

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

In the Matter of	)	EB Docket No. 03-152
<hr/>		
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
Permittee of FM Station KNKS, Coalinga, California	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
Permittee of FM Station KAAX, Avenal, California	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
Permittee of FM Station KYAF, Firebaugh, California	)	
<b>H. L. CHARLES D/B/A FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
Permittee of FM Station KZPE, Ford City, California	)	
<b>LINDA WARE D/B/A LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
Licensee of FM Station KZPO, Lindsay, California	)	

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

**ENFORCEMENT BUREAU'S MOTION FOR SUMMARY DECISION**

**TABLE OF CONTENTS**

I. Procedural Background .....3

    A. The Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order ..... 3

    B. The Addition of Issues to the Proceeding .....7

    C. The Bureau’s Discovery Requests .....7

    D. The March 29, 2016 Status Conference and The Adverse Inference Order .....10

    E. The June 25, 2016 Order Directed to Avenal and Central Valley.....12

II. Legal Standard for Summary Decision .....14

    A. Summary Decision is Appropriate Against Avenal and Central Valley.....14

    B. Summary Decision is Appropriate Against Zawila .....16

        1. Zawila misrepresented information to the Commission .....16

        2. Zawila violated Section 73.1690(b)(2) of the Rules.....18

        3. Zawila violated Sections 73.1125(a) and (e) of the Rules .....20

        4. Zawila violated Section 73.3526 of the Rules .....20

        5. Zawila violated Section 17.57 of the Rules .....21

        6. Zawila violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules .....22

        7. Zawila violated Sections 73.1800(a), 73.1225(a), 73.1225(c)(5), and 73.1226(a) of the Rules.....22

        8. Zawila violated Section 73.1560(b) of the Rules.....23

        9. Zawila violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules .....23

        10. Zawila violated Section 73.1350(a) of the Rules.....24

        11. Zawila violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules..24

        12. Zawila is not qualified to be or remain a Commission permittee .....25

    C. Summary Decision is Appropriate Against FCB.....26

        1. FCB violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules .....26

        2. FCB violated Section 73.1125 of the Rules.....26

        3. FCB violated Section 73.3526 of the Rules.....27

4. FCB is not qualified to be or remain a Commission permittee.....	28
D. Summary Decision is Appropriate Against LB .....	28
1. LB violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules.....	28
2. LB violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules .....	29
3. LB violated Section 73.1125 of the Rules .....	29
4. LB violated Sections 73.1800(a), 73.1225(a), 73.1225(c)(5), and 73.1226(a) of the Rules .....	30
5. LB violated Section 73.1560(b) of the Rules.....	31
6. LB violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules .....	31
7. LB violated Section 73.1350(a) of the Rules.....	32
8. LB is not qualified to be or remain a Commission licensee .....	32
Conclusion .....	33

## SUMMARY

1. On July 16, 2003, the Commission released an Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order (HDO) against Avenal Educational Services, Inc. (Avenal); Central Valley Educational Services, Inc. (Central Valley); William L. Zawila (Zawila); H.L. Charles Broadcasting d/b/a Ford City Broadcasting (FCB); and Linda Ware d/b/a Lindsay Broadcasting (LB). The HDO directed Avenal and Central Valley to show cause why their respective construction permits for noncommercial educational stations KAAX(FM) and KYAF(FM) (formerly station KAJP (FM)) should not be revoked and their respective authority to operate said stations terminated. The HDO also directed Zawila and FCB to show cause why their respective construction permits for stations KNGS(FM) and KZPE(FM) should not be revoked and their respective authority to operate said stations terminated. The HDO further directed Zawila and LB to show cause why the license for station KZPO(FM) should not be revoked and all authority to operate said station terminated.

2. The HDO also designated the issue of whether, in light of the evidence adduced against them, Avenal, Central Valley, Zawila, FCB, and LB possess the qualifications to be and remain Commission permittees and/or licensees.

3. Upon motion by the Enforcement Bureau (Bureau), on January 12, 2016, the Presiding Judge added issues to the HDO, including, *inter alia*, whether Avenal and Central Valley were qualified applicants at the time they applied for construction permits for stations KAAX(FM) and KYAF(FM). In addition, the Presiding Judge instructed Avenal and Central Valley to show cause why their respective applications for licenses to cover these permits should not be dismissed. On July 25, 2016, the Presiding Judge concluded that Avenal and Central Valley were not qualified applicants when they submitted their respective applications for

construction permits for stations KAAX(FM) and KYAF(FM) and dismissed these parties from the proceeding. Issues in the HDO directed to Avenal and Central Valley and stations KAAX(FM) and KYAF(FM) are thus now ripe for summary adjudication.

4. At the March 29, 2016 Status Conference, the Presiding Judge deemed admitted the Bureau's requests for admissions from Zawila, FCB, and LB since they failed to provide timely responses. As a result of Zawila's, FCB's, and LB's repeated failure to comply with their discovery obligations, on May 10, 2016, the Presiding Judge entered findings of fact against them on all issues in the HDO concerning stations KNGS(FM), KZPE(FM) and KZPO(FM). These issues also are now ripe for summary adjudication.

5. Accordingly, the Bureau respectfully moves for summary decision against Avenal and Central Valley on all issues related to stations KAAX(FM) and KYAF(FM); against Zawila on issues related to stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM); against FCB on all issues related to station KZPE(FM); and against LB on all issues related to station KZPO(FM).

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

In the Matter of	)	EB Docket No. 03-152
	)	
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS, Coalinga, California	)	
	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX, Avenal, California	)	
	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
	)	
Permittee of FM Station KYAF, Firebaugh, California	)	
	)	
<b>H. L. CHARLES D/B/A FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
	)	
Permittee of FM Station KZPE, Ford City, California	)	
	)	
<b>LINDA WARE D/B/A LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
	)	
Licensee of FM Station KZPO, Lindsay, California	)	

**ENFORCEMENT BUREAU'S MOTION FOR SUMMARY DECISION**

1. Pursuant to Section 1.251(a)(1) of the Commission's rules,<sup>1</sup> the Enforcement Bureau (Bureau) respectfully moves for summary decision against: (a) Avenal Educational Services, Inc. (Avenal) on all issues related to station KAAX(FM); (b) Central Valley Educational Services, Inc. (Central Valley) on all issues related to station KYAF(FM);<sup>2</sup> (c) William L. Zawila (Zawila) on issues related to stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM); (d) H.L. Charles Broadcasting d/b/a Ford City Broadcasting (FCB)<sup>3</sup> on all issues related to station KZPE(FM); and (e) Linda Ware d/b/a Lindsay Broadcasting (LB)<sup>4</sup> on all issues related to station KZPO(FM) as set forth in the Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order (HDO).<sup>5</sup> The Bureau also respectfully moves for summary decision against Avenal on newly-added issues related to station KAAX(FM) and against Central Valley on newly-added issues related to station KYAF(FM).<sup>6</sup> The facts concerning these issues have been established for the record and the Presiding Judge can now entirely resolve this proceeding.<sup>7</sup>

---

<sup>1</sup> See 47 C.F.R. § 1.251(a)(1).

<sup>2</sup> KYAF(FM) was formerly known as KAJF(FM), the station identified in the above caption. See Enforcement Bureau's Status Report, filed Nov. 7, 2014, at 2 (Status Report).

<sup>3</sup> H.L. Charles is deceased. See *id.* at 3. On June 2, 2004, the Commission granted an application for the transfer of control of the construction permit for station KZPE(FM) from H.L. Charles Broadcasting d/b/a Ford City Broadcasting to The Estate of H.L. Charles Broadcasting d/b/a Ford City Broadcasting. See *id.* at 2-3. The Executor for this Estate is Robert Willing. Mr. Willing does not hold a permit for station KZPE(FM). See *id.* at 3. For the purposes of this motion, "FCB" shall refer to both H.L. Charles Broadcasting d/b/a Ford City Broadcasting and The Estate of H.L. Charles Broadcasting d/b/a Ford City Broadcasting.

<sup>4</sup> Linda Ware is deceased. See *id.* On June 2, 2004, the Commission granted an application for the transfer of control of the license for station KZPO(FM) from Linda Ware d/b/a Lindsay Broadcasting to The Estate of Linda Ware d/b/a Lindsay Broadcasting. See *id.* The Executor for this Estate is Cynthia Rampage. Ms. Rampage does not hold a license for station KZPO(FM). See *id.* For the purposes of this motion, "LB" shall refer to both Linda Ware d/b/a Lindsay Broadcasting and The Estate of Linda Ware d/b/a Lindsay Broadcasting.

<sup>5</sup> See *In re Zawila*, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, 18 FCC Rcd 14938 (2003) (HDO).

<sup>6</sup> See *Memorandum Opinion and Order*, FCC 16M-01 (ALJ, rel. Jan. 12, 2016), and *Order*, FCC 16M-02 (ALJ, rel. Feb. 2, 2016).

<sup>7</sup> See, e.g., *Order*, FCC 16M-24 (ALJ, rel. Jul. 25, 2016), at 2 (inviting the Bureau to file a motion for summary decision in view of the dismissal of Avenal and Central Valley from the proceeding and the adverse findings of fact entered against Zawila, FCB and LB); see also 47 C.F.R. § 1.251(a)(1) and *In the Matter of Summary Decision*

## I. Procedural Background

### A. The Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order

2. On July 16, 2003, the Commission released the HDO directing Avenal and Central Valley to show cause why their respective construction permits for stations KAAX(FM) and KYAF(FM) should not be revoked and their respective authority to operate said stations should not be terminated.<sup>8</sup> The HDO also directed Zawila and FCB to show cause why their respective construction permits for stations KNGS(FM) and KZPE(FM) should not be revoked and their respective authority to operate said stations should not be terminated.<sup>9</sup> The HDO further directed Zawila and LB to show cause why the license for station KZPO(FM) should not be revoked and all authority to operate said station should not be terminated.<sup>10</sup> The HDO also designated the issue of whether, in light of the evidence adduced against them, Avenal, Central Valley, Zawila, FCB, and LB (collectively, the Parties) possess the qualifications to be and remain Commission permittees and/or licensees.<sup>11</sup>

3. Specifically, a hearing was designated to determine whether Zawila:
- a) violated Section 312(a)(1) of the Communications Act of 1934, as amended (Act) and Section 73.1015 of the Commission's rules (Rules) by misrepresenting facts to the Commission and/or by a lack of candor regarding the construction and/or operation of stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM);<sup>12</sup>
  - b) violated Section 73.1690(b)(2) of the Rules by moving the antennas of

---

*Procedures*, Report and Order, 34 F.C.C.2d 485, 487, para. 6 (1972) (explaining that the function of a summary decision ruling is to promote "decisions on the merits without a trial where no genuine issue of material fact exists" and to avoid a useless hearing).

<sup>8</sup> See HDO at ¶¶ 113(c)-(e). For the reasons discussed below, it is not necessary to specify the allegations against Avenal and Central Valley set forth in the HDO. See, *infra*, at 14-16, ¶¶ 19-22.

<sup>9</sup> See HDO at ¶ 113.

<sup>10</sup> See *id.* at ¶ 114.

<sup>11</sup> See *id.* at ¶¶ 113(g) and 114(i).

<sup>12</sup> See *id.* at ¶¶ 113(a) and 114(a).

stations KNKS(FM), KAAX(FM), KYAF(FM), and/or KZPE(FM) to different towers than set forth in their respective construction permits;<sup>13</sup>

- c) violated Section 73.1125 of the Rules by failing to maintain properly staffed main studios for station KNKS(FM) and/or KZPO(FM); by failing to have a local telephone number in the community of license for station KNKS(FM); and/or by failing to have a toll-free telephone number for station KNKS(FM);<sup>14</sup>
- d) violated Section 73.3526 of the Rules by failing to maintain proper public inspection files for station KNKS(FM);<sup>15</sup>
- e) violated Section 17.57 of the Rules by failing to notify the Commission within 24 hours of completion of construction of towers for which Antenna Registration Numbers had been assigned, or of changes in the structure's heights, for the tower on which station KNKS(FM)'s antenna was to have been mounted;<sup>16</sup>
- f) violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules by failing to maintain proper EAS equipment and proper EAS logs for station KZPO(FM);<sup>17</sup>
- g) violated Sections 73.1800(a), 73.1225(a), 73.1225(c), and 73.1226(a) of the Rules by failing to maintain station logs and to make station logs and facilities for station KZPO(FM) available upon request for inspection;<sup>18</sup>
- h) violated Section 73.1560(b) of the Rules by operating station KZPO(FM) at a transmitter output power greater than 105% of authorized power;<sup>19</sup>
- i) violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules by failing to maintain and make available for inspection records pertaining to the chief operator of station KZPO(FM), to post the written designation of chief operator for such station, to maintain in the public inspection file agreements with said chief operator, and to have the chief operator review and sign station KZPO(FM)'s records and logs;<sup>20</sup>
- j) violated Section 73.1350(a) of the Rules by failing to maintain and operate

---

<sup>13</sup> See *id.* at ¶ 113(b).

<sup>14</sup> See *id.* at ¶¶ 113(c) and 114(d).

<sup>15</sup> See *id.* at ¶ 113(d).

<sup>16</sup> See *id.* at ¶ 113(e).

<sup>17</sup> See *id.* at ¶ 114(c).

<sup>18</sup> See *id.* at ¶ 114(e).

<sup>19</sup> See *id.* at ¶ 114(f).

