

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of) MB Docket No. 14-82
)
PATRICK SULLIVAN) FRN 0003749041, 0006119796,
(Assignor)) 0006149843, 0017196064
)
and) Facility ID No. 146162
)
LAKE BROADCASTING, INC.) File No BALFT-20120523ABY
(Assignee))
)
Application for Consent to Assignment of)
License of FM Translator Station W238CE,)
Montgomery, Alabama)

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

PATRICK SULLIVAN and LAKE BROADCASTING,
INC. REPLY FINDINGS OF FACT AND
CONCLUSIONS OF LAW

I. PRELIMINARY STATEMENT

1. In this proceeding, Patrick Sullivan (“Sullivan”) is the proposed assignor of FM Translator Station W238CE, Montgomery, Alabama, and Lake Broadcasting, Inc. (“Lake”) is the proposed assignee (collectively, the “Applicants”). Mr. Michael S. Rice is the President, sole owner, and director of Lake, and this proceeding focuses on him in his own right and as the embodiment of Lake.

2. Paragraph 11 of the *Hearing Designation Order* (“HDO”), DA 14-703, released May 23, 2014, establishes the “law of the case,” making it clear that the purpose of this proceeding is to determine whether Mr. Rice “has been sufficiently rehabilitated

and, therefore, is qualified to hold the Station's license". As part of this "law of the case," the *HDO* (Para. 27) further states that "the Presiding Administrative Law Judge shall not...relitigate any of the findings of fact and/or conclusions of law contained in any order or opinion relating to the state court proceeding in which Michael S. Rice was determined to be a convicted felon or in any order or opinion relating to the Commission proceeding in which Michael S. Rice and/or the broadcast companies in which he held an interest were previously determined to be unqualified".

3. Nevertheless, despite these admonitions, the Enforcement Bureau ("Bureau") has managed to turn this proceeding into a relitigation of Mr. Rice's crimes, which occurred more than 28 year ago, when Mr. Rice was less than 50 years old, and has paid scant attention to anything that happened in Mr. Rice's life after he entered prison in September 1994. The Bureau achieved this dastardly result in two ways. First, it convinced the Presiding Judge to issue *Order*, FCC 15M-26, released August 4, 2015, which completely eviscerated Paragraph 27's holding in the *HDO* that the Judge should not allow relitigation of Mr. Rice's previous criminal convictions, under the guise of allowing the Bureau's psychologist, Dr. Kimberly Weitzl, to inquire into Mr. Rice's "mental state" prior to his imprisonment. And, second, the Judge eventually permitted the Bureau to include in the hearing record, over counsel's several objections, a number of 20-or-more-year-old untested written reports (Bureau Exhibit 4) concerning alleged sexual misconduct by Mr. Rice prior to his incarceration. These documents were allowed by the Judge to be quoted by the Bureau's witnesses, Dr. Weitzl and Ms. Tamara Gremminger, at hearing and in their direct case exhibits and were relied upon for the "truth" of their scurrilous statements about Mr. Rice, even though they were admitted into evidence only as "business records" of the Missouri Department of Corrections.

4. The Bureau's witness testimony by Dr. Weitl and Ms. Gremminger and its documentary exhibits focus almost exclusively on Mr. Rice's life prior to his release from prison in December 1999. The avowed purpose of this testimony was to measure the degree of Mr. Rice's rehabilitation, but the testimony instead was inflammatory and concluded that Mr. Rice was not rehabilitated, and that he had a high risk of re-offending – even though he is 76 years old and has had a perfect record of civic behavior since he was arrested in 1990. Lake's direct case exhibits show that Mr. Rice's felony convictions have no continuing effect on his qualifications or the qualifications of Lake to be a licensee because Mr. Rice is fully rehabilitated from his past criminal activity, has a very low risk of re-offending, and is fully fit to become a Commission licensee again.

II. REBUTTAL OF BUREAU'S PROPOSED FINDINGS

5. For the Presiding Judge's convenience, the Applicants will now rebut the arguments made in the Bureau's Proposed Findings and Conclusions, using the Bureau's outline as an index.

