

1 intended to written about WWSC. And there's just not  
2 any point in time -- paying any more attention to this  
3 document. It just clearly is not relevant. So I am  
4 considering it as stricken. And I will not consider  
5 Exhibit 3's page 11 and 12.

6 Now, let's go back to what Mr. O'Keefe has  
7 to say about the station.

8 (Pause).

9 JUDGE SIPPEL: I will -- Let me go off the  
10 record for just a minute.

11 (Off the record).

12 JUDGE SIPPEL: We're back on the record  
13 and we were left with Exhibit 3, page --

14 MR. TILLOTSON: Your Honor, while we were  
15 off the record, we were having a discussion between --  
16 among counsel -- with Mr. Lynch. And I think we've  
17 agreed -- I think Mr. Lynch will confirm this -- that  
18 he is offering the information under Annex B entirely  
19 and solely as part of his integration proposal, not to  
20 be relied upon as renewal expectancy. And I believe if  
21 we have that understood and if we proceed on that -- if  
22 that's correct, we will then facilitate the review of  
23 the materials and speed up the process.

24 JUDGE SIPPEL: Well, I agree with -- as  
25 I've said, I accept that. If that's the way the

1 parties want to stipulate to receive it, then that's  
2 all fine and good.

3 But I think you understand the quandary  
4 that I'm in. If he's presenting it -- if it's a mixed  
5 bag and it's in the record and it's irrelevant and it  
6 turns out to be relevant to renewal expectancy, I would  
7 look at it as renewal expectancy evidence.

8 However, based on what you're telling me  
9 now, it's agreed that it's in here only for purposes --  
10 and to be considered only for purposes of integration,  
11 then that is going to make it a lot easier for all of  
12 us. I'll accept that as a stipulation.

13 MR. LYNCH: So stipulated.

14 MR. SCHONMAN: Your Honor, I would like to  
15 add, too, that -- nor is it coming in for the Skidelsky  
16 issue.

17 JUDGE SIPPEL: Well, that's a tough one.  
18 I mean, that is a tough one. We've been down this road  
19 -- you know -- 18 different times now --

20 MR. SCHONMAN: Integration is integration.  
21 And if it's coming in for that purpose only, that  
22 implies -- and I'd like to make it very clear that it's  
23 not coming in for any other purpose.

24 JUDGE SIPPEL: That's true. But the  
25 record -- as the record stands after everything is all

1       said and done, the record in its composite form is  
2       going to -- I'm going to have to take a look at it from  
3       the standpoint of Skidelsky and an exculpatory set of  
4       mitigating evidence. I'm going to have to look at the  
5       whole record.

6               MR. TILLOTSON: Well, Your Honor, though,  
7       if we're only looking at the evidence that's being  
8       offered as -- for example, for civic affairs, which was  
9       really all it's about -- participation. That's all  
10      that this whole group of -- once we get down to saying  
11      it's integration, the only aspect of integration that  
12      it could possibly relate to is what was Mr. Lynch's  
13      involvement in the community that you could consider.

14             Now, once we get to that, we don't have to  
15      discuss, for example, Mr. Schonman's question as to  
16      whether one of these Exhibits might stay in the record  
17      because it goes to his good character. And if we  
18      decide that it doesn't have any other relevant purposes  
19      -- then it's out and we're done with it.

20             On the other hand, if it's being offered  
21      for some broader purpose, we'll have to debate those  
22      points. I think that's where we're at. And --

23             JUDGE SIPPEL: Well, if I've heard you --  
24      let me -- I'm not going to try to rephrase what you  
25      said; but let me just tell you where I'm coming in at

1 this. If this is offered for integration purposes it's  
2 going to have to meet relevancy and admissibility for  
3 integration purposes or it's out. Okay?

4 If it comes in for whatever my ruling is,  
5 however you may not like or -- like or dislike my  
6 ruling, once it is in the record as an Exhibit, if it  
7 becomes part of an integral of the totality of the  
8 record, if it has a relevance to this question of  
9 exculpatory evidence or mitigating evidence, I would  
10 consider it for that purpose also.

11 However, it's not being offered or  
12 received for that purpose. Do I make -- do you  
13 understand what I'm saying?