<sup>20</sup> See *id.* at ¶ 114(g).

station KZPO(FM) in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization;<sup>21</sup>

- k) was an undisclosed real party in interest in FCB's application for license;<sup>22</sup> and
- l) violated Section 310(d) of the Act, and/or Section 73.3540(a) of the Rules, by assuming control of stations KZPE(FM) and KZPO(FM) without prior Commission authorization.<sup>23</sup>

The HDO also designated for hearing the question of whether, in light of the evidence adduced under the foregoing issues, Zawila possesses the qualifications to be or remain a Commission permittee.<sup>24</sup>

- 4. A hearing was designated to determine whether FCB:
  - a) violated Section 73.1125 of the Rules by failing to maintain a properly staffed main studio for station KZPE(FM);<sup>25</sup>
  - b) violated Section 73.3526 of the Rules by failing to maintain proper public inspection files for station KZPE(FM);<sup>26</sup> and
  - c) violated Section 310(d) of the Act, and/or Section 73.3540(a) of the Rules, by Zawila assuming control of station KZPE(FM) without prior Commission authorization.<sup>27</sup>

The HDO also designated for hearing the question of whether, in light of the evidence adduced under the foregoing issues, FCB possesses the qualifications to be or remain a Commission permittee.<sup>28</sup>

- 5. A hearing was designated to determine whether LB:
  - a) violated Section 310(d) of the Act, and/or of Section 73.3540(a) of the Rules,

---

<sup>21</sup> See *id.* at ¶ 114(h).

<sup>22</sup> See *id.* at ¶ 113(f).

<sup>23</sup> See *id.* at ¶¶ 113(f) and 114(b).

<sup>24</sup> See *id.* at ¶ 113(g).

<sup>25</sup> See *id.* at ¶ 113(c).

<sup>26</sup> See *id.* at ¶ 113(d).

<sup>27</sup> See *id.* at ¶ 113(f).

<sup>28</sup> See *id.* at ¶ 113(g).

by Zawila assuming control of station KZPO(FM) without prior Commission authorization,<sup>29</sup>

- b) violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules by failing to maintain proper EAS equipment and proper EAS logs for station KZPO(FM);<sup>30</sup>
- c) violated Section 73.1125 of the Rules by failing to maintain a properly staffed main studios for station KZPO(FM);<sup>31</sup>
- d) violated Sections 73.1800(a), 73.1225(a), 73.1225(c), and 73.1226(a) of the Rules by failing to maintain station logs for station KZPO(FM) and to make station logs and facilities for said station available upon request for inspection;<sup>32</sup>
- e) violated Section 73.1560(b) of the Rules by operating station KZPO(FM) at a transmitter output power greater than 105% of authorized power;<sup>33</sup>
- f) violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules by failing to maintain and make available for inspection records pertaining to the chief operator of station KZPO(FM), to post the written designation of chief operator, to maintain in the public inspection file agreements with the chief operator, and to have the chief operator review and sign station KZPO(FM)'s records and logs;<sup>34</sup> and
- g) violated Section 73.1350(a) of the Rules by failing to maintain and operate station KZPO(FM) in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization.<sup>35</sup>

The HDO also designated for hearing the question of whether, in light of the evidence adduced under the foregoing issues, LB possesses the qualifications to be or remain a Commission licensee.<sup>36</sup>

---

<sup>29</sup> See *id.* at ¶ 114(b).

<sup>30</sup> See *id.* at ¶ 114(c).

<sup>31</sup> See *id.* at ¶ 114(d).

<sup>32</sup> See *id.* at ¶ 114(e).

<sup>33</sup> See *id.* at ¶ 114(f).

<sup>34</sup> See *id.* at ¶ 114(g).

<sup>35</sup> See *id.* at ¶ 114(h).

<sup>36</sup> See *id.* at ¶ 114(i).

## **B. The Addition of Issues to the Proceeding**

6. In the course of this proceeding, a question arose as to the proper ownership and control of Avenal and Central Valley, and thus, as to their legal representation in this proceeding. Both Zawila and Michael Couzens claim to represent Avenal and Central Valley. Accordingly, the Presiding Judge instructed the Bureau to seek the addition of an issue regarding these questions.<sup>37</sup> On June 18, 2015, the Bureau filed a motion to add this issue.<sup>38</sup> In this same motion, the Bureau requested that the Presiding Judge also add the issue of whether Avenal and Central Valley were qualified applicants at the time they filed their respective applications for stations KAAX(FM) and KYAF(FM).<sup>39</sup> The Presiding Judge added these issues to the proceeding.<sup>40</sup>

## **C. The Bureau's Discovery Requests**

7. *The Bureau's 2015 Discovery Requests.* Soon after the HDO was issued in 2003, the Parties requested a stay of the proceedings. The then Presiding Judge Arthur Steinberg granted a stay in September 2003<sup>41</sup> and again in 2004.<sup>42</sup> On May 22, 2015, the Bureau moved to lift the stay.<sup>43</sup> In *Order*, FCC 15M-21, the Presiding Judge lifted the stay and ordered that “discovery can and should commence forthwith on all issues.”<sup>44</sup> The Bureau promptly served its first set of interrogatories and first set of document requests on the Parties on July 28, 2015 and July 29, 2015, respectively. The Parties' responses to these requests contained nothing but

---

<sup>37</sup> See *Order*, FCC 15M-21 (ALJ, rel. June 4, 2015), at 3.

<sup>38</sup> See Enforcement Bureau's Supplemental Motion To Add Issues With Proposed Order, filed June 18, 2015.

<sup>39</sup> See, e.g., *id.* at 4-6.

<sup>40</sup> See, *supra* note 6.

<sup>41</sup> See *Order*, FCC 03M-39 (ALJ, rel. Sept. 12, 2003).

<sup>42</sup> See *Order*, FCC 04M-09 (ALJ, rel. Mar. 5, 2004).

<sup>43</sup> See Enforcement Bureau's Motion To Lift The Stay, filed May 22, 2015.

<sup>44</sup> *Order*, FCC 15M-21 (ALJ, rel. June 4, 2015), at 2.

baseless objections. The Parties did not provide a single substantive response to *any* of the Bureau's document requests or interrogatories. The Bureau, therefore, moved to compel complete responses from Avenal, Central Valley, Zawila, FCB, and LB.<sup>45</sup>

8. On December 23, 2015, the Presiding Judge granted the Bureau's motion to compel Zawila to provide complete answers to the Bureau's first set of interrogatories and document requests served in July 2015.<sup>46</sup> The Presiding Judge ordered Zawila to "revisit all interrogatories and requests to produce documents that were served by the Enforcement Bureau, as well as all requests for admissions served in 2003, and...provide positive and cooperative responses."<sup>47</sup> In addition, the Presiding Judge ordered Zawila to submit a status report with attached declarations describing the production efforts by January 5, 2016 and to file this submission with the Commission's electronic comment filing system (ECFS) by the close of business on January 6, 2016.<sup>48</sup> Zawila did not submit a status report to the parties or to the Presiding Judge on January 5, 2016 or file any such report with the Commission on January 6, 2016 as directed. Zawila also did not provide any additional response to the Bureau's July 2015 discovery requests or to the Bureau's 2003 requests for admission. Zawila did not even attempt to contact the Bureau concerning these outstanding discovery requests.

9. On March 14, 2016, the Presiding Judge granted the Bureau's motion to compel

---

<sup>45</sup> See Enforcement Bureau's Motion to Compel Avenal Educational Services, Inc. and Central Valley Educational Services, Inc. to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015; Enforcement Bureau's Motion to Compel William L. Zawila to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015; Enforcement Bureau's Motion to Compel the Estate of H.L. Charles d/b/a Ford City Broadcasting to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015; and Enforcement Bureau's Motion to Compel the Estate of Linda Ware d/b/a Lindsay Broadcasting to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015.

<sup>46</sup> See *Order*, FCC 15M-33 (ALJ, rel. Dec. 23, 2015).

<sup>47</sup> *Id.* at 7.

<sup>48</sup> See *id.*

FCB to provide complete answers to the Bureau's first set of interrogatories and document requests served in July 2015.<sup>49</sup> As with Zawila, the Presiding Judge ordered FCB to "provide positive and cooperative responses" to the Bureau's outstanding discovery requests.<sup>50</sup> The Presiding Judge similarly ordered LB to provide complete responses to the Bureau's discovery requests.<sup>51</sup> Neither FCB nor LB provided responses to the Bureau's July 2015 first set of interrogatories or requests for documents.

10. *The Bureau's 2016 Discovery Requests.* On February 2, 2016, the Bureau served requests for admissions on Avenal, Central Valley, Zawila, FCB, and LB. Pursuant to the Commission's rules, the parties were obligated to provide their answers to these requests for admissions by February 18, 2016.<sup>52</sup> Avenal and Central Valley, as represented by Michael Couzens, moved for protection from answering the Bureau's requests for admissions.<sup>53</sup> Avenal and Central Valley, as represented by Zawila, did not meet the February 18 deadline for responding to the Bureau's requests for admissions. Neither did Zawila, FCB, or LB. Instead, two days *after* the deadline, on February 20, 2016, Zawila, on behalf of himself, Avenal, Central Valley, FCB, and LB, moved to join the already pending motion for protective order filed by Mr. Couzens.<sup>54</sup> The Presiding Judge denied the underlying motion for protective order on February 29, 2016, thus mooting this joinder request.<sup>55</sup> Zawila did not submit responses to the Bureau's

---

<sup>49</sup> See Order, FCC 16M-08 (ALJ, rel. Mar. 14, 2016).

<sup>50</sup> *Id.* at 6.

<sup>51</sup> See Order, FCC 16M-09 (ALJ, rel. Mar. 15, 2016). The Presiding Judge also ordered Avenal and Central Valley to fully respond to the Bureau's July 2015 discovery requests. See Order, FCC 16M-11 (ALJ, rel. Mar. 22, 2016).

<sup>52</sup> See 47 C.F.R. § 1.246(b).

<sup>53</sup> See Motion for Protective Order (47 C.F.R. Sec. 1.313), filed Feb. 8, 2016. The Bureau opposed this motion. See Enforcement Bureau's Opposition To Motion For Protective Order, filed Feb. 11, 2016.

<sup>54</sup> See Joinder in Motion for Protective Order (47 C.F.R. Sec. 1.313), served Feb. 20, 2016. The Bureau opposed this motion. See Enforcement Bureau's Opposition To Joinder In Motion For Protective Order (47 C.F.R. § 1.313), filed Feb. 26, 2016.

<sup>55</sup> See Order, FCC 16M-05 (ALJ, rel. Feb. 29, 2016).

February 2016 requests for admissions on behalf of himself, Avenal, Central Valley, FCB or LB until March 28, 2016.

**D. The March 29, 2016 Status Conference and The Adverse Inference Order**

11. As part of the *Order* granting the Bureau's motion to compel against Zawila, the Presiding Judge scheduled a Status Conference for February 24, 2016 to address discovery-related issues.<sup>56</sup> The Presiding Judge rescheduled this Status Conference for March 22, 2016.<sup>57</sup> The Presiding Judge instructed Zawila (in his capacity as an individual and as counsel for Avenal, Central Valley, FCB, and LB) to "use the time before March 22, 2016, to comply with the Enforcement Bureau's outstanding discovery requests."<sup>58</sup> In a response to the non-government parties' requests to attend the Status Conference by telephone, the Presiding Judge again directed Zawila to meet his discovery obligations.<sup>59</sup> Due to a scheduling conflict, the Presiding Judge rescheduled the Status Conference for March 29, 2016 and again reminded Zawila "to focus on producing discovered questions and documents in a complete and timely manner."<sup>60</sup>

12. On March 29, 2016, the Presiding Judge held a Status Conference in this matter. Counsel for the Bureau attended the Status Conference, and Michael Couzens attended as counsel on behalf of Avenal and Central Valley. Zawila did not attend, and since he is counsel

---

<sup>56</sup> See *Order*, FCC 15M-33, at 7.

<sup>57</sup> See *Order*, FCC 16M-03 (ALJ, rel. Feb. 18, 2016), at 2.

<sup>58</sup> *Id.*

<sup>59</sup> See *Order*, FCC 16M-04 (ALJ, rel. Feb. 24, 2016), at 2, n.4 ("Counsel must be aware that outstanding discovery issues are set forth in *Order* FCC 15M-33 at 7, released December 23, 2015, for which the non-government parties are delinquent . . . The next Status Conference set for March 22, 2016, might be avoided, in part or in whole, if . . . Zawila . . . do[es his] homework and satisfactorily complete[s] delinquent discovery.").

<sup>60</sup> *Order*, FCC 16M-06 (ALJ, rel. Feb. 29, 2016), at 2, n.1.

of record for FCB and LB, they were not represented at this Conference.<sup>61</sup> At this Conference, the Presiding Judge, *inter alia*, ruled from the bench that discovery directed to Avenal and Central Valley should be held in abeyance until the pending question of whether Avenal and Central Valley were qualified applicants for noncommercial stations KAAX(FM) and KYAF(FM) was resolved.<sup>62</sup> The Presiding Judge also ruled that Zawila's, FCB's, and LB's March 28, 2016 responses to the Bureau's requests for admissions were late and that, by operation of Section 1.246(b) of the Rules, the Bureau's requests for admissions served on Zawila, FCB, and LB were deemed admitted.<sup>63</sup>

13. At the Status Conference, the Presiding Judge also considered the Bureau's request that he enter adverse findings of fact against Zawila, FCB, and LB on all of the allegations set forth in the HDO based on the failure of each of these parties to comply with their discovery obligations.<sup>64</sup> The Presiding Judge directed the Bureau to file a proposed order regarding negatives inferences against Zawila, FCB, and LB.<sup>65</sup> The Bureau filed this proposed order on March 30, 2016.<sup>66</sup>

---

<sup>61</sup> Zawila, on behalf of himself, Avenal, Central Valley, FCB, and LB, requested to appear at the March 22, 2016 Status Conference by speakerphone in order to accommodate previously-scheduled obligations. *See* Request to Attend Status Conference by Speakerphone, filed Feb. 11, 2016. The Presiding Judge denied this request. *See Order*, FCC 16M-04 (ALJ, rel. Feb. 24, 2016). On March 24, 2016, Zawila, on behalf of himself, Avenal, Central Valley, FCB, and LB, served a pleading stating that neither he nor his clients could afford to attend the March 29, 2016 Status Conference. *See* Statement for Status Conference Set for March 29, 2016, served by mail on March 24, 2016. On March 28, 2016, Zawila sent responses to the Bureau's February 2016 requests for admissions on behalf of himself, Avenal, Central Valley, FCB, and LB.