Prior FCC proceedings

6. Bureau's Findings 9-11 should be stricken because they are littered with "relitigation" and highly prejudicial hearsay statements contained in Bureau Exhibit 4. The Applicants renew their objection to the Presiding Judge's admission of Bureau Exhibit 4. While technically admissible as "business records" of the Missouri Department of Corrections, the items in Bureau Exhibit 4 are actually untested scurrilous written police reports concerning alleged sexual misconduct by Mr. Rice prior to his incarceration. As such they are highly prejudicial and should

be excluded from this case. *See Paddack v. Christensen*, 745 F.2d 1254, 1262 (9th Cir. 1984); *U.S. v. Lundy*, 809 F.2d 392, 395 (7th Cir. 1987) (a court must insure that an expert witness is testifying as an expert and not merely as a conduit through which hearsay is brought before the jury). If there were any truth to these allegations, Mr. Rice would have been arrested based on them. But he was not arrested, because these charges are bogus and should be ignored. Dr. Weitzl's and Ms. Gremminger's testimony should also be ignored to the extent that they rely on such "business records". FCC administrative hearings are not required to follow all of the limitations and liberalities of the Federal rules of evidence where justice requires otherwise. This is a clear case where the documents in Bureau Exhibit 4 are highly prejudicial and violate the "law of the case" by relitigating part of Mr. Rice's pre-incarceration activities. The Presiding Judge should reject Bureau Exhibit 4 in toto as impermissible hearsay.

Lake is qualified to be a Commission licensee

7. Bureau Finding 11 is a twisted and distorted rephrasing of Hearing Issue No. 2 in this proceeding and should be ignored. Properly stated, the Issue asks what effects Lake's previous misrepresentations and lack of candor have upon Lake's and Mr. Rice's qualifications to be a licensee, including truthfulness. In response, Lake has supplied Exhibit 2 and Lake Findings 7 through 38.

8. Paragraph 21 of the *HDO* states that the principal reason for designating for hearing Lake's assignment application is to determine whether Mr. Rice "has been rehabilitated to an extent that the Commission is confident Rice will refrain from engaging in the kind of

behavior for which he was convicted [in a Missouri state criminal proceeding in 1994]; Rice and/or LBI [Lake] can be relied upon to be truthful, candid, and forthcoming in their dealings with the Commission; and Rice and/or LBI will comply in all other respects with the Commission's Rules, regulations, and policies". In the cited Findings and Exhibit 2, the Applicants fully demonstrate that Mr. Rice has been fully rehabilitated and can be relied upon to be truthful with the Commission. The evidentiary task is harder as to Lake, because while it remains in good standing as a Missouri corporation, it has not operated any broadcast facility since October 3, 2001. However, Lake receives tower rentals from lessees on towers owned by Lake, and it also files annual registration reports with the Missouri Secretary of State. Lake Exh. 2, App. B (Lake's Feb. 21, 2017 Annual Registration Report). These are the only possible ways for it to demonstrate that it has taken steps to rehabilitate itself from the adverse findings and conclusions in the previous Commission and state court proceedings. In sum, Mr. Rice is the physical embodiment of Lake, as its President, sole director and 100% owner, and he has been fully rehabilitated. Lake was previously disqualified independently of Mr. Rice, and Mr. Rice was not held accountable for Lake's misconduct. Both Lake and Mr. Rice are now fully qualified to be Commission licensees.

Rice has been fully rehabilitated to be a Commission licensee

9. Bureau Findings 15-20 comport with the Bureau's stilted notions of what constitutes evidence of measures that Mr. Rice has taken to prevent future misconduct, but they are mistaken and should be ignored for the following reasons:

- 1) Alcohol abuse is a red herring in this proceeding, and Dr. Weitzl admitted on cross-examination (Tr. 643-44) that "alcohol abuse disorder" no longer applies to Mr. Rice. There is no requirement that Mr. Rice must

abstain from drinking, and his occasional cocktail when dining out does not raise any concern.

- 2) These Findings claim that Mr. Rice has essentially had no therapy or monitoring from a mental health provider since he completed parole. However, in reality, the record shows that Mr. Rice met with Dr. Stillings regularly until 2011 – 12 years – after which regular visits seemed unnecessary. Lake Exh. 1, App. D, p. 1.
- 3) The Bureau's criticism of Dr. Stillings' treatment of Mr. Rice should be rejected because it is based on Dr. Weitzl's contrary (and incorrect) analysis of Mr. Rice's mental condition. While Dr. Stillings did not believe that Mr. Rice suffered from pedophilia, Dr. Weitzl disagreed and branded this a life-long condition which she believed required life-long treatment. The fact that Mr. Rice's treatment differed from what Dr. Weitzl would have preferred does not diminish the significance and evidentiary probity of Mr. Rice's actual treatment.