14 MR. SCHONMAN: I understand your position,  
15 Your Honor, and I would respectfully differ with you.  
16 If a quantum of evidence is coming in for one  
17 particular purpose, if it's offered for that purpose  
18 and if it's received for that purpose, then it may only  
19 be applied to and used for that purpose. And it is  
20 irrelevant for any other purpose.

21 JUDGE SIPPEL: Well, I think that I'm  
22 going -- I'm going to have to -- again -- disagree with  
23 you on that.

24 I think that based on what the -- for the  
25 guidance I've gotten thus far from the Review Board,

1       they're telling me that I've got a lot of discretion in  
2       terms of how I handle this -- let's say it's Ocean  
3       Pines evidence, exculpatory --

4               And the only way that I know how to do  
5       that in the context of what -- of putting this record  
6       up against what was found in Skidelsky is to look at  
7       the record as a whole.

8               In addition, of course -- I mean, I'm not  
9       saying that that's the beginning and the end of the  
10      inquiry. There has to also -- there has to -- I'm  
11      looking for -- I'm looking for evidence that is offered  
12      with respect to mitigating or exculpatory evidence on  
13      Skidelsky. I'm looking for that.

14              I mean, if he doesn't have that, I'm still  
15      going to have to look at the record; but, obviously,  
16      I'm not going to find too much.

17              But I'm saying is that when I'm looking at  
18      mitigating, exculpatory evidence, I'm going to look at  
19      everything that's in the record. And if there's  
20      something in there that came in on integration that may  
21      relate to that, you know, I'll rely on it.

22              I've said it enough times. You may -- you  
23      know -- you can object to it.

24              MR. TILLOTSON: Your Honor -- if we could  
25      get a ruling on my objection to -- as an integration

1       civic activities Exhibit, the affidavit of Francis X.  
2       O'Keefe I would object to in its entirety because it  
3       does not contain relevant information about Mr. Lynch's  
4       personal involvement in the community. It suffers from  
5       the same defect as the Exhibit you rejected about  
6       Borgos that really relates to what the radio stations  
7       have been doing for the community in the way of putting  
8       on programming and events.

9                   JUDGE SIPPEL: Well, what about this --  
10       I'm just looking at -- paragraph 3. It says, "In his  
11       altruistic manner, Mr. Lynch has always been willing to  
12       take the initiative in promoting community events,  
13       special causes and civic projects."

14                   MR. TILLOTSON: You have to take that,  
15       Your Honor, in the context of the paragraph that  
16       starts, "His radio stations have played an integral  
17       role -- " what the stations have done in their affairs  
18       -- the next sentence -- that they never give -- "Lynch  
19       never fails to give the full support of his radio  
20       stations -- " And we could go through this and you  
21       could say an individual sentence may be suggesting that  
22       he -- Mr. Lynch was involved in civic affairs, but the  
23       burden was on Mr. Lynch to come in and have the Mayor  
24       say, "Mr. Lynch personally did A, B and C on these  
25       dates. And that's why he's a wonderful guy and

1           civically involved."

2                   JUDGE SIPPEL: I understand what you're  
3 saying.

4                   MR. TILLOTSON: Yes.

5                   JUDGE SIPPEL: I do understand what you're  
6 saying, and, as I say, again, I'm treating this as  
7 another mix -- it's a mixed effort on the part of  
8 Normandy. It's got a lot of problems with it, as did  
9 Annex A. Lots of problems with it. But --

10                  MR. TILLOTSON: Well, could I help you a  
11 bit also --

12                  JUDGE SIPPEL: Go right ahead.

13                  MR. TILLOTSON: Judge Kuhlman was  
14 presented the same Exhibit. You'll note that the date  
15 is September 1990. This was not prepared for this  
16 hearing.

17                  Judge Kuhlman was supplied with this and  
18 several of the other affidavits -- through Borgos, at  
19 least -- in connection with the earlier hearing. I  
20 believe also the -- Collins may have been -- it was  
21 September 1990 -- for the purposes that Mr. Lynch is  
22 offering here today, civic activities.

23                  They were rejected for that purpose.

24                  JUDGE SIPPEL: Mr. Lynch.

25                  MR. LYNCH: I believe I may have made an

1 error. Mayor O'Keefe did provide me with an affidavit  
2 specifically for this proceeding. And in the paperwork  
3 harangue I may have put in the wrong -- it looks like I  
4 did put in the wrong affidavit -- a more valid one year  
5 hence or two years hence.