<sup>62</sup> *See* Transcript of March 29, 2016 Status Conference (Tr.) at 54:1-7, 18-23.

<sup>63</sup> *See* Tr. at 55:23-56:4; *Order*, FCC 16M-18 (ALJ, rel. May 10, 2016), at n. 21 (citing Transcript of March 29, 2016 Status Conference at 55:23-56:12). *See also* 47 C.F.R. § 1.246(b) ("Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof, or within such shorter or longer time as the presiding officer may allow on motion or notice, the party to whom the request is directed serves . . . a sworn statement specifically denying the matters of which is an admission is requested or . . . written objections . . .").

<sup>64</sup> *See, e.g.*, Tr. at 6:16-7:9. *See also Omnibus Order*, FCC 16M-14 (ALJ, rel. Mar. 30, 2016), at 3.

<sup>65</sup> *See Order*, FCC 16M-14, at 3.

<sup>66</sup> *See* Enforcement Bureau's Proposed Order Regarding Negative Findings of Fact Warranted By Discovery Violations, filed Mar. 30, 2016. Zawila, FCB, and LB opposed the Bureau's proposed order. *See* Objection To

14. On May 10, 2016, the Presiding Judge released *Order*, FCC 16M-18, in which he made findings of fact against Zawila, FCB, and LB.<sup>67</sup> In this *Order*, the Presiding Judge found that Zawila, FCB, and LB had refused to “provide timely and complete responses to [the Bureau’s] pending discovery requests despite repeated instructions and orders from the Presiding Judge to do so.”<sup>68</sup> In light of Zawila’s, FCB’s, and LB’s “defiant stonewalling” of discovery, the Presiding Judge concluded that negative inferences were warranted.<sup>69</sup>

**E. The June 25, 2016 Order Directed to Avenal and Central Valley**

15. In response to the Presiding Judge’s *Orders* adding issues against Avenal and Central Valley, Avenal and Central Valley (as represented by Mr. Couzens) requested permission to file an appeal of *Order*, FCC 16M-01 (Request).<sup>70</sup> In this motion, Avenal and Central Valley requested to appeal those portions of the *Order* directed to (a) whether Avenal and Central Valley were qualified at the time they filed applications for noncommercial educational stations KYAF(FM) and KAAX(FM); (b) whether Avenal and/or Central Valley

---

Proposed Order Regarding Negative Findings of Fact Warranted By Discovery Violations, served by mail on Apr. 11, 2016.

<sup>67</sup> See *Order*, FCC 16M-18 (ALJ, rel. May 10, 2016). On May 26, 2016, Zawila, FCB and LB served by mail an appeal of this *Order* directly to the Commission. See Appeal of Order (FCC 16M-18) to the Full Commission, served May 26, 2016. Pursuant to Section 1.301(a) of the Rules, there are only five categories of orders that can be appealed directly to the Commission. See 47 C.F.R. § 1.301(a). Even if *Order*, FCC 16M-18, qualified for one of these five categories (which the Bureau contends it does not), Zawila, FCB, and LB’s appeal was filed out of time. Pursuant to Section 1.301(c)(2) of the Rules, such appeals must be filed no later than five (5) days after issuance of the order being appealed. Even allowing Zawila, FCB, and LB an additional three days because *Order*, FCC 16M-18, was mailed, any appeal should have been filed no later than May 20. Zawila, FCB, and LB did not file the appeal electronically. Instead, they mailed the appeal. The Commission does not consider this pleading as filed until the day it was received – May 31, 2016 – almost two weeks after the deadline for its filing. See 47 C.F.R. § 1.7.

<sup>68</sup> *Order*, FCC 16M-18, at 2.

<sup>69</sup> *Id.* at 3.

<sup>70</sup> See [Central Valley and Avenal’s] Request for Permission to File Appeal (47 C.F.R. Sec. 1.301(b)), filed Jan. 14, 2016. Avenal and Central Valley, as represented by Zawila, did not request to appeal *Order*, FCC 16M-01. Instead, Avenal and Central Valley, as represented by Zawila, filed a request to appeal *Order*, FCC 16M-02, which itemized the newly-added issues. See [Zawila’s] Request to Appeal 2-2-16 Order (FCC 16M-02), served by mail on February 3, 2016.

lacked demeanor or misrepresented facts of their qualifications for holding Commission authorizations; and (c) whether a forfeiture should be issued against Avenal and Central Valley for willfully violating Section 75.503(a) of the Commission rules.<sup>71</sup> In response to the Presiding Judge's request that the Bureau respond to Avenal and Central Valley's Request,<sup>72</sup> the Bureau submitted an opposition.<sup>73</sup>

16. After additional briefing,<sup>74</sup> the Presiding Judge denied Avenal and Central Valley's Request, concluding that Avenal and Central Valley were not qualified at the time they filed their respective applications for noncommercial educational stations KAAX(FM) and KYAF(FM).<sup>75</sup> Specifically, the Presiding Judge concluded that neither Avenal nor Central Valley demonstrated that they had been a non-profit educational organization (as required by Section 73.503(a) of the Rules) at the time they filed their applications.<sup>76</sup> The Presiding Judge also concluded that the questions as to whether Avenal and/or Central Valley lacked demeanor or misrepresented facts of their qualifications for holding Commission authorizations and whether a forfeiture was warranted were moot and dismissed Avenal and Central Valley from the proceeding.<sup>77</sup>

---

<sup>71</sup> See *id.* at 2.

<sup>72</sup> See Email from Presiding Judge to the Parties, EB Docket No. 03-152, dated Feb. 19, 2016, attached hereto as Exhibit 1.

<sup>73</sup> Enforcement Bureau's Opposition to Central Valley and Avenal's Request to Appeal *Order*, FCC 16M-01, filed Feb. 24, 2016.

<sup>74</sup> See, e.g., [Central Valley and Avenal's] Brief in Response to Order: FCC 16M-12, filed Mar. 25, 2016; Enforcement Bureau's Opposition To Central Valley And Avenal's Brief In Response To *Order*, FCC 16M-12, filed Apr. 14, 2016. Avenal and Central Valley, as represented by Zawila, did not file any pleadings in response to or in connection with Mr. Couzens' request to appeal *Order*, FCC 16M-01, on behalf of Avenal and Central Valley.

<sup>75</sup> See *Memorandum Opinion and Order*, FCC 16M-23 (ALJ, rel. Jul. 25, 2016).

<sup>76</sup> See *id.*

<sup>77</sup> See, e.g., *id.* at n.2 and 10. Avenal and Central Valley (as represented by Zawila) served by mail an interlocutory appeal of this *Order*. See Amended Appeal of Order (FCC 16M-23) to the Full Commission, served by mail on July 30, 2016 and deemed filed on August 3, 2016. See, e.g., 47 C.F.R. § 1.7. It does not appear that Avenal and Central Valley, as represented by Mr. Couzens, filed a timely appeal to this *Order*.

## II. Legal Standard for Summary Decision

17. Pursuant to Section 1.251(a)(1) of the Rules, the Presiding Judge may grant summary decision of any issues set for hearing if the pleadings, admissions, or other matters officially noticed show that there is no genuine issue of material fact for determination at the hearing.<sup>78</sup> As set forth in greater detail below, the pleadings, admissions, and the Presiding Judge's findings of fact in this case demonstrate that there are no material facts to be determined at the hearing concerning: (a) Avenal and Central Valley and the issues related to stations KAAX(FM) and KYAF(FM); (b) Zawila and the issues related to stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM); (c) FCB and the issues related to station KZPE(FM); and (d) LB and the issues related to station KZPO(FM). A hearing on these issues, therefore, would be unnecessary.<sup>79</sup>

18. For this reason, the Bureau respectfully moves that the Presiding Judge enter summary decision against Avenal on all issues related to station KAAX(FM); Central Valley on all issues related to station KYAF(FM); Zawila on issues related to stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM); FCB on all issues related to station KZPE(FM); and LB on all issues related to station KZPO(FM).

### A. Summary Decision is Appropriate Against Avenal and Central Valley

19. Pursuant to Section 397(6) of the Act and Section 73.503(a) of the Rules, only a (i) public agency, (ii) non-profit private foundation, corporation, or association; or (iii) municipality which transmits only noncommercial programs for educational purposes can qualify

---

<sup>78</sup> See 47 C.F.R. § 1.251(a)(1).

<sup>79</sup> See *In the Matter of Summary Decision Procedures*, Report and Order, 34 F.C.C.2d 485, 487, para. 6 (1972) (“The function of [a] summary decision rule, in its broadest application, is to avoid a useless hearing.”) (internal citation omitted).

to own and operate noncommercial educational (NCE) stations.<sup>80</sup> An NCE applicant cannot be just a group of individuals with no articulated educational purpose. Moreover, an NCE applicant must be an established non-profit educational organization when it files its application.<sup>81</sup>

20. There is no question that Avenal and Central Valley are not public agencies or municipalities. In addition, they never suggested they were non-profit foundations. Thus, the only question pertinent to this proceeding was whether, at the time they filed their respective applications for NCE stations KAAX(FM) and KYAF(FM), Avenal and Central Valley were non-profit corporations or unincorporated non-profit associations with an articulated educational purpose.

21. In *Order*, FCC 16M-23, the Presiding Judge concluded that Avenal and Central Valley were neither non-profit corporations nor unincorporated non-profit associations with an articulated educational purpose at the time they filed their respective applications for construction permits for stations KAAX(FM) and KYAF(FM).<sup>82</sup> In addition, the Presiding Judge concluded that Avenal's and Central Valley's applications for licenses to cover these permits "are invalid, and should have been denied *ab initio*, or not accepted for filing."<sup>83</sup>

22. As a result of the Presiding Judge's ruling that neither Avenal nor Central Valley were qualified to apply for, or receive, construction permits for stations KAAX(FM) and KYAF(FM), the issues raised by the HDO directed to whether Avenal and Central Valley failed

---

<sup>80</sup> See 47 U.S.C. § 397(6); 47 C.F.R. § 73.503(a) ("A noncommercial educational FM broadcast station will be licensed only to a non-profit educational organization and upon showing that the station will be used for the advancement of an educational program.").

<sup>81</sup> See, e.g., *Hammock Environmental and Educational Community Services*, Letter, 25 FCC Rcd 12804, 12807 and n.17 (M.B. Sept. 10, 2010) (citing FCC Form 340, Section II, Question 2, and corresponding instructions); see also *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13394 and 13396 (2013).

<sup>82</sup> See, e.g., *Order*, FCC 16M-23, at 2-3, ¶¶ 3-5 and 7-8, ¶¶ 13-16.

<sup>83</sup> *Id.* at 8, ¶ 16.

to comply with various Commission rules in connection with such stations are moot.<sup>84</sup> In addition, the newly-added issues in *Order*, FCC 16M-02, regarding the proper ownership and/or control of Avenal and Central Valley, and whether Avenal and Central Valley misrepresented facts and/or lacked candor with the Commission in connection with their respective applications for the construction permits for stations KAAX(FM) and KYAF(FM), are similarly moot.<sup>85</sup> Thus, summary decision is appropriate on the issues directed against Avenal and Central Valley in the HDO and in *Orders*, FCC 16M-01 and FCC 16M-02.

**B. Summary Decision Is Appropriate Against Zawila**

**1. Zawila misrepresented information to the Commission**

23. As set forth above, the HDO alleges that Zawila, whether individually, or as an officer of Avenal and/or Central Valley, or on behalf of FCB and/or LB, misrepresented facts to and/or lacked candor with the Commission regarding the construction and/or operation of stations KNGS(FM), KAAX(FM), KYAF(FM), KZPE(FM), and KZPO(FM).<sup>86</sup>

24. With regard to station KNGS(FM), for example, the HDO alleges that Zawila made the following representations to the Commission: (a) the site identified for the station was on land that was available to be used; (b) the facilities were constructed as authorized in the construction permit; (c) the main studio complied with Section 73.1125 of the Rules; (d) the tower was erected at the 91-meter height required by the construction permit but was later

---

<sup>84</sup> See, e.g., HDO at ¶¶ 113(c)-(e) and (g).

<sup>85</sup> See *Order*, FCC 16M-02, at 5(a)-(j) and 6.

<sup>86</sup> See HDO at ¶¶ 97-98, 113(a) and 114(a). As noted above, because the Presiding Judge concluded that Avenal and Central Valley were not qualified to apply for the respective construction permits they obtained for stations KAAX(FM) and KYAF(FM), he rendered moot remaining questions concerning their proper ownership and control and whether they misrepresented facts to and/or lacked candor with the Commission. See *Order*, FCC 16M-23, at n.2. The Bureau suggests that issues in the HDO as to whether Zawila misrepresented facts to and/or lacked candor with the Commission concerning Avenal and Central Valley and stations KAAX(FM) and KYAF(FM) and/or violated the Commission's rules in connection with these stations should similarly be rendered moot.

destroyed by vandalism; and (e) Kunec Engineering constructed the 91-meter tower for this station.<sup>87</sup>

25. The factual record in this case demonstrates, however, that (a) the Bureau of Land Management owned the land at the site identified in the permit for the station KNGS(FM) site and that Zawila did not have the authority to operate station KNGS(FM) on that land;<sup>88</sup> (b) the station KNGS(FM) facilities were not constructed in compliance with the construction permit;<sup>89</sup> (c) there was never any main studio for station KNGS(FM) and thus it could not have complied with Section 73.1125 of the Rules;<sup>90</sup> (d) the station KNGS(FM) tower was not erected at the 91-meter height required by the construction permit, but even if it had been, it was not destroyed by vandalism;<sup>91</sup> and (e) Kunec Engineering did not construct a 91-meter tower for station KNGS(FM).<sup>92</sup>

26. With regard to stations KZPE(FM) and KZPO(FM), the HDO alleges that Zawila represented to the Commission that both stations KZPE(FM) and KZPO(FM) had main studios located at their respective transmitter sites in compliance with Section 73.1125 of the Rules.<sup>93</sup> The factual record demonstrates that neither station ever maintained a main studio.<sup>94</sup> Thus, neither station could have complied with Section 73.1125 of the Rules.