10. Bureau Findings 21-24 attempt to impeach the value of Lake's six letters of reference concerning Mr. Rice's good character. This matter was fully aired in prehearing pleadings filed by Lake and the Bureau in April 2017. The Bureau's objection flies in the face of the Presiding Judge's *Order*, FCC 14M-19, released June 18, 2014, and the Presiding Judge's rulings and comments at the June 24, 2014 Prehearing Conference in this proceeding.

11. Specifically, in Paragraph 5 of FCC 14M-19, *supra*, the Presiding

Judge stated: “Unless ordered, character letters’ authors shall not be deposed.” At the Prehearing Conference, he clarified that he might not mind if character witnesses were deposed, but he did not want them to appear as witnesses at hearing. Tr. 13. The Bureau stated (Tr. 13) that it “would like to have the opportunity to at least speak with the witnesses, not necessarily depose them, but at least have the opportunity to flesh out any statements they may be intending to submit into the hearing record.” In a “Joint Status Report” submitted by both parties on December 8, 2014, Lake provided copies of the six character letters in question, and in a supplemental pleading filed on April 30, 2017, Lake supplied Declarations under penalty of perjury to accompany four of the six letters of reference. To Lake’s knowledge, the Bureau never contacted any of the authors, and it has never requested that they be deposed. Thus, Lake submits that, by the Bureau’s inaction over the course of 2½ years, it has waived its hearsay and admissibility objections. The six letters should be admitted into evidence and given full probity without special foundation or declarations of non-perjury by their authors; Michael Rice’s Declaration at the beginning of Lake Exhibit 1 should suffice.

Mr. Rice expressed contrition and took responsibility for his crimes

12. Bureau Findings 25-34 misstate the record concerning this matter. Dr. Stillings concluded at the time of Mr. Rice’s incarceration in September 1994 that all of Mr. Rice’s conditions were in remission as a result of his treatment and that “Mr. Rice was not a recidivist, had demonstrated genuine remorse for his

wrongdoing, and could continue to be a productive citizen.” Lake Exhibit 1, p. 2 (emphasis added). Further, Mr. Rice’s criminal trial was an abbreviated matter under a stipulation of facts with no witness testimony. Although Mr. Rice did not formally plead guilty, the proceeding was tantamount to a plea bargain, and Mr. Rice stated at the Commission hearing (Tr. 201), “[W]e just knew we were really guilty and we wanted to go through the process and move on” (emphasis added). Thus, it is completely incorrect and contrary to the record evidence in this proceeding for the Bureau to assert that Mr. Rice did not express contrition or take responsibility for his crimes.

Lake’s expert witness (Dr. Duncan-Hively) is fully qualified, and her testimony is superior to Dr. Weitzl’s

13. Bureau Findings 35-43 attempt to attack Dr. Ann Duncan-Hively’s testimony in this proceeding as less probative than Dr. Kimberly Weitzl’s. This is incorrect. It is true that Dr. Duncan-Hively is not an approved sex offender therapist in Missouri, because there is no licensure in Missouri for being a sex offender therapist. However, Drs. Duncan and Hively are licensed as Psychologists and Health Service Providers in Missouri where they provide clinical and forensic assessments and treatment, which include evaluation and treatment of sex offenders. Moreover, and most importantly, while evaluation of sex offenders is not one of Dr. Duncan’s specialties, it is one of Dr. Hively’s specialties, and they function as a team with both Drs. Duncan and Hively participating in the assessments. See Lake Exh. 3, Appendices B and C. Dr. Duncan’s law degree includes work in prisons and rehabilitation facilities, and as licensed psychologists they are obligated to perform ethical, timely and appropriate evaluations for alleged and adjudicated sex offenders.

14. As to the claim that both Duncan and Hively reports (Lake Exh. 3, App. B and C) are deficient because they do not address Mr. Rice's sexual offenses or his deviant sexual behavior, the issue for the 1991 report (App. B) was whether mental illness was involved as per Dr. Stillings' psychiatric conclusions. The 2014 report (App. C) again focused on the presence or absence of mental illness. The issue of recidivism was also discussed in the 2014 report as to the level of rehabilitation/risk of harm that was present.