6 JUDGE SIPPEL: Well, wait a minute. You  
7 see, this is where I have a problem, because if I've  
8 got a situation and I go down and ask somebody in my  
9 community to give me an affidavit to use in a  
10 particular situation, I would want that person to know  
11 what the situation was that I was being asked to use  
12 the affidavit for. An affidavit doesn't become  
13 something that you use and then you put it on the shelf  
14 and you pull it off whenever you need it.

15 I'm not going to receive --

16 MR. LYNCH: -- disagree with you, Your  
17 Honor.

18 JUDGE SIPPEL: Well, I'm going to exclude  
19 Exhibit -- That's not Francis O'Keefe's affidavit for  
20 the purpose of this case. So I'm not going to -- I'm  
21 striking it. I'm not considering the evidence in  
22 Exhibit -- page 8 of Exhibit 3.

23 MR. TILLOTSON: And the same will apply to  
24 Bartholomew.

25 JUDGE SIPPEL: Is that true of the

1 Bartholomew affidavit -- That was not done for this  
2 case?

3 MR. LYNCH: No, it wasn't, Your Honor.

4 JUDGE SIPPEL: It's stricken.

5 MR. LYNCH: Your Honor, the only reason on  
6 some of these I didn't go back to somebody was just at  
7 some point in time your haranguing -- You know, one,  
8 obviously, time, but two -- What he said two years ago  
9 to put on the -- you know -- public record is no more  
10 or less valid today this was two years ago. What I am,  
11 I am. And this is just strictly going to show my  
12 integration, hopefully, my integrity in the community,  
13 what I do and how I do it. It is no more or less valid  
14 today as it was two years ago.

15 Then, again, it was for the public record  
16 and --

17 JUDGE SIPPEL: Findings have been made on  
18 this evidence in another case. And I'm -- this is --  
19 you're asking for -- you know -- another judge to take  
20 a look at the same evidence in a different case.

21 And, more importantly than that -- more  
22 importantly than that -- Edward Bartholomew was not  
23 told this affidavit was going to be presented to Judge  
24 Sippel through this particular case. And I don't --  
25 I'm not going to use somebody else's affidavit unless

1 Mr. Bartholomew was here and he had given an affidavit  
2 in another case and -- cross examine him on his  
3 consistency in testimony. That's a different purpose.  
4 But for the purposes of making your case, no, sir.

5 Exhibit 3, page 9 and 10, are stricken.

6 We've already stricken Mr. Borgos, that's  
7 pages 11 and 12 of Exhibit 3.

8 MR. TILLOTSON: And, Your Honor, you can  
9 go through 13 to 19. All of those documents clear on  
10 their face -- for an earlier proceeding in one form or  
11 another. They're all 1990. They're not documents  
12 obtained for this proceeding.

13 I would add also that the page -- Exhibit  
14 3, page 14, is not an affidavit or under penalty of  
15 perjury.

16 And that would apply also to Exhibit 3,  
17 page 15 and 16, a statement of --

18 JUDGE SIPPEL: Well, I see also that many  
19 of these -- many, if not all -- are relating to WWSC.

20 MR. TILLOTSON: Well, that's the further  
21 objection. I thought we'd stick to the one that was  
22 moving us along.

23 MR. LYNCH: None of these are intended to  
24 relate to WWSC. They're related to my integration --

25 JUDGE SIPPEL: Well --

1 MR. LYNCH: I would withdraw Exhibit 3,  
2 page 13 -- have us that time.

3 JUDGE SIPPEL: Well, let's strike that.  
4 Let's -- let's move on to 14 -- WWSC.

5 MR. LYNCH: 14? The next five or six  
6 pages coming up were not meant to be an affidavit as  
7 far as this, that and the other thing. They're  
8 basically statements as far as my personal integration  
9 -- some time with AM or FM radio stations as to  
10 specific things that I have done in the community.

11 JUDGE SIPPEL: Let's listen to that point  
12 for a minute. Let's take a look at 14, Mr. Tillotson.  
13 What problem do you have with -- Let's assume -- Okay.  
14 WWSC -- Mr. Lynch -- not relevant, because whether he  
15 does it for WWSC or he does it for whatever purpose,  
16 the point is that he's out in the community doing  
17 something, which shows community involvement.