---

<sup>87</sup> See HDO at ¶¶ 97(a)-(e).

<sup>88</sup> See Enforcement Bureau's Requests for Admission to William L. Zawila, served Feb. 2, 2016 (Zawila RFAs), attached hereto as Exhibit 2, at RFA Nos. 12-16; *Order*, FCC 16M-18, at 8, ¶ 11.

<sup>89</sup> See, e.g., *Order*, FCC 16M-18, at 8, ¶ 15.

<sup>90</sup> See, e.g., Zawila RFAs at RFA Nos. 17-23; *Order*, FCC 16M-18, at 7, ¶ 4.

<sup>91</sup> See, e.g., Zawila RFAs at RFA Nos. 6-10; *Order*, FCC 16M-18, at 8, ¶¶ 14, 18.

<sup>92</sup> See Zawila RFAs at RFA Nos. 43 and 44; *Order*, FCC 16M-18, at 8, ¶ 17.

<sup>93</sup> See, e.g., HDO at ¶¶ 97(j) and (k).

<sup>94</sup> See, e.g., Enforcement Bureau's Requests for Admission to The Estate of H.L. Charles d/b/a Ford City Broadcasting, served Feb. 2, 2016 (FCB RFAs), attached hereto as Exhibit 3, at RFA Nos. 21-23; Enforcement Bureau's Requests for Admission to The Estate of Linda Ware d/b/a Lindsay Broadcasting, served Feb. 2, 2016 (LB RFAs), attached hereto as Exhibit 4, at RFA Nos. 20-23; *Order*, FCC 16M-18, at 9, ¶ 22; 10, ¶¶ 41 and 43.

27. In light of this record, the Presiding Judge should find that Zawila misrepresented facts to and/or lacked candor with the Commission in his statements regarding the construction and operation of the facilities for stations KNKS(FM), KZPE(FM), and KZPO(FM) in violation of Section 312(a)(1) of the Act and Section 73.1015 of the Rules.<sup>95</sup>

**2. Zawila violated Section 73.1690(b)(2) of the Rules**

28. Section 73.1690(b)(2) of the Rules states, in relevant part, that “FM...directional stations [such as those at issue in this case] must . . . file a construction permit application for any move of the antenna to another tower structure located at the same coordinates.”<sup>96</sup> To the extent Zawila moved station KNKS(FM)’s antenna and/or, on behalf of FCB, moved station KZPE(FM)’s antenna, to different towers at the coordinates specified in their construction permits without first obtaining a construction permit or obtaining Commission consent, he violated Section 73.1690(b)(2) of the Rules.<sup>97</sup>

29. *Stations KNKS(FM)*. The construction permit for station KNKS(FM) specified that its antenna be mounted at the 88-meter level of a 91-meter tower located at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California.<sup>98</sup> The HDO alleges that station KNKS(FM)’s antenna was not built on a 91-meter tower, but instead was mounted on two utility poles approximately 50 feet in height.<sup>99</sup> It further alleges that Zawila failed to report

---

<sup>95</sup> For the reasons discussed above, summary decision is also appropriate on the issue of whether Zawila misrepresented facts to and/or lacked candor with the Commission in his statements regarding the construction and operation of the facilities for stations KAAX(FM) and KYAF(FM) in violation of Section 312(a)(1) of the Act and Section 73.1015 of the Rules. *See, supra* note 86.

<sup>96</sup> 47 C.F.R. § 73.1690(b)(2).

<sup>97</sup> The HDO also alleges that Zawila moved KAAX(FM)’s and KYAF(FM)’s antennas without Commission consent in violation of Section 73.1690(b)(2) of the Rules. *See, e.g.*, HDO at ¶¶ 105, 113(b). For the reasons articulated above, the Bureau suggests that this issue should also be rendered moot and summary decision entered. *See, e.g.*, *supra* note 86.

<sup>98</sup> *See* HDO at ¶ 7.

<sup>99</sup> *See id.* at ¶ 9.

the antenna's move to these two utility poles to the Commission.<sup>100</sup>

30. The record reflects that “[a] single 91-meter tower (antenna structure) was never constructed for station KNGS at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California”<sup>101</sup> and that “[t]he only poles ever erected at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California were two utility poles approximately 50 feet in height.”<sup>102</sup> The record also reflects that “Zawila, individually and/or as an officer of the permittee of Station KNGS(FM), moved the antenna for Station KNGS(FM) to a tower that was different than the one described in the construction permit obtained for Station KNGS(FM).”<sup>103</sup> There is no evidence in the record that Zawila requested Commission approval for these changes. Thus, the Presiding Judge should conclude that Zawila moved the antenna for station KNGS(FM) in violation of Section 73.1690(b)(2) of the Rules.

31. *Station KZPE(FM)*. The construction permit for station KZPE(FM) specified that the antenna have a radiation center of 24 meters or 78.74 feet in height.<sup>104</sup> The HDO alleges that the KZPE(FM) antenna was mounted to a pole approximately 50 feet in height.<sup>105</sup> The record reflects that “Zawila, individually and/or as an officer of, or on behalf of, FCB, moved the antenna for Station KZPE(FM) to a tower that was different than the one described in the construction permit obtained for Station KZPE(FM).”<sup>106</sup> There is no evidence in the record that Zawila requested Commission approval for this change. As a result, the Presiding Judge should

---

<sup>100</sup> See, e.g., *id.* at ¶¶ 14, 105.

<sup>101</sup> Zawila RFAs at RFA No. 8.

<sup>102</sup> *Id.* at RFA No. 11.

<sup>103</sup> *Order*, FCC 16M-18, at 7, ¶ 1.

<sup>104</sup> See HDO at ¶ 58.

<sup>105</sup> See *id.*

<sup>106</sup> *Order*, FCC 16M-18, at 9, ¶ 20.

conclude that Zawila moved the antenna for station KZPE(FM) in violation of Section 73.1690(b)(2) of the Rules.

### **3. Zawila violated Sections 73.1125(a) and (e) of the Rules**

32. Section 73.1125(a) of the Rules requires that FM broadcast stations maintain a main studio with a meaningful management and staff presence during regular business hours.<sup>107</sup> Section 73.1125(e) requires that each such broadcast station maintain a local telephone number in its community of license or a toll-free number.<sup>108</sup> The HDO alleges that Zawila violated each of these Sections of the Rules in connection with station KNGS(FM).<sup>109</sup>

33. The record demonstrates that station KNGS(FM) was built without a main studio<sup>110</sup> and in fact, never had a staffed a main studio.<sup>111</sup> In addition, the record reflects that station KNGS(FM) did not maintain a local telephone number in its community of license or a toll-free telephone number.<sup>112</sup> As a result, the Presiding Judge should conclude that Zawila violated Sections 73.1125(a) and (e) of the Rules.

### **4. Zawila violated Section 73.3526 of the Rules**

34. Sections 73.3526(b) and (e) of the Rules require that all permittees and licensees of a broadcast station maintain public inspection files that contain, *inter alia*, a copy of the Commission's authorization to construct or operate the station, including modifications made thereto; a copy of the application filed with the Commission; citizen agreements; service contour

---

<sup>107</sup> See 47 C.F.R. § 73.1125(a). See also HDO at ¶ 102 (citing *Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615 (1991) (subsequent history omitted)).

<sup>108</sup> See 47 C.F.R. § 73.1125(e).

<sup>109</sup> See, e.g., HDO at ¶¶ 102, 113(c).

<sup>110</sup> See Zawila RFAs at RFA No. 17.

<sup>111</sup> See *id.* at RFA Nos. 18-23. See also *Order*, FCC 16M-18, at 7, ¶¶ 2 and 4.

<sup>112</sup> See Zawila RFAs at RFA Nos. 24-32. See also *Order*, FCC 16M-18, at 7, ¶¶ 5-6.

maps; ownership reports; records concerning broadcasts by candidates for public office; equal employment opportunity information; a recent copy of the manual entitled “The Public and Broadcasting;” letters and emails from the public; materials relating to any Commission investigation or complaint; and a list of programs, for every three months, that have provided the stations’ most significant treatment of community issues.<sup>113</sup> The HDO alleges that Zawila failed to maintain proper public inspection files for station KNGS(FM).<sup>114</sup>

35. The record demonstrates that station KNGS(FM) has not maintained and does not have public inspection files.<sup>115</sup> In addition, it shows that Zawila failed to maintain proper inspection files for this station.<sup>116</sup> As a result, the Presiding Judge should conclude that Zawila violated Sections 73.3526(b) and (e) of the Rules in connection with station KNGS(FM).

#### **5. Zawila violated Section 17.57 of the Rules**

36. Section 17.57 of the Rules requires that the owner of an antenna structure for which an Antenna Structure Registration number has been obtained must notify the Commission within 24 hours of completion of construction, or of any change in structure height, by filing FCC Form 854.<sup>117</sup> The HDO alleges that Zawila failed to notify the Commission within 24 hours of the construction of station KNGS(FM), or of any changes in the structure height.<sup>118</sup>

37. The record reflects that Zawila failed to file an FCC Form 854 with the Commission within 24 hours of completion of the tower for station KNGS(FM) for which an Antenna Registration Number had been assigned or to notify the Commission, immediately, of

---

<sup>113</sup> See 47 C.F.R. §§ 73.3527(a) and (e).

<sup>114</sup> See HDO at ¶¶ 103, 113(d).

<sup>115</sup> See Zawila RFAs at RFA Nos. 33-36.

<sup>116</sup> See *Order*, FCC 16M-18, at 7, ¶ 7.

<sup>117</sup> See 47 C.F.R. § 17.57.

<sup>118</sup> See HDO at ¶¶ 104, 113(e).

any changes in the height of the tower on which the antenna was to be have been mounted.<sup>119</sup>

Thus, the Presiding Judge should conclude that Zawila violated Section 17.57 of the Rules.

**6. Zawila violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules**

38. Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules require a broadcast licensee to have an Emergency Alert System (EAS) handbook, to maintain and EAS log and make appropriate entries therein, and to have EAS receiving equipment in operation.<sup>120</sup> The HDO alleges that Zawila violated these Sections of the Rules by failing to maintain proper EAS equipment and EAS logs for station KZPO(FM).<sup>121</sup> The record shows that Zawila failed to maintain proper EAS equipment and EAS logs for station KZPO(FM).<sup>122</sup> Thus, the Presiding Judge should conclude that Zawila violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules.

**7. Zawila violated Sections 73.1800(a), 73.1225(a), 73.1225(c)(5), and 73.1226(a) of the Rules**

39. Section 73.1800(a) of the Rules requires that each broadcast station maintain a station log and Sections 73.1225(a), 73.1225(c)(5), and 73.1226(a) of the Rules requires that the station facilities and the station logs be made available for inspection upon request by Commission representatives.<sup>123</sup> The HDO alleges that Zawila violated these Sections of the Rules in connection with station KZPO(FM).<sup>124</sup>

40. The record establishes that Zawila failed to maintain station logs for station

---

<sup>119</sup> See Zawila RFAs at RFA No. 1; *Order*, FCC 16M-18, at 7-8, ¶¶ 9-10.

<sup>120</sup> See 47 C.F.R. §§ 11.15, 11.35(a), 11.35(c), and 11.52(d).

<sup>121</sup> See HDO at ¶¶ 106, 114(c).

<sup>122</sup> See *Order*, FCC 16M-18, at 10, ¶¶ 37, 39.

<sup>123</sup> 47 C.F.R. §§ 73.1800(a), 73.1225(a), 73.1225(c)(5), and 73.1226(a).

<sup>124</sup> See HDO at ¶¶ 107, 114(e).

KZPO(FM) and to make such logs and station KZPO(FM) facilities available on request for inspection by Commission representatives.<sup>125</sup> Accordingly, the Presiding Judge should conclude that Zawila violated Sections 73.1800(a), 73.1225(a), 73.1225(c), and 73.1226(a) of the Rules.

**8. Zawila violated Section 73.1560(b) of the Rules**

41. Section 73.1560(b) of the Rules requires that the transmitter power of an FM broadcast station may not exceed 105% of the power authorized by the Commission.<sup>126</sup> The HDO alleges that Zawila violated this Section of the Rules in connection with station KZPO(FM).<sup>127</sup> The record demonstrates that Zawila operated station KZPO(FM) at a transmitter output power greater than 105% of authorized power.<sup>128</sup> The Presiding Judge should therefore conclude that Zawila violated Section 73.1560(b) of the Rules.

**9. Zawila violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules**

42. Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules require a broadcast licensee to (a) make available for inspection the written designation of the chief operator; (b) maintain and make available for inspection contracts, agreements, and understandings for the chief operator; (c) post the written designation of the chief operator; (d) maintain any agreement with any chief operator in the public inspection file; and (e) have the chief operator review and sign station records and logs.<sup>129</sup> The HDO alleges that Zawila violated these Sections of the Rules in connection with station KZPO(FM).<sup>130</sup>

<sup>125</sup> See Order, FCC 16M-18, at 11, ¶ 45.