15. It is also incorrect that both reports place excessive weight on psychological tests. A well-trained, licensed psychologist is ethically obligated to utilize appropriate, objective, standardized clinical measures. For example, the Abel Assessment was utilized by Dr. Hively to ascertain whether Mr. Rice had any current sexual interests in teenagers. The results of this test, plus the assessments for mental illness, supported Dr. Weitzl's finding (based on the Static 99) that Mr. Rice was at a low risk of reoffending. It should also be noted that Dr. Weitzl failed to use any objective measures with Mr. Rice. In fact, she interviewed him for only one and one-half hours (Tr. 581). Furthermore, research has indicated that unguided judgments of the likelihood of sexual re-offending, such as that provided by Dr. Weitzl, are no better than chance at predicting actual re-offense. See R. Karl Hanson, *High-Risk Sex Offenders May Not Be High Risk Forever*, Journal of Interpersonal Violence, Vol. 29, No. 15 (October 2014).

**There is no law enforcement evidence in the record supporting the view
That Mr. Rice is at high risk to re-offend**

16. Bureau Findings 44-55 incorrectly paint Tamara Gremminger as being part of "local law enforcement" because she is a Sex Offender Specialist in the Division of Probation and Parole in the Missouri Department of Corrections. By *Order*, FCC 17M-29, released August 15, 2017, the Presiding Judge denied Lake's motion to disqualify Ms. Gremminger as an expert witness. Lake renews that

request now. Since Ms. Gremminger has never spoken to Mr. Rice (Tr. 494), her risk assessment of him is based strictly upon on her review of documents created prior to 2002. Tr. 494-503.

17. While the Bureau asserts that Ms. Gremminger is a “local law enforcement risk assessor” (Tr. 495). Ms. Gremminger is not a sworn peace officer, and she did not come to the hearing as an official representative of the Missouri Department of Corrections, nor was her written testimony (Bureau Exh. 2) approved by any superior in the Department of Corrections. Tr. 506. Thus, she is simply a state employee who, for more than 20 years, has been reviewing risk assessment files and, in Mr. Rice’s case, is looking at documents that were created more than 15 years ago. The Presiding Judge called her an expert in FCC 17M-29, *supra*, based on her testifying in about 25 criminal trials in the last four years as an expert in the risk assessment of sex offenders, but he made it clear that she is not a fact witness in Mr. Rice’s case, just an assessor. FCC 17M-29, n. 6. Lake urges that at hearing Ms. Gremminger did not substantiate her view (Bureau Exh. 2 at 9) that “Mr. Rice still poses a substantial risk to the community of re-offense,” and the inflammatory conclusions in her written testimony, which are based largely on the discredited hearsay reports of alleged pre-incarceration misbehavior by Mr. Rice contained in Bureau Exh. 4, should be rejected.

18. Because of the “fake news” episode involving Ms. Gremminger (see Lake Proposed Findings 28-35), Lake urges that Ms. Gremminger has lost all credibility in this proceeding, given her involvement in this scandalous matter. She is not a law enforcement officer, does not qualify as a risk assessment expert,

and has lost all credibility because of her role in the witness intimidation canard against Mr. Rice.

**Contrary to Dr. Weitzl's testimony, Mr. Rice does not have
a high risk to re-offend**

19. Bureau Findings 58-83 set forth the Bureau's view of Mr. Rice's psychological profile through the clearly biased eyes of Dr. Weitzl. While Lake concedes Dr. Weitzl's general credentials as an expert, it is clear that she is jaundiced against criminal sexual defendants in general and has made a career as a Missouri or Illinois contract employee finding them, including Mr. Rice, likely to re-offend.

20. If taken at full strength, Dr. Weitzl's testimony would turn this communications law legal proceeding into a mental health workshop in which a "life-long" mental disorder label is slapped on Mr. Rice for pedophilia and hebephilia (Tr. 643) and he is also said to suffer from narcissistic personality disorder and alcohol abuse disorder (although Dr. Weitzl conceded on cross-examination (Tr. 643-44) that Mr. Rice is in remission on alcohol abuse). Dr. Weitzl also asserts that Mr. Rice's 21 years of sex offender treatment (1990 – 2011) was unsuccessful, and that, contrary to the record evidence, Mr. Rice has never accepted responsibility for his offenses. She did not learn much about his post-incarceration activities during her interview with him and study of documents, because they did not seem important to her. As Dr. Weitzl stated (Tr. 621): "Mr. Rice was not having problems with his activities in the community when he was offending...On the appearance from the outside he looked like he was a fine, upstanding citizen. That's the problem."

21. Those sentences betray Dr. Weitzl's underlying bias in this proceeding, and they completely destroy the usefulness of her testimony concerning rehabilitation. The purpose of

this proceeding (Paragraph 1, *supra*) is to measure Mr. Rice's rehabilitation, but the Bureau has selected as its medical expert someone who does not believe that Mr. Rice is capable of rehabilitation because he supposedly has two life-long mental disorders. It does not matter how he performs in society, because we do not know what is going on in his head (interpreting Tr. 621). How absurd!