18 MR. TILLOTSON: Well, first point is, Your  
19 Honor, all this shows is that WWSC and Y-96-FM -- and  
20 who knows which one of the stations actually did it or  
21 when -- have supported endeavors in the community and  
22 they worked with Chris and the staff -- live broadcast  
23 and remotes. Those are basically what this is telling  
24 you is this radio station broadcast some public service  
25 announcements for the Heart people.

1                   This -- anyone that's dealt with any radio  
2                   stations that -- broadcasters, you will go to their  
3                   files, every year there'll be hundreds of letters like  
4                   this from any organization that you put on a public  
5                   service announcement for. That's the way they pay for  
6                   the public service announcements.

7                   JUDGE SIPPEL: I've heard enough. I've  
8                   heard enough; 3 at page 14 is stricken.

9                   Mr. Lynch, page 15. You've got the same  
10                  problem.

11                  Well, it says that, "The owner, Chris  
12                  Lynch, served on the Board with me for at least 10  
13                  years, served many roles."

14                  MR. TILLOTSON: Your Honor, insofar as Mr.  
15                  Lynch wants to take credit for serving on a board in a  
16                  capacity for a period of time, the way he does that is  
17                  he puts that in his direct testimony and that's his  
18                  sworn testimony. This is not a sworn testimony from  
19                  anyone. And I don't see -- And we have the -- We have  
20                  the fact that he was on the Heart Association. That's  
21                  in his direct testimony. This is not a sworn testimony  
22                  from anyone. And I don't see -- And we have the fact  
23                  that he was on the Heart Association. That's in his  
24                  direct testimony. We don't need this letter to get  
25                  that in.

1 JUDGE SIPPEL: Mr. Lynch.

2 MR. LYNCH: I've been challenged every  
3 time I burp.

4 I would like this supporting testimony in  
5 as much as it's relevant to my integration.

6 I have no problem testifying what I've  
7 done. It's been a major -- Heart Association has been  
8 a major interest as long as I've been at the station --

9 JUDGE SIPPEL: Well, you've given us a lot  
10 of papers to look at. And to the extent that it does  
11 appear to be repetitive -- and, again, it focuses on  
12 WWSC -- I don't find that I -- I don't need it. I  
13 don't need it to make the finding. So I'm going to  
14 strike it. I'm striking Exhibit 3, pages 15 and 16.

15 Yes, sir. Go ahead.

16 MR. LYNCH: I was wondering, inasmuch as  
17 paragraph 2 -- if we could leave that on the record,  
18 inasmuch as it does support my direct testimony, and it  
19 does relate directly to me, my Board membership --

20 JUDGE SIPPEL: Well --

21 MR. LYNCH: -- working like a dog.

22 JUDGE SIPPEL: I say, you've already  
23 established the fact that you have worked for this  
24 association. You've already established that in your  
25 narrative testimony. It doesn't really add anything

1 more to it.

2 You don't have to get cumulative, you  
3 know. I mean, you don't get more points because it's  
4 said more times in more documents.

5 MR. LYNCH: No, but in different ways,  
6 and, again, it's nice to have somebody else on the  
7 record saying that.

8 JUDGE SIPPEL: -- nice -- We're not here  
9 to be nice -- I mean, really. We're here to be  
10 specific, accurate and as efficient and economic as we  
11 possibly can in keeping this record down to its bare --  
12 minimum, which is still going to be quite a bit.

13 Page -- Exhibit 3, page 17.

14 MR. TILLOTSON: Well, Your Honor -- the  
15 same problem -- WWSA, the date, not sworn, doesn't say  
16 anything about Mr. Lynch's civic activity -- that would  
17 be relevant or probative.

18 JUDGE SIPPEL: I'll sustain the objection  
19 and strike that. The "that" I'm striking is page 17,  
20 Exhibit 3.

21 Page 18 and 19 of Exhibit 3. That's a  
22 letter addressed to Judge Kuhlman by Lacinda Hess.

23 MR. TILLOTSON: -- someone has typed on  
24 the second page, "I declare under penalty of perjury  
25 the proceeding statements are true." And I note that

1       it's obvious on the face of the page that it was typed  
2       -- it was in different type and raise all sorts of  
3       questions as to when and how --

4                JUDGE SIPPEL:  Let's ask Mr. Lynch about  
5       that.  See where he's referring to?

6                MR. LYNCH:  Yes.  My sworn testimony.  I  
7       watched Lacinda -- Hess.  I read this and I said,  
8       "Well, if you can put it in there."  She herself typed  
9       this in and I watched her as she did it.