<sup>126</sup> See 47 C.F.R. § 73.1560(b).

<sup>127</sup> See HDO at ¶¶ 108, 114(f).

<sup>128</sup> See Order, FCC 16M-18, at 11, ¶ 47.

<sup>129</sup> See 47 C.F.R. §§ 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3).

<sup>130</sup> See HDO at ¶¶ 109, 114(g).

43. The facts in the record demonstrate that station KZPO(FM) never had a chief operator.<sup>131</sup> As a result, Zawila could not have posted the written designation of a chief operator; maintained contracts, agreements, and understandings with a chief operator; or have had a chief operator sign station KZPO(FM)'s records and logs.<sup>132</sup> Thus, the Presiding Judge should conclude that Zawila violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules in connection with station KZPO(FM).

**10. Zawila violated Section 73.1350(a) of the Rules**

44. Section 73.1350(a) of the Rules requires that a broadcast licensee maintain and operate its station in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization.<sup>133</sup> The HDO alleges that Zawila violated this Rule in connection with station KZPO(FM).<sup>134</sup> The factual record reflects that Zawila failed to maintain and operate station KZPO(FM) in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization.<sup>135</sup> The Presiding Judge should thus conclude that Zawila violated Section 73.1350(a) of the Rules.

**11. Zawila violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules**

45. Section 310(d) of the Act and Section 73.3540(a) of the Rules preclude the transfer, assignment of, or disposition of any construction permit or station license, even if done so voluntarily, without prior Commission authorization.<sup>136</sup> The HDO alleges that Zawila was an

---

<sup>131</sup> See LB RFAs at RFA Nos. 62 and 63.

<sup>132</sup> See, e.g., *Order*, FCC 16M-18, at 11, ¶ 49.

<sup>133</sup> See 47 C.F.R. § 73.1580(a).

<sup>134</sup> See HDO at ¶¶ 110, 114(h).

<sup>135</sup> See *Order*, FCC 16M-18, at 11, ¶ 51.

<sup>136</sup> See 47 U.S.C. § 310(d); 47 C.F.R. § 73.3540(a).

undisclosed real party in interest in FCB's application for license for station KZPE(FM), and that Zawila assumed control of stations KZPE(FM) and KZPO(FM) without Commission authorization.<sup>137</sup>

46. The record shows that Zawila has controlled stations KZPE(FM) and KZPO(FM) since the Commission granted the construction permit and that he assumed control of stations KZPE(FM) and KZPO(FM), from their respective permittee and licensee, without requesting – or obtaining – Commission authorization.<sup>138</sup> The record also reflects that Zawila was an undisclosed real party in interest in FCB's application for license for station KZPE(FM).<sup>139</sup> For these reasons, the Presiding Judge should conclude that Zawila violated Section 310(d) of the Act and Section 73.3540(a) of the Rules in connection with stations KZPE(FM) and KZPO(FM).

**12. Zawila is not qualified to be or remain a Commission permittee**

47. Section 319(a) of the Act requires that applicants for construction permits demonstrate that they have, among other things, the character and other qualifications to operate the station for which they seek such permits.<sup>140</sup> Section 308(b) of the Act sets forth similar requirements for applicants for station licenses.<sup>141</sup> The Commission is particularly concerned about “the likelihood that an applicant will deal truthfully with the Commission and comply with the Communications Act and our rules and policies.”<sup>142</sup>

48. In light of the evidence demonstrated above concerning Zawila's various rule

<sup>137</sup> See HDO at ¶¶ 99-100, 113(f) and 114(b).

<sup>138</sup> See Zawila RFAs at RFA Nos. 49-50, 53-56, 58-62, 64-70; FCB RFAs, at RFA Nos. 6, 7, 12-15, 17-19; LB RFAs at RFA Nos. 5-6, 11-17; *Order*, FCC 16M-18, at 9, ¶ 26 and 10, ¶ 35.

<sup>139</sup> See *Order*, FCC 16M-18, at 9, ¶ 24.

<sup>140</sup> See 47 U.S.C. § 319(a).

<sup>141</sup> See 47 U.S.C. § 308(b).

<sup>142</sup> *In the Matter of Policy Regarding Character Qualifications In Broadcast Licensing Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Permittees and Licensees*, Report, Order and Policy Statement, 102 F.C.C.2d 1179, 1180, ¶ 7 (1986) (Character Policy Statement).

violations – and in particular, the evidence demonstrating that Zawila misrepresented and/or lacked candor with the Commission concerning the construction and/or operation of stations KNGS(FM), KZPE(FM), and KZPO(FM) – the Presiding Judge should conclude that Zawila does not possess the requisite qualifications to be or remain a Commission permittee.

**C. Summary Decision Is Appropriate Against FCB**

**1. FCB violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules**

49. Section 310(d) of the Act and Section 73.3540(a) of the Rules preclude the transfer, assignments of disposition of any construction permit or station license, even if done so voluntarily, without prior Commission authorization.<sup>143</sup> The HDO alleges that FCB transferred control of station KZPE(FM) to Zawila without Commission authorization.<sup>144</sup>

50. The record demonstrates that Zawila has controlled station KZPE(FM) since the Commission granted FCB the construction permit and that he assumed such control from FCB without seeking – or receiving authorization from the Commission.<sup>145</sup> In addition, the record reflects that FCB transferred control of station KZPE(FM) to Zawila without Commission authorization.<sup>146</sup> Accordingly, the Presiding Judge should conclude that FCB violated Section 310(d) of the Act, and Section 73.3540(a) of the Rules, by transferring control of station KZPE(FM) to Zawila and allowing him to assume control of the station without seeking or obtaining Commission authorization.

**2. FCB violated Section 73.1125 of the Rules**

51. Section 73.1125(a) requires that FM broadcast stations maintain a main studio

---

<sup>143</sup> See 47 U.S.C. § 310(d); 47 C.F.R. § 73.3540(a).

<sup>144</sup> See HDO at ¶¶ 99-100.

<sup>145</sup> See FCB RFAs at RFA Nos. 6, 7, 12-15, 17-19; Zawila RFAs at RFA No. 50; *Order*, FCC 16M-18, at 9, ¶ 25.

<sup>146</sup> See *Order*, FCC 16M-18, at 9, ¶ 25.

with a meaningful management and staff presence during regular business hours.<sup>147</sup> The HDO alleges that FCB violated this Section of the Rules in connection with station KZPE(FM).<sup>148</sup>

52. The record establishes that station KZPE(FM) was built without a main studio<sup>149</sup> and that station KZPE(FM) never had – and does not have – a staffed a main studio.<sup>150</sup> For these reasons, the Presiding Judge should find that FCB violated Section 73.1125(a) of the Rules.

### 3. FCB violated Section 73.3526 of the Rules

53. Sections 73.3526(b) and (e) of the Rules require that all permittees and licensees of a broadcast station maintain public inspection files that contain, for example, a copy of the Commission’s authorization to construct or operate the station, including modifications made thereto; a copy of the application filed with the Commission; citizen agreements; service contour maps; ownership reports; records concerning broadcasts by candidates for public office; equal employment opportunity information; a recent copy of the manual entitled “The Public and Broadcasting;” letters and emails from the public; materials relating to any Commission investigation or complaint; and a list of programs, for every three months, that have provided the stations’ most significant treatment of community issues.<sup>151</sup> The HDO alleges that FCB failed to maintain proper public inspection files for station KZPE(FM).<sup>152</sup>

54. The record reflects that station KZPE(FM) has not maintained and does not have public inspection files.<sup>153</sup> It also shows that FCB failed to maintain proper inspection files for

---

<sup>147</sup> See 47 C.F.R. § 73.1125(a).

<sup>148</sup> See, e.g., HDO at ¶¶ 102, 113(c).

<sup>149</sup> See FCB RFAs at RFA No. 21; *Order*, FCC 16M-18, at 9, ¶ 22.

<sup>150</sup> See FCB RFAs at RFA Nos. 22-25; *see also Order*, FCC 16M-18, at 9, ¶ 27.

<sup>151</sup> See 47 C.F.R. §§ 73.3527(a) and (e).

<sup>152</sup> See HDO at ¶¶ 103, 113(d).

<sup>153</sup> See FCB RFAs at RFA Nos. 36-37.

this station.<sup>154</sup> As a result, the Presiding Judge should find that FCB violated Sections 73.3526(b) and (e) of the Rules in connection with station KZPE(FM).

**4. FCB is not qualified to be or remain a Commission permittee**

55. The Act requires that applicants for construction permits and station licenses demonstrate that they can be expected to construct and operate the station consistent with the requirements of the Act and the Commission's rules and policies.<sup>155</sup> In light of the evidence demonstrated above concerning FCB's failure to comply with the Commission's most basic rules for operating a broadcast station, the Presiding Judge should conclude that FCB does not possess the requisite qualifications to be or remain a Commission permittee.

**D. Summary Decision Is Appropriate Against LB**

**1. LB violated Section 310(d) of the Act and/or Section 73.3540(a) of the Rules**

56. Section 310(d) of the Act and Section 73.3540(a) of the Rules preclude the transfer, assignments of disposition of any construction permit or station license, even if done so voluntarily, without prior Commission authorization.<sup>156</sup> The HDO alleges that LB transferred control of station KZPO(FM) to Zawila without Commission authorization.<sup>157</sup>

57. The record establishes that Zawila has controlled station KZPO(FM) since the Commission granted the construction permit to LB and that he assumed such control from LB without seeking – or receiving authorization from the Commission.<sup>158</sup> In addition, the record shows that LB transferred control of station KZPO(FM) without Commission authorization.<sup>159</sup>

---

<sup>154</sup> See *id.* at RFA Nos. 40-44; *Order*, FCC 16M-18, at 9, ¶ 28.

<sup>155</sup> See Character Policy Statement, 102 F.C.C.2d at 1188, ¶ 21; see also 47 U.S.C. §§ 308(b), 319(a).

<sup>156</sup> See 47 U.S.C. § 310(d); 47 C.F.R. § 73.3540(a).

<sup>157</sup> See HDO at ¶¶ 99-100.

<sup>158</sup> See LB RFAs at RFA Nos. 4-6, 11-17; see also Zawila RFAs at RFA Nos. 61-62, 64-70.

<sup>159</sup> See *Order*, FCC 16M-18, at 10, ¶ 36.

The Presiding Judge should find therefore that LB violated Section 310(d) of the Act, and Section 73.3540(a) of the Rules, by transferring control of station KZPO(FM) to Zawila and allowing him to assume control of the station without seeking or obtaining Commission authorization.

**2. LB violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules**

58. Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules require a broadcast licensee to have an Emergency Alert System (EAS) handbook, to maintain and EAS log and make appropriate entries therein, and to have EAS receiving equipment in operation.<sup>160</sup> The HDO alleges that LB violated these Sections of the Rules by failing to maintain proper EAS equipment and EAS logs for station KZPO(FM).<sup>161</sup>

59. As of March 2001, there was no EAS equipment at station KZPO(FM) and station KZPO(FM) did not – and does not – maintain operational EAS equipment on site.<sup>162</sup> In addition, station KZPO(FM) never maintained and does not have EAS logs.<sup>163</sup> The record also shows that LB never maintained and does not have EAS logs for station KZPO(FM)<sup>164</sup> and failed to maintain proper EAS equipment for station KZPO(FM).<sup>165</sup> For these reasons, the Presiding Judge should find that LB violated Sections 11.15, 11.35(a), 11.35(c), and 11.52(d) of the Rules.

**3. LB violated Section 73.1125 of the Rules**

60. Section 73.1125(a) of the Rules requires that FM broadcast stations maintain a

---

<sup>160</sup> See 47 C.F.R. §§ 11.15, 11.35(a), 11.35(c), and 11.52(d).

<sup>161</sup> See HDO at ¶¶ 106, 114(c).

<sup>162</sup> See LB RFAs at RFA Nos. 24-26.

<sup>163</sup> See *id.* at RFA Nos. 30-33.

<sup>164</sup> See *id.* at RFA Nos. 34-39; see also *Order*, FCC 16M-18, at 10, ¶ 40.

<sup>165</sup> See *Order*, FCC 16M-18, at 10, ¶ 38.

main studio with a meaningful management and staff presence during regular business hours.<sup>166</sup>

The HDO alleges that LB violated Section 73.1125(a) in connection with station KZPO(FM).<sup>167</sup>

61. The record reflects that station KZPO(FM) was built without a main studio and that station KZPO(FM) never had – and does not have – a staffed a main studio.<sup>168</sup> Thus, LB could not have maintained a main studio for station KZPO(FM) with a meaningful management and staff presence during regular business hours. The Presiding Judge should conclude that LB therefore violated Section 73.1125(a) of the Rules.

**4. LB violated Sections 73.1800(a), 73.1225(a), 73.1225(c)(5), and 73.1226(a) of the Rules**

62. Section 73.1800(a) of the Rules requires that each broadcast station maintain a station log, and Sections 73.1225(a), 73.1225(c), and 73.1226(a) of the Rules requires that the station facilities and the station logs be made available for inspection upon request by Commission representatives.<sup>169</sup> The HDO alleges that LB violated these Sections of the Rules in connection with station KZPO(FM).<sup>170</sup>

63. Station KZPO(FM) did not maintain and does not have station logs.<sup>171</sup> In addition, LB failed to maintain station logs for station KZPO(FM) and to make such logs and station KZPO(FM) facilities available on request for inspection by Commission representatives.<sup>172</sup> Accordingly, the Presiding Judge should conclude that LB violated Sections 73.1800(a), 73.1225(a), 73.1225(c), and 73.1226(a) of the Rules.

---

<sup>166</sup> See 47 C.F.R. § 73.1125(a).

<sup>167</sup> See, e.g., HDO at ¶¶ 102, 114(d).