22. Thus, accepting Dr. Weitzl's testimony that Mr. Rice is unrehabilitated, will never be rehabilitated, and runs a high risk of re-offending would turn this proceeding into a charade. The Commission's character analysis of applicants must focus on what they say and what they do, not on what they are thinking. Bureau counsel has abused the *Order*, FCC 15M-26, *supra*, which allowed an inquiry into Mr. Rice's "mental state" prior to his imprisonment (see Paragraph 3, *supra*), and is attempting to turn this proceeding upside-down, so that it no longer concerns Mr. Rice's rehabilitation at all but rather his mental condition in 1990. And the Bureau is attempting to measure Mr. Rice's current mental condition with evidence that is more than 25 years old!

23. To the contrary, Dr. Duncan's overall conclusion is that, based on all available objective psychological information, Mr. Rice has been successfully rehabilitated, and his probability of re-offending is very low. Since his incarceration, he has undergone a significant amount of counseling devoted not only to relapse prevention but also to mood stabilization. These efforts have been successful. Since his release from prison in 1999 – 18 years ago – there have been no events that tarnish his reputation in the community. Based on "these facts, our testing, our analysis of the relevant materials, and our contact with collateral sources," Dr. Duncan finds no psychological basis for barring Mr. Rice from maintaining a broadcast license again. According to Dr. Duncan, Mr. Rice has paid his debt to society and is not a danger to himself or to others. He represents the epitome of the term "rehabilitation." Lake Exh. 3, p. 2.

Dr. Duncan's testimony in favor of Mr. Rice should be fully credited, and it dramatically outweighs the faulty testimony of Dr. Weitzl and Ms. Gremminger.

III. REBUTTAL OF BUREAU'S PROPOSED CONCLUSIONS OF LAW

24. As the *HDO*, supra, states (Para. 21) and the Presiding Judge acknowledged (Lake Finding 13), the crucial question in this case is whether Mr. Rice has been rehabilitated. More precisely, the *HDO* states, id., that the principal reason for designating for hearing Lake's assignment application is to determine whether Mr. Rice "has been rehabilitated to an extent that the Commission is confident Rice will refrain from engaging in the kind of behavior for which he was convicted [in a Missouri state criminal proceeding in 1994]; Rice and/or LBI [Lake] can be relied upon to be truthful, candid, and forthcoming in their dealings with the Commission; and Rice and/or LBI will comply in all other respects with the Commission's Rules, regulations, and policies".

25. The claim in Bureau Conclusion 89 that Lake/Rice has failed to offer any evidence in the record to meet its burden of proof under Hearing Issue No. 2 is utter nonsense. See Lake Exhibit 2, Lake Findings 7-38, and Paragraphs 7 and 8 of Lake's Reply Findings, *supra*.

26. The claim in Bureau Conclusions 91-93 that Mr. Rice's crimes were "egregious and shock the conscience" is completely subjective and without record evidence or case support. But even if true, footnote 60 of the *HDO*, *supra*, allows the Presiding Judge to consider whether "crimes involving child sex abuse are so egregious, so utterly shocking to the conscience, and so patently inconsistent with the public interest, that a person so convicted, regardless of when the conviction took place, may be determined to be qualified to be a Commission licensee only in the most extraordinary and compelling of circumstances" (emphasis added). Lake submits that Rice's and Lake's rehabilitation based on the evidence in this proceeding meets the footnote 60 test of

“extraordinary and compelling circumstances” warranting grant of the pending application, given the age of the applicant party Michael Rice (76 years old), Mr. Rice’s unblemished record as a model citizen and member of his community since he was released from prison in 1999, and the fact that he is fully rehabilitated from past wrongdoing and can be relied upon to be truthful, candid, and forthcoming in his dealings with the Commission. Thus, it would be an egregious error to use footnote 60 to deny grant of the pending application. Moreover, applying footnote 60 against Mr. Rice and Lake at the end of this 4-year proceeding would turn this proceeding into a farce. The Commission was fully aware of Mr. Rice’s crimes at the time that the *HDO* was released, and the *Initial Decision* and final Commission *Memorandum Opinion and Order* in the previous proceeding both referred to Mr. Rice’s misconduct as “egregious”. So it would be completely hypocritical for the Commission to designate this case for hearing in 2014 and then conclude in 2018 that Mr. Rice and Lake are fully rehabilitated but cannot obtain a license because of “egregious” misconduct which was labelled as such in 1997 and 1998. In other words, why designate an application for hearing if you already know that you will deny a grant to the applicant because of his previous “egregious” misconduct?