10               JUDGE SIPPEL:  I don't understand that.  
11       She typed in --

12               MR. LYNCH:  "I declare under penalty of  
13       perjury that the preceding statements are true."  She  
14       herself typed that in.

15               JUDGE SIPPEL:  When?

16               MR. LYNCH:  When I came over to pick up  
17       this document.  I said, "Well, if you could put in -- "

18               JUDGE SIPPEL:  When was that?  When was  
19       that?

20               MR. LYNCH:  Well, it's October 4, 1990.

21               JUDGE SIPPEL:  Oh, okay.  So that was for  
22       Judge Kuhlman.

23               MR. LYNCH:  It was for me.  I'd been a  
24       supporter of the Girl Scouts.  I had a troop going with  
25       the ballooning.

1 JUDGE SIPPEL: Well, who wrote up here,  
2 : "Judge Edward Kuhlman," at the top?

3 MR. LYNCH: She did; but she wrote this on  
4 my request after in Skidelsky they made some --

5 JUDGE SIPPEL: Did she see the findings in  
6 Skidelsky? Did she see Judge Kuhlman --

7 MR. LYNCH: No, this was before -- this  
8 was before --

9 JUDGE SIPPEL: But she hasn't seen the  
10 decision.

11 MR. LYNCH: No --

12 JUDGE SIPPEL: Well, then, she may not be  
13 wanting to present the same letter to me after she read  
14 that decision. This is something that I just can't --  
15 I can't infer one way or the other. The problem is is  
16 that you've given me a document that's outdated and  
17 it's addressed to another judge in a different  
18 proceeding.

19 MR. LYNCH: It speaks factually of what  
20 I've done in the community, me specifically. This has  
21 more to do with my integration than any of the other  
22 documents leading up here, what I did, how I did it,  
23 integration in a Girl Scout Troop. It's all factual.

24 JUDGE SIPPEL: I'm not going to use -- I'm  
25 going to tell you right now, I'm not going to use Mrs.

1 Hess' letter in my proceeding if it's addressed to  
2 Judge Kuhlman back in October 1990. I mean, I'm just  
3 not -- I'm not going to do that, because that's not  
4 what she intended the purpose of this letter to be.

5 And, in addition to that, she has not had  
6 the benefit of Judge Kuhlman's decision to see if she  
7 wants to resubmit this -- It's stricken. 18 and 19 of  
8 Exhibit 3 is stricken.

9 Now, these still -- Let me explain a  
10 little something to you procedurally. These documents  
11 still stay with the record. The transcript says that  
12 they're stricken. But when this goes up on appeal,  
13 these documents will be in the record with my ruling  
14 that they're struck. You understand?

15 MR. LYNCH: Yes, Your Honor.

16 JUDGE SIPPEL: So we don't just throw them  
17 out. They're in the record; but they're not in  
18 evidence. I don't consider -- anything that I'm  
19 striking doesn't get considered by me in the findings  
20 in this case. You understand that?

21 MR. LYNCH: Oh, I understand that -- Wish  
22 I understand the difference between writing to Judge  
23 Kuhlman -- I believe all of these --

24 JUDGE SIPPEL: I've already ruled on that.  
25 I'm not trying to say this to invite you to come back

1 with the same argument.

2 MR. LYNCH: I apologize.

3 JUDGE SIPPEL: Now, we're up to Exhibit 3,  
4 page 20.

5 MR. TILLOTSON: 20, 21 and 22 are all --  
6 they're quite old, 1975 and '76. They don't tell us  
7 anything about Mr. Lynch's -- what Mr. Lynch did to  
8 earn whatever awards he was getting. And without  
9 knowing what it was that he did, there's no -- there  
10 can't be any possible evidence --

11 JUDGE SIPPEL: Well, they go just -- those  
12 arguments just go to the weight. I mean, I don't say  
13 that they cross the threshold of relevance. Weight is  
14 another issue. So they're -- I'm going to receive 20,  
15 21 and 22.