<sup>168</sup> See LB RFAs at RFA Nos. 18-23; *Order*, FCC 16M-18, at 11, ¶ 43. See also *id.* at 10-11, ¶ 44.

<sup>169</sup> 47 C.F.R. §§ 73.1800(a), 73.1225(a), 73.1225(c), and 73.1226(a).

<sup>170</sup> See HDO at ¶¶ 107, 114(e).

<sup>171</sup> See LB RFAs at RFA Nos. 43-45.

<sup>172</sup> See *id.* at RFA Nos. 46-53; *Order*, FCC 16M-18, at 11, ¶ 46.

**5. LB violated Section 73.1560(b) of the Rules**

64. Section 73.1560(b) of the Rules requires that the transmitter power of an FM broadcast station may not exceed 105% of the power authorized by the Commission.<sup>173</sup> The HDO alleges that LB violated this Section of the Rules in connection with station KZPO(FM).<sup>174</sup> The record reflects that LB operated station KZPO(FM) at a transmitter output power greater than 105% of authorized power.<sup>175</sup> Thus, the Presiding Judge should conclude that LB violated Section 73.1560(b) of the Rules.

**6. LB violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules**

65. Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules require a broadcast licensee to (a) make available for inspection the written designation of the chief operator; (b) maintain and make available for inspection contracts, agreements, and understandings for the chief operator; (c) post the written designation of the chief operator; (d) maintain any agreement with any chief operator in the public inspection file; and (e) have the chief operator review and sign station records and logs.<sup>176</sup> The HDO alleges that LB violated these Sections of the Rules in connection with station KZPO(FM).<sup>177</sup>

66. The facts in the record establish that (a) station KZPO(FM) has never had, and does not have, a chief operator; (b) station KZPO(FM) did not maintain and does not have any agreements with a chief operator in its public inspection files; (c) station KZPO(FM) did not provide the written designation of its chief operator to Commission field agents upon request;

---

<sup>173</sup> See 47 C.F.R. § 73.1560(b).

<sup>174</sup> See HDO at ¶¶ 108, 114(f).

<sup>175</sup> See LB RFAs at RFA Nos. 27-29; *Order*, FCC 16M-18, at 11, ¶ 48.

<sup>176</sup> See 47 C.F.R. §§ 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3).

<sup>177</sup> See HDO at ¶¶ 109, 114(g).

and (d) station KZPO(FM) did not maintain and does not have station records and logs signed by a chief operator.<sup>178</sup> Furthermore, the only written designation station KZPO(FM) had of a chief operator was one dated May 24, 2001 identifying Jay Stevens as its chief operator but Mr. Stevens advised a Commission agent a month earlier that he was not station KZPO(FM)'s chief operator and that he did not and does not sign station KZPO(FM)'s station records and logs.<sup>179</sup>

The Presiding Judge should therefore conclude that LB violated Sections 73.1225(c)(2), 73.1226(c)(4), 73.1870(b)(3), and 73.1870(c)(3) of the Rules in connection with station KZPO(FM).

**7. LB violated Section 73.1350(a) of the Rules**

67. Section 73.1350(a) of the Rules requires a broadcast licensee maintain and operate its station in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization.<sup>180</sup> The HDO alleges that LB violated this Rule in connection with station KZPO(FM).<sup>181</sup> The record reflects that LB failed to maintain and operate station KZPO(FM) in a manner that complies with the technical rules set forth in the Rules and in accordance with its station authorization.<sup>182</sup> Thus, the Presiding Judge should conclude that LB violated Section 73.1350(a) of the Rules.

**8. LB is not qualified to be or remain a Commission licensee**

68. The Act requires that licensees demonstrate that they can be expected to construct and operate the station consistent with the requirements of the Act and the Commission's rules

---

<sup>178</sup> See LB RFAs at RFA Nos. 62-66, 68; *Order*, FCC 16M-18, at 11, ¶ 49.

<sup>179</sup> See LB RFAs at RFA Nos. 59, 69-73.

<sup>180</sup> See 47 C.F.R. § 73.1580(a).

<sup>181</sup> See HDO at ¶¶ 110, 114(h).

<sup>182</sup> See *Order*, FCC 16M-18, at 11, ¶ 52.

and policies.<sup>183</sup> In light of the evidence discussed above concerning LB's failure to comply with the Commission's most basic rules for operating a broadcast station, the Presiding Judge should conclude that LB does not possess the requisite qualifications to be or remain a Commission licensee.

### Conclusion

69. For the foregoing reasons, the Bureau respectfully requests that the Presiding Judge issue an Order concluding that:

- a) summary decision is appropriate on the issues directed against Avenal and Central Valley in the HDO and in *Order*, FCC 16M-02;
- b) Zawila violated Sections 310(d) and 312(a)(1) of Act, and Sections 11.15, 11.35(a), 11.35(c), 11.52(d), 17.57, 73.1015, 73.1125, 73.1225(a), 73.1225(c)(2), 73.1225(c)(5), 73.1226(a), 73.1226(c)(4), 73.1350(a), 73.1560(b), 73.1690(b)(2), 73.1800(a), 73.1870(b)(3), 73.1870(c)(3), 73.3526, and 73.3540(a) of the Rules, and as a result of the foregoing rule violations and misrepresentations to the Commission, Zawila does not possess the qualifications to be or remain a Commission permittee;
- c) FCB violated Section 310(d) of the Act and Sections 73.1125, 73.3526, and 73.3540(a) of the Rules, and as a result of the foregoing rule violations, FCB does not possess the qualifications to be or remain a Commission permittee; and
- d) LB violated Section 310(d) of the Act and Sections 11.15, 11.35(a), 11.35(c), 11.52(d), 73.1125, 73.1225(a), 73.1225(c)(2), 73.1225(c)(5), 73.1226(a), 73.1226(c)(4), 73.1350(a), 73.1560(b), 73.1800(a), 73.1870(b)(3), 73.1870(c)(3),

---

<sup>183</sup> See Character Policy Statement, 102 F.C.C.2d at 1188, ¶ 21; see also 47 U.S.C. §§ 308(b), 319(a).

and 73.3540(a) of the Rules, and as a result of the foregoing rule violations, LB does not possess the qualifications to be or remain a Commission licensee.

Respectfully submitted,

---

Travis LeBlanc  
Chief, Enforcement Bureau



---

Pamela S. Kane  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

Michael Engel  
Special Counsel  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C366  
Washington, D.C. 20554  
(202) 418-7330

August 9, 2016

**EXHIBIT 1**

---

## Pamela Kane

---

**To:** Pamela Kane  
**Subject:** FW: Request for Pleading

**From:** Richard Sippel  
**Sent:** Friday, February 19, 2016 1:54 PM  
**To:** Pamela Kane; Michael Engel; 'Michael Couzens' ([cuz@well.com](mailto:cuz@well.com))  
**Cc:** Patricia Ducksworth; Monique Gray  
**Subject:** Request for Pleading

Request Enforcement Bureau to submit by February 24, 2016, responsive pleading to pending motion to dismiss proceedings filed by Michael Couzens ; and responsive pleading(s) to requests for permission to file appeals of Order 16M-01 and Order 16M-02.

Presiding Judge Sippel

## EXHIBIT 2

---

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

In the Matter of	)	EB Docket No. 03-152
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
Permittee of FM Station KNKS, Coalinga, California	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
Permittee of FM Station KAAX, Avenal, California	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
Permittee of FM Station KYAF, Firebaugh, California	)	
<b>H. L. CHARLES D/B/A FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
Permittee of FM Station KZPE, Ford City, California	)	
<b>LINDA WARE D/B/A LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
Licensee of FM Station KZPO, Lindsay, California	)	

To: William L. Zawila

**ENFORCEMENT BUREAU'S REQUESTS FOR ADMISSION TO  
WILLIAM L. ZAWILA**

Pursuant to Section 1.246 of the Commission's rules, the Enforcement Bureau (Bureau) hereby requests that, within 10 days of service of this request, William L. Zawila (Mr. Zawila) admit to the truth of the following facts and the genuineness of the attached documents, as set forth in the following numbered paragraphs.<sup>1</sup> Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response. Mr. Zawila is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder."<sup>2</sup>

**DEFINITIONS**

For the purposes of this document, the following definition shall apply:

- a. "William L. Zawila" "Mr. Zawila" "you" and "your" shall mean William L. Zawila.
- b. "Avenal" shall mean Avenal Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.
- c. "Central Valley" shall mean Central Valley Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors,

---

<sup>1</sup> See 47 C.F.R. § 1.246.

<sup>2</sup> *Id.* at § 1.246(b).

officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

d. "FCB" shall refer to The Estate of H.L. Charles d/b/a Ford City Broadcasting, H.L. Charles d/b/a/ Ford City Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

e. "Lindsay Broadcasting" shall refer to The Estate of Linda Ware d/b/a Lindsay Broadcasting, Linda Ware d/b/a Lindsay Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

f. "EAS" shall mean Emergency Alert System.

g. "KNGS" means radio broadcast station KNGS (FM), Coalinga, California.

h. "KAAX" means radio broadcast station KAAX (FM), Avenal, California.

i. "KYAF" means radio broadcast station formerly known under call sign KAJF (FM), Firebaugh, California."

- j. "KZPE" means radio broadcast station KZPE (FM), Ford City, California.
- k. "KZPO" means radio broadcast station KZPO (FM), Lindsay, California.
- l. "Act" shall mean the Communications Act of 1934, as amended.
- m. "Commission" or "FCC" shall mean the Federal Communications Commission.
- n. "WTB" shall mean the Wireless Telecommunications Bureau of the Commission.
- o. "Audio Division" shall mean the Audio Division of the Commission's Media Bureau.
- p. "HDO" shall refer to the Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, released by the Commission on July 16, 2003.
- q. "FCC Form 854" shall mean the FCC Form 854 used to register structures used for wire or radio communication service in any area where radio services are regulated by the Commission; to make changes to existing registered structures or pending applications; or to notify the Commission of the completion of construction or dismantlement of structures, as required by Title 47 of the Code of Federal Regulations, Chapter 1, Part 17 (FCC Rules Part 17) which can be located at <https://transition.fcc.gov/Forms/Form854/854.pdf>.
- r. "Public Inspection Files" shall mean those files identified in Section 73.3526 of the Commission's Rules.
- s. "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- t. The terms/phrases "referring to," "relating to" and/or "concerning," as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings: constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying,

memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

u. "State" and "describe" mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

v. The terms "identify" and "identification" when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

w. The terms "identify" and "identification" when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal place of business, and the main telephone number of such business entity.

x. The terms "identify" and "identification" when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

y. The terms "identify" and "identification" when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

z. The term “and” also means “or” and the term “or” also means “and.”

aa. The term “each” also means “every” and the term “every” also means “each.”

bb. The term “all” also means “any” and the term “any” also means “all.”

cc. The term “document” means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Mr. Zawila.

dd. “Discussion” means any assembly, congregation, encounter, meeting or conversation between or among two or more individuals for any purpose, whether or not planned, arranged, or scheduled in advance. “Discussion” includes, without limitation, all oral communications, whether or not in person, by telephone (including voicemails and similar recordings), or otherwise, and electronic communications (including emails) between two or more individuals.

ee. “Communication” means any discussion or any written or electronic correspondence or recorded voice message of any kind.

ff. "Employee" means any director, trustee, officer, employee, partner, corporate parent, subsidiary, affiliate or servant of the designated entity, whether active or retired, full-time or part-time, current or former, and compensated or not.

gg. "Representative" means any consultant, expert, attorney, contractor or other individual or entity engaged by the designated entity to perform some task or assignment for the entity.

hh. "Entity" means any corporation, company, partnership, proprietorship, joint venture, or business, as well as any governmental unit.

ii. "Person" means any natural person or legal entity, including but not limited to any corporation, partnership, proprietorship, firm, trust, association, government entity, organization, or group of persons.

### **Instructions**

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses.

b. Unless otherwise specified, supply all information requested for the period January 1, 1987 through the present.

### **REQUESTS FOR ADMISSION**

1. You did not file an FCC Form 854 with the Commission certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the permit for Station KNGS.

2. You did not file an FCC Form 854 with WTB on behalf of Avenal certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the permit for Station KAAX.

3. You did not file an FCC Form 854 with WTB on behalf of Central Valley certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the permit for Station KYAF.

4. You did not file an FCC Form 854 with WTB on behalf of FCB certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the permit for Station KZPE.

5. The construction permit for Station KNKS requires that the antenna be mounted at the 88-meter level of a 91-meter pole located at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California.

6. As of November 2000, a single 91-meter tower (antenna structure) was not constructed for Station KNKS at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California.

7. As of November 2000, a single 91-meter tower (antenna structure) was not constructed for Station KNKS at any location.

8. A single 91-meter tower (antenna structure) was never constructed for Station KNKS at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California.

9. A single 91-meter tower (antenna structure) was never constructed for Station KNKS at any location.

10. There is no single 91-meter tower (antenna structure) constructed for Station KNKS.

11. The only poles ever erected at North Dome Ridge in Kettleman Hills, 6 kilometers east-northeast of Avenal, California were two utility poles approximately 50 feet in

height.

12. The KNGS site is located on land owned by the Bureau of Land Management of the U.S. Department of the Interior.

13. You do not have permission from the Bureau of Land Management of the U.S. Department of Interior to operate permanent equipment at the KNGS site.

14. KNGS does not have permission from the Bureau of Land Management of the U.S. Department of Interior to operate permanent equipment at the KNGS site.

15. KNGS never requested permission from the Bureau of Land Management of the U.S. Department of Interior to operate permanent equipment at the KNGS site.

16. You never requested permission from the Bureau of Land Management of the U.S. Department of Interior to operate permanent equipment at the KNGS site.

