. The instruction during the part of the class Ms. McElwain attended did not include answers to at least 50% of the questions contained in the question

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<sup>1</sup> Those examinations for which other students were given the same test questions as Ms. McElwain.

pools from which the questions for elements 2 and 3A are drawn.

- (e) Her attendance, immediately following the class on August 24, 1991, at an examination session during which (among other occurrences):
- i. The three volunteer examiners arrived with no test materials in their possession.
  - ii. Ms. Crane handed to one of the volunteer examiners a sealed package containing the test materials.
  - iii. The volunteer examiners administered examination elements 2 and 3A to students.
  - iv. During the administration of element 2, Ms. Crane, at the request of one of the volunteer examiners, located a diagram needed for the test.
- (f) Her attendance at an examination session held on September 14, 1991, during which (among other occurrences):
- i. Ms. Crane initially had possession of the tape recording used in the administration of Ms. McElwain's Morse code examination (element 1A).
  - ii. Ms. Crane and Mr. Pascal were familiar with the content of the Morse code tape but the volunteer examiners were not.
  - iii. The Morse code examination administered to Ms. McElwain consisted primarily of the two sentences Mr. Pascal taught to students at the class held on August 4, 1991.

- (g) Authentication of documents relating to (b) through (f).
2. John B. Johnston, Chief of the Commission's Personal Radio Branch, will testify concerning the examination system coordinated by the volunteer examiner coordinators (VECs).
  3. Fred Maia, head of the W5YI-VEC and member of the question pool Committee of National Conference of Volunteer Examiner Coordinators, will testify concerning:
    - (a) Authentication of the applications and examination papers submitted by the applicants at the August 4 and 24, 1991, examination sessions attended by Ms. McElwain.
    - (b) Authentication of the questions contained in the question pools from which the questions for examination elements 2 and 3A are drawn.
    - (c) Authentication of examinations used at the August 4 and 24, 1991, examination sessions attended by Ms. McElwain.
  4. James Georgias, head of the Devry VEC, will testify concerning telephone conversations he had during October, 1991, during which (among other occurrences):
    - (a) Mr. Pascal requested that the Devry VEC provide volunteer examiners to re-test applicants originally tested at the August 4, August 24 and September 14, 1991, examination sessions, the results of which had been invalidated by the

W5YI-VEC.

- (b) Mr. Pascal requested access to the examination questions to be used at the examination sessions coordinated by the Devry VEC so that his students would, he stated, "better understand" the questions before they were tested.
- 5. Walter A. Ramsey, who teaches amateur radio classes and is a volunteer examiner, will testify concerning:
  - (a) The amount of preparation typically needed to pass examination elements 1A, 2, and 3A.
  - (b) The difficulty (or lack of difficulty) of the Morse code tests administered at the examination sessions held on August 4 and September 14, 1991.
  - (c) Based on an examination of Ms. McElwain's notes, how much of the question pools for examination elements 2 and 3A were covered during the classes attended by Ms. McElwain.
- 6. Charles P. Pascal will be called to testify as an adverse witness concerning:
  - (a) The examination of Tracey L. Gullotti on November 11, 1990.
  - (b) Other matters relating to this proceeding, as described above.
- 7. Sandra V. Crane will be called to testify as an adverse witness concerning:

- (a) The examination of Tracey L. Gullotti on November 12, 1990, January 6, 1991, and April 12, 1991.
  - (b) Other matters relating to this proceeding, as described above.
8. Tracey L. Gullotti's applications of November 12, 1990, January 6, 1991, and April 12, 1991, will be authenticated as official Commission records through the certification of the Commission's Secretary.
9. The following documents will be authenticated through the certifications of their custodians: birth certificate of Camille Gullotti (Tracey L. Gullotti's daughter) and real estate record showing ownership of Tracey L. Gullotti's residence.

The foregoing is based on the assumption that the hearing will take place in Washington, D.C., as presently scheduled. If the location of the hearing is changed, a revised list of witnesses and outline of evidence will be filed. In the event that the Bureau discovers additional witnesses or evidence, a supplementary list of witnesses and outline of evidence will be filed.

Respectfully Submitted,

Ralph A. Haller  
Chief, Private Radio Bureau

By

  
Eric Malinen  
Thomas D. Fitz-Gibbon  
Attorneys

Dated: June 15, 1992

Certificate of Service

I, Ivy I. Harris, certify that on June 15, 1992, a copy of the foregoing LIST OF WITNESSES AND OUTLINE OF EVIDENCE, filed on behalf of the Chief, Private Radio Bureau, was sent by First Class mail to:

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(Hand-carried)

  
Ivy I. Harris