16 MR. LYNCH: Your Honor, as far as weight,  
17 what I was trying to show with these documents is a  
18 long-term integration, where I didn't just do it in the  
19 last few years. These are some of the things -- the  
20 life membership is still a current life membership; but  
21 this hasn't been -- license term --

22 JUDGE SIPPEL: Well, as I say, anything  
23 that you -- you know -- once it's in the record, which  
24 it is, as Exhibit 21, 22 and -- Wait a minute. Let me  
25 go back again -- 20, 21 and 22. You can make your

1 argument on the evidence when you submit your proposed  
2 findings.

3 Are you still working on getting an  
4 attorney to help you on that?

5 I had another pro se case back about six  
6 weeks ago. I just ended up having to plead the trial.  
7 At least I got a commitment from that person that he  
8 was going to retain a lawyer to help him put together  
9 the findings, 'cause I don't know how you're going to  
10 be able to do this.

11 MR. LYNCH: I don't either, Your Honor.  
12 I'm in a Catch 22. The more I -- the paperwork, the  
13 less I can go in and make some money so I can retain an  
14 attorney. This paperwork and what happened over the  
15 last three or four months has cut into my ability to  
16 run a radio station.

17 JUDGE SIPPEL: Well -- you've got the  
18 responsibility to have this thing put together in a  
19 meaningful way. And even if you didn't have a  
20 communications attorney, you had a local attorney up  
21 there in Glens Falls who could at least guide you in  
22 terms of what putting together a brief entails. You  
23 and the case would be far better off.

24 MR. LYNCH: I understand, Your Honor.

25 JUDGE SIPPEL: My personal opinion.

1                   MR. LYNCH: I hope everybody doesn't think  
2 I'm doing this pro se because I enjoy it.

3                   JUDGE SIPPEL: No, I didn't think you did.

4                   All right. Let's move on to page 23 of  
5 Exhibit 3.

6                   MR. TILLOTSON: 23, 24, I would object to  
7 because they're clearly awards that were given to the  
8 radio station, WWSC, not Chris Lynch or --

9                   JUDGE SIPPEL: Mr. Lynch.

10                  MR. LYNCH: Your Honor, again, it goes to  
11 the -- how you actually operate a radio station in a  
12 community such as this. I was integral personally on  
13 every one of these things. They gave me the award,  
14 'cause I was the one who did it. All these 24-hour  
15 radiothons, I organized -- tap dancers and car auctions  
16 -- over and above what the radio was. I actually  
17 designed the pediatric heart clinic that came up to  
18 Glens Falls Hospital that had -- there was no pediatric  
19 unit in Glens Falls before we did this whole thing.  
20 And I got on the Board of Directors of the Heart  
21 Association to help expedite all the various things we  
22 were trying to do for my community.

23                  JUDGE SIPPEL: Did you write in here,  
24 "approximately '86 or '87"?

25                  MR. LYNCH: I did, Your Honor. It was

1 clipped off.

2                   Again, I tried as much as possible to show  
3 my personal integration into the community over and  
4 above it. And it does absolutely dove-tail with my  
5 radio station's performance. But that was not the  
6 intent, nor is it entered into evidence with that  
7 intent. This is me getting an award. If I didn't tell  
8 them not to, I probably would have gotten dozens of  
9 awards; but I --

10                   MR. TILLOTSON: Your Honor --

11                   JUDGE SIPPEL: Well, yes --

12                   MR. TILLOTSON: -- for getting an award  
13 for raising money with PSAs.

14                   JUDGE SIPPEL: You're getting -- I mean,  
15 we're getting too much into what probably would have  
16 been if you had done something -- You got to be very  
17 careful because you're -- you know -- you're  
18 testifying, too. And I find it very difficult to  
19 believe a witness that rambles onto things that would  
20 have been if they had the chance to do something else.  
21 I start to get confusing. When you confuse me, you're  
22 not going to help yourself.

23                   MR. LYNCH: Yes, Your Honor.

24                   JUDGE SIPPEL: All right. Exhibit -- Page  
25 23 of Exhibit 3 is stricken.

1 Page 24. This is from Cerebral Palsy.

2 MR. LYNCH: Yes, Your Honor.

3 This has been one of our pushes for the  
4 last 12 years, since they came to us for help. The  
5 most germane portion of this is sincere gratitude to me  
6 in the last paragraph; but it goes to show a long-term  
7 community involvement and a personal involvement.