17. Station KNGS was built without a main studio.

18. As of November 2000, Station KNGS did not have a main studio.

19. As of November 2000, Station KNGS did not have a staffed main studio.

20. Station KNGS does not have a staffed main studio.

21. Station KNGS does not have a main studio.

22. Station KNGS has never had a main studio.

23. Station KNGS has never had a staffed main studio.

24. Station KNGS did not maintain a local telephone number in Coalinga, California.

25. Station KNGS did not maintain a toll-free telephone number.

26. Station KNGS has never maintained a toll-free telephone number.

27. Station KNGS does not maintain a local telephone number in Coalinga, California.

28. Station KNGS does not maintain a toll-free telephone number.
29. You do not maintain a local telephone number for Station KNGS in Coalinga, California.
30. You do not maintain a toll-free telephone number for Station KNGS.

---

31. You never maintained a local telephone number for Station KNGS in Coalinga, California.
32. You never maintained a toll-free number for Station KNGS.
33. Since obtaining its construction permit, Station KNGS has not maintained Public Inspection Files.
34. Station KNGS does not have Public Inspection Files.
35. Since obtaining the construction permit for Station KAAX, you have not maintained Public Inspection Files for KNGS.
36. You do not have Public Inspection Files for Station KNGS.
37. KNGS is not currently operating.
38. KNGS has never been in operation.
39. KNGS has not been in operation full-time since obtaining its construction permit.
40. You prepared the statement of Ray Knight dated April 8, 2002, attached to your December 31, 2002 letter to the Audio Division.

---

41. You prepared the statement of Ray Knight dated April 24, 2002, attached to your December 31, 2002 letter to the Audio Division.
42. You prepared Linda Ware's December 18, 1998 declaration attached to your December 31, 2002 letter to the Audio Division.
43. Kunec Engineering did not erect a tower at the KNGS site.

44. Michael G. Kunec did not erect any tower at the KNKS site.
45. You have not received any form of compensation for legal services from Central Valley since 2005.
46. You have not received any form of compensation for legal services from Avenal since 2005.
47. You do not have a written agreement to act as legal representative for Central Valley.
48. You do not have a written agreement to act as legal representative for Avenal.
49. You control Station KZPE.
50. Since the Commission granted FCB a construction permit for Station KZPE, you have controlled Station KZPE.
51. You are not the executor of The Estate of H.L. Charles.
52. You do not have a Commission license for Station KZPE.
53. You assumed control of Station KZPE from H.L. Charles.
54. You assumed control of Station KZPE from Ford City Broadcasting.
55. You assumed control of Station KZPE from The Estate of H.L. Charles.
56. You assumed control of Station KZPE from Robert Willing.
57. You are not authorized by The Estate of H.L. Charles to act on behalf on The Estate of H.L. Charles in connection by Station KZPE.
58. You assumed control of Station KZPE without seeking Commission authorization.
59. You did not request Commission authorization to assume control of Station KZPE.

60. You have not received Commission authorization to control Station KZPE.
  61. You control Station KZPO.
  62. Since the Commission granted Lindsay Broadcasting a license for Station KZPO,  
you have controlled the operations of Station KZPO.
- 
63. You are not the executor of The Estate of Linda Ware.
  64. You assumed control of Station KZPO from Linda Ware.
  65. You assumed control of Station KZPO from Lindsay Broadcasting.
  66. You assumed control of Station KZPO from The Estate of Linda Ware.
  67. You assumed control of Station KZPO from Cynthia Rampage.
  68. You assumed control of Station KZPO without seeking Commission authorization
  69. You did not request Commission authorization to assume control of Station  
KZPO.
  70. You did not receive Commission authorization to control Station KZPO.
  71. You did not file for incorporation of an entity entitled Avenal Educational  
Services, Inc. in California on March 5, 1999.
  72. You did not file for incorporation of an entity entitled Central Valley Educational  
Services, Inc. in California on January 29, 2001.

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau

---



Pamela S. Kane  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

Michael Engel  
Special Counsel  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C366  
Washington, D.C. 20554  
(202) 418-7330

February 2, 2016

**CERTIFICATE OF SERVICE**

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 2nd day of February, 2016, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S REQUESTS FOR

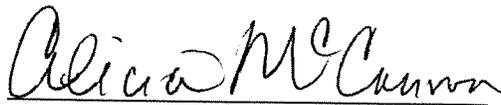
---

ADMISSION TO WILLIAM L. ZAWILA" to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554 (by hand, courtesy copy)

William Zawila, Esq.  
12600 Brookhurst Street, Suite 105  
Garden Grove, CA 92804-4833  
(714) 636-5040 (telephone)  
(714) 636-5042 (facsimile)  
(by facsimile and first-class mail)

Michael Couzens  
Michael Couzens Law Office  
6536 Telegraph Avenue  
Suite B201  
Oakland, CA 94609  
(by first-class mail and email to [cuz@well.com](mailto:cuz@well.com))

  
Alicia McCannon

## EXHIBIT 3

---



**ENFORCEMENT BUREAU'S REQUESTS FOR ADMISSION TO  
THE ESTATE OF H.L. CHARLES D/B/A FORD CITY BROADCASTING**

Pursuant to Section 1.246 of the Commission's rules, the Enforcement Bureau (Bureau) hereby requests that, within 10 days of service of this request, The Estate of H.L. Charles d/b/a Ford City Broadcasting (FCB) admit to the truth of the following facts and the genuineness of the attached documents, as set forth in the following numbered paragraphs.<sup>1</sup> Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response. FCB is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder."<sup>2</sup>

**DEFINITIONS**

For the purposes of this document, the following definition shall apply:

- a. "FCB" "you" and "your" shall refer to The Estate of H.L. Charles d/b/a Ford City Broadcasting, H.L. Charles d/b/a/ Ford City Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.
- b. "William L. Zawila" and "Mr. Zawila" shall mean William L. Zawila.

---

<sup>1</sup> See 47 C.F.R. § 1.246.

<sup>2</sup> *Id.* at § 1.246(b).

c. "Avenal" shall mean Avenal Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

d. "Central Valley" shall mean Central Valley Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

e. "Lindsay Broadcasting" shall refer to The Estate of Linda Ware d/b/a Lindsay Broadcasting, Linda Ware d/b/a Lindsay Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

f. "EAS" shall mean Emergency Alert System.

g. "KNGS" means radio broadcast station KNGS (FM), Coalinga, California.

h. "KAAX" means radio broadcast station KAAX (FM), Avenal, California.

- i. "KYAF" means radio broadcast station formerly known under call sign KAJF (FM), Firebaugh, California.
- j. "KZPE" or "Station KZPE" means radio broadcast station KZPE (FM), Ford City, California.
- k. "KZPO" means radio broadcast station KZPO (FM), Lindsay, California.
- l. "Act" shall mean the Communications Act of 1934, as amended.
- m. "Commission" or "FCC" shall mean the Federal Communications Commission.
- n. "WTB" shall mean the Wireless Telecommunications Bureau of the Commission.
- o. "Audio Division" shall mean the Audio Division of the Commission's Media Bureau.
- p. "HDO" shall refer to the Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, released by the Commission on July 16, 2003.
- q. "FCC Form 854" shall mean the FCC Form 854 used to register structures used for wire or radio communication service in any area where radio services are regulated by the Commission; to make changes to existing registered structures or pending applications; or to notify the Commission of the completion of construction or dismantlement of structures, as required by Title 47 of the Code of Federal Regulations, Chapter 1, Part 17 (FCC Rules Part 17) which can be located at <https://transition.fcc.gov/Forms/Form854/854.pdf>.
- r. "Public Inspection Files" shall mean those files identified in Section 73.3526 of the Commission's Rules.
- s. "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- t. The terms/phrases "referring to," "relating to" and/or "concerning," as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings:

constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying, memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

u. "State" and "describe" mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

v. The terms "identify" and "identification" when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

w. The terms "identify" and "identification" when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal place of business, and the main telephone number of such business entity.

x. The terms "identify" and "identification" when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

y. The terms "identify" and "identification" when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation,

discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

z. The term "and" also means "or" and the term "or" also means "and."

aa. The term "each" also means "every" and the term "every" also means "each."

bb. The term "all" also means "any" and the term "any" also means "all."

cc. The term "document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of FCB.

dd. "Discussion" means any assembly, congregation, encounter, meeting or conversation between or among two or more individuals for any purpose, whether or not planned, arranged, or scheduled in advance. "Discussion" includes, without limitation, all oral communications,

whether or not in person, by telephone (including voicemails and similar recordings), or otherwise, and electronic communications (including emails) between two or more individuals.

ee. "Communication" means any discussion or any written or electronic correspondence or recorded voice message of any kind.

ff. "Employee" means any director, trustee, officer, employee, partner, corporate parent, subsidiary, affiliate or servant of the designated entity, whether active or retired, full-time or part-time, current or former, and compensated or not.

gg. "Representative" means any consultant, expert, attorney, contractor or other individual or entity engaged by the designated entity to perform some task or assignment for the entity.

hh. "Entity" means any corporation, company, partnership, proprietorship, joint venture, or business, as well as any governmental unit.

ii. "Person" means any natural person or legal entity, including but not limited to any corporation, partnership, proprietorship, firm, trust, association, government entity, organization, or group of persons.

### **Instructions**

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses.

b. Unless otherwise specified, supply all information requested for the period January 1, 1990 through the present.

### **REQUESTS FOR ADMISSION**

1. FCB did not file an FCC Form 854 filed with WTB certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the

permit for KZPE.

2. The Commission granted a construction permit for Station KZPE to H.L. Charles d/b/a Ford City Broadcasting.
3. H.L. Charles was the sole officer and director of Ford City Broadcasting.
4. H.L. Charles was not involved in the operation of Station KZPE.
5. H.L. Charles did not control Station KZPE.
6. Mr. Zawila controls Station KZPE.
7. Since the Commission granted Ford City Broadcasting a construction permit for Station KZPE, Mr. Zawila has controlled Station KZPE.
8. The Commission granted an application for the transfer of control of the construction permit for Station KZPE from H.L. Charles d/b/a Ford City Broadcasting to The Estate of H.L. Charles, Robert Willing, Executor.
9. Robert Willing is the executor of The Estate of H.L. Charles.
10. Mr. Zawila is not the executor of The Estate of H.L. Charles.
11. Robert Willing is not involved in the operation of Station KZPE.
12. Mr. Zawila assumed control of Station KZPE from H.L. Charles.
13. Mr. Zawila assumed control of Station KZPE from Ford City Broadcasting.
14. Mr. Zawila assumed control of Station KZPE from The Estate of H.L. Charles.
15. Mr. Zawila assumed control of Station KZPE from Robert Willing.
16. Mr. Zawila is not authorized by The Estate of H.L. Charles to act on behalf on The Estate of H.L. Charles in connection by Station KZPE.
17. Mr. Zawila assumed control of Station KZPE without seeking Commission authorization.

18. Mr. Zawila did not request Commission authorization to assume control of Station KZPE.
19. Mr. Zawila did not receive Commission authorization to control Station KZPE.
20. Mr. Zawila did not file an FCC Form 854 with WTB on behalf of FCB certifying the completion of construction of or otherwise concerning the tower (antenna structure) in connection with the permit for Station KZPE.
21. Station KZPE was built without a main studio.
22. Station KZPE does not have a main studio.
23. Station KZPE has never had a main studio.
24. Station KZPE does not have a staffed main studio.
25. Station KZPE has never had a staffed main studio.
26. Station KZPE is not currently operating.
27. Station KZPE has not been on the air since November 2000.
28. Station KZPE has only been on the air five separate occasions each of which predate November 2000.
29. Station KZPE has never been in full-time operation.
30. The antenna for Station KZPE was erected on a tower other than that which is authorized under the construction permit.
31. The antenna for Station KZPE was moved to a different tower than is identified in FCB's construction permit for Station KZPE.
32. Station KZPE does not have a local telephone number.
33. Station KZPE has never had a local telephone number.
34. Station KZPE does not have a toll-free telephone number.

35. Station KZPE has never had a toll-free telephone number.
36. Station KZPE never maintained Public Inspection Files.
37. Station KZPE does not have Public Inspection Files.
38. Mr. Zawila did not maintain Public Inspection Files for Station KZPE.

---

39. Mr. Zawila does not have Public Inspection Files for Station KZPE.
40. FCB did not maintain Public Inspection Files for Station KZPE.
41. FCB does not p have Public Inspection Files for Station KZPE.
42. H.L. Charles did not maintain Public Inspection Files for Station KZPE.
43. The Estate of H.L. Charles did not maintain Public Inspection Files for Station  
KZPE.
44. The Estate of H.L. Charles does not have Public Inspection Files for Station  
KZPE.