27. Mr. Rice’s six letters of reference are attacked in Bureau Conclusions 94 and 95, but the Applicants have shown that they are fully admissible and entitled to due consideration as the views of Mr. Rice’s acquaintances in Lake Reply Findings 10 and 11.

28. Bureau Conclusion 96 asserts that Mr. Rice “has not received any therapy or monitoring from a mental health provider for many years” (emphasis added), but this is a bad exaggeration. In reality, Mr. Rice testified that he saw Dr. Stillings last in 2010 or 2011, sees a psychologist or psychiatrist “as needed,” and hasn’t “seen anybody in several years” (Tr. 299). This testimony reflects the fact that Mr. Rice’s mental health is stable, and he has no need to visit

mental health professionals regularly. He continues to take Wellbutrin, and there is no need for further measures to prevent future misconduct.

29. Bureau Conclusions 97 and 98 mistakenly assert that Mr. Rice has not taken responsibility for his criminal actions. That misstatement of the record is fully addressed in Lake Reply Finding 12, *supra*.

30. Bureau Conclusions 99-100 maintain that Dr. Weitzl's testimony is entitled to more weight than Dr. Duncan because Dr. Weitzl has done more risk assessments. However, Dr. Duncan's testimony fully demonstrates that the quality of her risk assessments is far superior to the quantity of Dr. Weitzl's. It matters little if Dr. Weitzl has done 300 sex offender risk assessments in six months (Tr. 624), because, as in Mr. Rice's case, her slapdash approach is entitled to little weight. She spends hardly any time interviewing her subjects (90 minutes versus the 10 hours that Drs. Duncan and Hively spent with Mr. Rice), performs almost no psychological testing, and does not interview acquaintances of her subjects. In Dr. Duncan's cross-examination, she successfully undercut the probity of Dr. Weitzl's attacks on Mr. Rice's rehabilitation. For all of these reasons, Dr. Weitzl's testimony against Mr. Rice should be rejected as biased and defective.

31. Bureau Conclusion 101 errs in stating that there is an opinion in the record from local law enforcement concerning Mr. Rice's ongoing risk to the community. It attempts to treat Ms. Gremminger as providing such a local law enforcement opinion, but the Applicants have fully demonstrated in Lake Reply Finding 17 that Ms. Gremminger is not entitled to that status.

32. Finally, Bureau Conclusions 102 and 103 mistakenly maintain that granting an FM translator station license to Lake would enhance Mr. Rice's ability to re-offend. At hearing, Lake

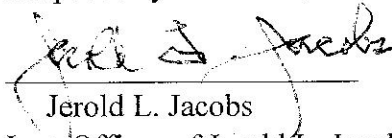
tried to elicit from Dr. Weitzl (Tr. 644-47) and Ms. Gremminger (Tr. 511-18) an awareness that the subject broadcast station would not have any of the “nuisance” qualities of full-power FM stations, such as studio, office space, microphones, and studio equipment. The purpose of the cross-examination was to test and diminish the mistaken views of the two witnesses that being a translator station licensee would allow Mr. Rice to “groom children for sex” (Conclusion 102). Even when faced with the ludicrousness of this contention, the witnesses refused to concede that this was a silly argument of theirs.

IV. ULTIMATE CONCLUSION

33. The Applicants have fully met their burdens of proceeding with the introduction of evidence and of proof with respect to all designated issues in this proceeding. Hence, the Presiding Judge should grant the subject Assignment Application. Lake submits that Rice’s and Lake’s rehabilitation based on the evidence in this proceeding meets the footnote 60 test of “extraordinary and compelling circumstances” warranting grant of their application. Thus, it would be an egregious error to use footnote 60 of the *HDO* to deny grant of the pending application.

WHEREFORE, in light of the foregoing, the Applicants respectfully urge that Mr. Michael Rice is fully rehabilitated, that he and Lake Broadcasting, Inc. are fully qualified to be a Commission licensee, and that the captioned assignment application should be granted.

Respectfully submitted,



Handwritten signature of Jerold L. Jacobs in cursive script, written over a horizontal line.

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Dated: June 11, 2018


CERTIFICATE OF SERVICE

I, Jerold L. Jacobs, hereby certify that on this 11th day of June, 2018, I filed the foregoing "PATRICK SULLIVAN and LAKE BROADCASTING, INC. EPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

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