8 JUDGE SIPPEL: Well, it says to you and  
9 your staff and the support of WWSC.

10 MR. LYNCH: And my staff.

11 JUDGE SIPPEL: Let me ask you this:  
12 What's -- "the beginning of a 12-year involvement," who  
13 wrote that down?

14 MR. LYNCH: Oh, on some of these -- such  
15 as the YLR, Mr. Borgos' -- I made some peripheral notes  
16 as I was going through these. I've got a lot more  
17 pages; and I tried to be as clear as possible,  
18 integration versus --

19 JUDGE SIPPEL: Who wrote " -- beginning  
20 -- "

21 MR. LYNCH: I did, Your Honor. I'm sorry.

22 JUDGE SIPPEL: Again, I'm going to strike  
23 page 24 because giving it a fair reading, it appears to  
24 apply to WWSC and it applies to the staff as much as it  
25 does to yourself. And I can't make -- I just can't

1 draw the distinction in terms of what to do with it.  
2 So it's irrelevant. I'm striking it. Now, that's at  
3 page 24 of Exhibit 3.

4 Page 25 of Exhibit 3.

5 MR. TILLOTSON: No objection, since Your  
6 Honor's set the rule that things like this that talk  
7 about Mr. Lynch's personal involvement. The only  
8 objection would be -- question would be weight not  
9 relevancy. So I have no objection.

10 JUDGE SIPPEL: All right. Well, that's  
11 received in evidence.

12 MR. TILLOTSON: 26, I haven't been able to  
13 figure out what this relates to. And I object to it  
14 because it doesn't seem to relate -- reflect any civic  
15 activities. I mean -- part -- but I haven't -- figured  
16 out at all.

17 JUDGE SIPPEL: This is the Adirondack  
18 Community College letter of April 29th; but then who  
19 wrote in "'87."

20 MR. LYNCH: I wrote in "'87."

21 JUDGE SIPPEL: How do you know it's '87?

22 MR. LYNCH: I will cross out '87, rather  
23 than swear. The best of my belief it was '87.

24 What we did at that time was draw in the  
25 broadcasting program of our local community college to

1 co-run a telethon over two local cable television  
2 stations.

3 It was done, one, to help out the  
4 broadcasting curricula at the Adirondack Community  
5 College and '87 was the first year that this went on.

6 At the same time, we did raise over  
7 \$20,000 for the Cerebral Palsy Program locally.

8 JUDGE SIPPEL: Well, answer me this: What  
9 does it have to do with your FM station --

10 MR. LYNCH: It doesn't. This is for  
11 integration only. One, I designed the telethon. Two,  
12 I put the ACC together. He thanks me directly at the  
13 end of paragraph 2. You know -- you know -- the last  
14 line, I was talking to the Dean of the college itself  
15 as far as -- you know -- helping the broadcast.

16 Again, this -- the cooperation was mine  
17 personally, putting the ACC in this thing was mine  
18 personally. "Marilyn" is Marilyn Cohen, the Director  
19 of the facility.

20 JUDGE SIPPEL: Mr. Tillotson.

21 MR. TILLOTSON: Your Honor, insofar as  
22 whatever he's putting together, it's getting together  
23 to put something on his radio station. I don't know  
24 which one of the radio stations. And I'm sure his  
25 staff is involved and it's using the air time on a

1 radio station the way broadcasters do in their  
2 community to run public service announcements for which  
3 you'll later claim some credit.

4 It does not reflect any personal civic  
5 activity involvement -- like he's not on the Board of  
6 the college. He's not doing something for the college.  
7 He's simply making his radio station available for some  
8 activity, and presumably his staff is involved.

9 We just don't know -- and it's not sworn  
10 and it's -- We don't know anything about it. I mean,  
11 we have to have Mr. Lynch on the stand to explain to us  
12 what it was all about.

13 MR. LYNCH: Which I just did.

14 JUDGE SIPPEL: Well, Mr. Lynch, what --  
15 how does this tie in -- What were you going to do with  
16 this program?

17 MR. LYNCH: Put it on cable television,  
18 which has nothing to do with my radio programming  
19 whatsoever.

20 Again, taking a telethon where we're  
21 raising money for a community need, what I did is come  
22 up with a design where we could take the local  
23 community college television program, get them out into  
24 the community, figured out a way to get them into both  
25 of the cable systems. Again, that obviously has