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau



Pamela S. Kane  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

Michael Engel  
Special Counsel  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C366  
Washington, D.C. 20554  
(202) 418-7330

February 2, 2016

**CERTIFICATE OF SERVICE**

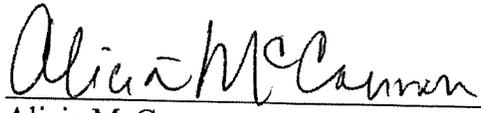
Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 2nd day of February, 2016, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S REQUESTS FOR ADMISSION TO THE ESTATE OF H.L. CHARLES D/B/A FORD CITY BROADCASTING"

to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554 (by hand, courtesy copy)

William Zawila, Esq.  
12600 Brookhurst Street, Suite 105  
Garden Grove, CA 92804-4833  
(714) 636-5040 (telephone)  
(714) 636-5042 (facsimile)  
(by facsimile and first-class mail)

Michael Couzens  
Michael Couzens Law Office  
6536 Telegraph Avenue  
Suite B201  
Oakland, CA 94609  
(by first-class mail and email to [cuz@well.com](mailto:cuz@well.com))

  
Alicia McCannon

Alicia McCannon

**EXHIBIT 4**

---

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

In the Matter of	)	EB Docket No. 03-152
	)	
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS, Coalinga, California	)	
	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX, Avenal, California	)	
	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
	)	
Permittee of FM Station KYAF, Firebaugh, California	)	
	)	
<b>H. L. CHARLES D/B/A FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
	)	
Permittee of FM Station KZPE, Ford City, California	)	
	)	
<b>LINDA WARE D/B/A LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
	)	
Licensee of FM Station KZPO, Lindsay, California	)	
	)	

To: The Estate of Linda Ware d/b/a Lindsay Broadcasting

**ENFORCEMENT BUREAU'S REQUESTS FOR ADMISSION TO  
THE ESTATE OF LINDA WARE D/B/A LINDSAY BROADCASTING**

Pursuant to Section 1.246 of the Commission's rules, the Enforcement Bureau (Bureau) hereby requests that, within 10 days of service of this request, The Estate of Linda Ware d/b/a Lindsay Broadcasting (Lindsay Broadcasting) admit to the truth of the following facts and the genuineness of the attached documents, as set forth in the following numbered paragraphs.<sup>1</sup>

Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response. Lindsay Broadcasting is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder."<sup>2</sup>

**DEFINITIONS**

For the purposes of this document, the following definition shall apply:

a. "Lindsay Broadcasting" "you" and "your" shall refer to The Estate of Linda Ware d/b/a Lindsay Broadcasting, Linda Ware d/b/a Lindsay Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

b. "William L. Zawila" and "Mr. Zawila" shall mean William L. Zawila.

---

<sup>1</sup> See 47 C.F.R. § 1.246.

<sup>2</sup> *Id.* at § 1.246(b).

c. "Avenal" shall mean Avenal Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

d. "Central Valley" shall mean Central Valley Educational Services, Inc., any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

e. "FCB" shall refer to The Estate of H.L. Charles d/b/a Ford City Broadcasting, H.L. Charles d/b/a/ Ford City Broadcasting, any affiliate, d/b/a, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing.

f. "EAS" shall mean Emergency Alert System.

g. "Station KNKS" means radio broadcast station KNKS (FM), Coalinga, California.

h. "Station KAAX" means radio broadcast station KAAX (FM), Avenal, California.

- i. "Station KYAF" means radio broadcast station formerly known under call sign KAJP (FM), Firebaugh, California.
- j. "Station KZPE" means radio broadcast station KZPE (FM), Ford City, California.
- k. "Station KZPO" means radio broadcast station KZPO (FM), Lindsay, California.
- l. "Act" shall mean the Communications Act of 1934, as amended.
- m. "Commission" or "FCC" shall mean the Federal Communications Commission.
- n. "WTB" shall mean the Wireless Telecommunications Bureau of the Commission.
- o. "Audio Division" shall mean the Audio Division of the Commission's Media Bureau.
- p. "HDO" shall refer to the Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, released by the Commission on July 16, 2003.
- q. "FCC Form 854" shall mean the FCC Form 854 used to register structures used for wire or radio communication service in any area where radio services are regulated by the Commission; to make changes to existing registered structures or pending applications; or to notify the Commission of the completion of construction or dismantlement of structures, as required by Title 47 of the Code of Federal Regulations, Chapter 1, Part 17 (FCC Rules Part 17) which can be located at <https://transition.fcc.gov/Forms/Form854/854.pdf>.
- r. "Public Inspection Files" shall mean those files identified in Section 73.3526 of the Commission's Rules.
- s. "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- t. The terms/phrases "referring to," "relating to" and/or "concerning," as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings: constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating,

describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying, memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

u. "State" and "describe" mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

v. The terms "identify" and "identification" when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

w. The terms "identify" and "identification" when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal place of business, and the main telephone number of such business entity.

x. The terms "identify" and "identification" when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

y. The terms "identify" and "identification" when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or

communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

z. The term “and” also means “or” and the term “or” also means “and.”

aa. The term “each” also means “every” and the term “every” also means “each.”

bb. The term “all” also means “any” and the term “any” also means “all.”

cc. The term “document” means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Lindsay Broadcasting.

dd. “Discussion” means any assembly, congregation, encounter, meeting or conversation between or among two or more individuals for any purpose, whether or not planned, arranged, or scheduled in advance. “Discussion” includes, without limitation, all oral communications, whether or not in person, by telephone (including voicemails and similar recordings), or otherwise, and electronic communications (including emails) between two or more individuals.

ee. "Communication" means any discussion or any written or electronic correspondence or recorded voice message of any kind.

ff. "Employee" means any director, trustee, officer, employee, partner, corporate parent, subsidiary, affiliate or servant of the designated entity, whether active or retired, full-time or part-time, current or former, and compensated or not.

gg. "Representative" means any consultant, expert, attorney, contractor or other individual or entity engaged by the designated entity to perform some task or assignment for the entity.

hh. "Entity" means any corporation, company, partnership, proprietorship, joint venture, or business, as well as any governmental unit.

ii. "Person" means any natural person or legal entity, including but not limited to any corporation, partnership, proprietorship, firm, trust, association, government entity, organization, or group of persons.

### **Instructions**

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses.

b. Unless otherwise specified, supply all information requested for the period January 1, 1999 through the present.

### **REQUESTS FOR ADMISSION**

1. Station KZPO was licensed to Lindsay Broadcasting.
2. Linda Ware was the sole officer and director of Lindsay Broadcasting.
3. Linda Ware was not involved in the operation of Station KZPO.
4. Linda Ware did not control Station KZPO.

5. Mr. Zawila controls Station KZPO.
6. Since the Commission granted Lindsay Broadcasting a license for Station KZPO, Mr. Zawila has controlled the operations of Station KZPO.
7. The Commission granted an application for the transfer of control of the license for Station KZPO from Linda Ware d/b/a Lindsay Broadcasting to The Estate of Linda Ware, Cynthia Rampage, Executor.
8. Cynthia Rampage is the executor of The Estate of Linda Ware.
9. Mr. Zawila is not the executor of The Estate of Linda Ware.
10. Cynthia Rampage is not involved in the operation of Station KZPO.
11. Mr. Zawila assumed control of Station KZPO from Linda Ware.
12. Mr. Zawila assumed control of Station KZPO from Lindsay Broadcasting.
13. Mr. Zawila assumed control of Station KZPO from The Estate of Linda Ware.
14. Mr. Zawila assumed control of Station KZPO from Cynthia Rampage.
15. Mr. Zawila assumed control of Station KZPO without seeking Commission authorization
16. Mr. Zawila did not request Commission authorization to assume control of Station KZPO.
17. Mr. Zawila did not receive Commission authorization to control Station KZPO.
18. As of September 1998, Station KZPO did not have a main studio.
19. As of February 2001, Station KZPO did not have a main studio.
20. Station KZPO does not have a main studio.
21. Station KZPO has never had a main studio.
22. Station KZPO does not have a staffed main studio.

23. Station KZPO has never had a staffed main studio.
24. As of March 2001, there was no EAS equipment at the Station KZPO site.
25. Station KZPO did not maintain operational EAS equipment on site.
26. Station KZPO does not maintain operational EAS equipment on site.

---

27. As of March 2001, Station KZPO operated at a transmitter output power greater than 105% of the output power authorized by the Commission.
28. Station KZPO has always operated at a transmitter output power greater than 105% of the output power authorized by the Commission.
29. Station KZPO currently operates at a transmitter output power greater than 105% of the output power authorized Commission.
30. As of May 2001, Station KZPO did not maintain EAS logs.
31. As of May 4, 2001, Station KZPO did not have accurate EAS logs.
32. Station KZPO never maintained EAS logs.
33. Station KZPO does not have EAS logs.
34. As of May 2001, Lindsay Broadcasting did not maintain EAS logs for Station KZPO.
35. Lindsay Broadcasting does not have EAS logs for Station KZPO.
36. As of May 2001, Linda Ware did not maintain EAS logs for Station KZPO.
37. Linda Ware never maintained EAS logs for Station KZPO.
38. The Estate of Linda Ware never maintained EAS logs for Station KZPO.
39. The Estate of Linda Ware does not have EAS logs for Station KZPO.
40. As of May 2001, Mr. Zawila did not maintain EAS logs for Station KZPO.
41. Mr. Zawila never maintained EAS logs for Station KZPO.

42. Mr. Zawila does not have EAS logs for Station KZPO.
43. As of May 2001, Station KZPO did not maintain station logs.
44. Station KZPO never maintained station logs.
45. Station KZPO does not have station logs.

---

46. As of May 2001, Lindsay Broadcasting did not maintain station logs for Station KZPO.
47. Lindsay Broadcasting never maintained station logs for Station KZPO.
48. Lindsay Broadcasting does not have station logs for Station KZPO.
49. As of May 2001, Linda Ware did not maintain station logs for Station KZPO.
50. Linda Ware never maintained station logs for Station KZPO.
51. The Estate of Linda Ware does not have station logs for Station KZPO.
52. The Estate of Linda Ware never maintained station logs for Station KZPO.
53. As of May 2001, Mr. Zawila did not maintain station logs for Station KZPO.
54. Mr. Zawila never maintained station logs for Station KZPO.
55. Mr. Zawila does not have station logs for Station KZPO.
56. Mr. Zawila is not authorized by The Estate of Linda Ware to act on behalf on The Estate of Linda Ware in connection by Station KZPO.
57. Mr. Zawila prepared Linda Ware's December 18, 1998 declaration attached to Mr. Zawila's December 31, 2002 letter to the Audio Division.
58. Station KZPO is not currently operating.
59. On April 5, 2001, Jay Stevens advised a Commission agent he was not Station KZPO's chief operator.
60. Jay Stevens worked for Station KZPO on a contract basis only.

61. Jay Stevens does not presently work for Station KZPO.
62. Station KZPO has never had a chief operator.
63. Station KZPO does not have a chief operator.
64. Station KZPO did not maintain any agreements with the chief operator in its

---

Public Inspection files.

65. Station KZPO does not have any agreements with the chief operator in its Public Inspection files.
66. Station KZPO's chief operator did not sign its station records and station logs.
67. Station KZPO did not provide copies of documents reflecting Jay Stevens was its chief operator upon request to the Commission's field agents during a March 21, 2001 inspection.
68. Station KZPO did not provide the written designation of its chief operator to the Commission's field agents during a March 21, 2001 inspection.
69. The only written designation of Jay Stevens as the chief operator of Station KZPO was dated March 24, 2001.
70. Jay Stevens did not sign Station KZPO's station records.
71. Jay Stevens does not sign Station KZPO's station records.
72. Jay Stevens did not sign Station KZPO's station logs.
73. Jay Stevens does not sign Station KZPO's station logs.
74. As of May 4, 2001, Station KZPO did not have an EAS handbook.
75. As of May 4, 2001, Station KZPO did not have operational EAS receiving equipment.
76. As of May 4, 2001, Station KZPO had not posted its station license.

77. As of May 4, 2001, Station KZPO's EAS logs were not signed by its chief operator.
78. As of May 4, 2001, Station KZPO's EAS logs were not signed by Jay Stevens.
79. As of May 4, 2001, Station KZPO failed to maintain inspection contracts for the chief operator.
80. As of May 4, 2001, Station KZPO had not posted the written designation of its chief operator.
81. As of May 4, 2001, Station KZPO had not maintained any Public Inspection Files.
82. Ken Niles was never employed by Lindsay Broadcasting.
83. Ken Niles is not employed by Lindsay Broadcasting.
84. Ken Niles is not employed by The Estate of Linda Ware.
85. Ken Niles was never employed by Station KZPO.
86. Ken Niles is not employed by Station KZPO.
87. Ken Niles never staffed the main studio at Station KZPO.
88. Ken Niles does not staff the main studio at Station KZPO.
89. As of April 5, 2001, Station KZPO was operated by computer and controlled remotely by telephone.
90. Station KZPO has always been operated by computer and controlled remotely by telephone.
91. Station KZPO is operated by computer and controlled remotely by telephone.

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau



---

Pamela S. Kane  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

Michael Engel  
Special Counsel  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW, Room 4-C366  
Washington, D.C. 20554  
(202) 418-7330

February 2, 2016

**CERTIFICATE OF SERVICE**

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 2nd day of February, 2016, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S REQUESTS FOR

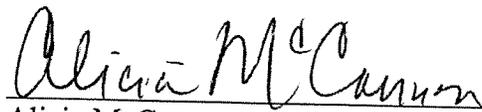
---

ADMISSION TO THE ESTATE OF LINDA WARE D/B/A LINDSAY BROADCASTING" to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554 (by hand, courtesy copy)

William Zawila, Esq.  
12600 Brookhurst Street, Suite 105  
Garden Grove, CA 92804-4833  
(714) 636-5040 (telephone)  
(714) 636-5042 (facsimile)  
(by facsimile and first-class mail)

Michael Couzens  
Michael Couzens Law Office  
6536 Telegraph Avenue  
Suite B201  
Oakland, CA 94609  
(by first-class mail and email to [cuz@well.com](mailto:cuz@well.com))

  
Alicia McCannon

## CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 9th day of August, 2016, sent copies of the foregoing "ENFORCEMENT BUREAU'S MOTION FOR SUMMARY DECISION" to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

Rachel Funk  
Office of the Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

William Zawila, Esq.  
12600 Brookhurst Street, Suite 105  
Garden Grove, CA 92804-4833  
(714) 636-5040 (telephone)  
(by first-class mail and email to [william.zawila@yahoo.com](mailto:william.zawila@yahoo.com))

Michael Couzens  
Michael Couzens Law Office  
6536 Telegraph Avenue  
Suite B201  
Oakland, CA 94609  
(by first-class mail and email to [cuz@well.com](mailto:cuz@well.com))



Alicia McCannon