

TRANSCRIPT OF PROCEEDINGS

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

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IN RE: MM DOCKET NO. 92-6
APPLICATION OF:
NORMANDY BROADCASTING CORPORATION
and
LAWRENCE N. BRANDT
Glens Falls, N.Y.

RECEIVED

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In re:
APPLICATION OF:
NORMADY BROADCASTING CORP.
and
LAWRENCE N. BRANDT
Glens Falls, N.Y

MM DOCKET NO. 92-6

The above-entitled matter come on for oral argument pursuant to Notice before Joseph A. Marino, Chairperson, and Norman Blumenthal and Marjorie Reed Greene, Board Members, at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 2, on Friday, April 30, 1993, at 10:05 a.m.

APPEARANCES:

On behalf of Lawrence N. Brandt:



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25	Argument began: 10:05 a.m.	Argument ended: 12:20 p.m.

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CHAIRMAN MARINO: As previously announced, the Review Board will hear oral argument in the Glens Falls, New York case, MM Docket No. 92-6. Who's going to argue for Normandy Broadcasting Corporation this morning?

MR. LYNCH: I will, Your Honor. Christopher P. Lynch.

CHAIRMAN MARINO: And for Mass Media Bureau?

MR. SCHONMAN: Gary P. Schonman.

CHAIRMAN MARINO: And for Lawrence N. Brandt?

MR. TILLOTSON: David Tillotson, Your Honor.

CHAIRMAN MARINO: Mr. Lynch, do you want to come to the podium and begin and tell us how much time you'd like to reserve for rebuttal?

MR. LYNCH: I'd like to reserve 5 minutes for rebuttal, Your Honor.

CHAIRMAN MARINO: Okay. Fine.

MR. LYNCH: I'd like to pre-summarize, tell you a couple of things I don't think you're going to see today and a couple of things that I hope you will. I don't believe you're going to hear any evidence whatsoever of any purposeful or deliberate act that Normandy has ever committed, either in Skidelsky or in Brandt or any negative fact in my 23 years of stewardship of it. And --

MS. GREENE: Mr. Lynch, excuse me. Could you speak a little louder?

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1 MR. LYNCH: Yes, I can. I'm sorry.

2 COURT REPORTER: Thank you.

3 CHAIRMAN MARINO: There's interference in the
4 background.

5 MR. LYNCH: Okay. I don't believe you're going to see
6 any evidence from any disinterested party with any knowledge
7 of the facts saying anything negative about Normandy, YLR or
8 me over the course of any of these proceedings. I don't think
9 you're going to hear of any negative acts in here that cannot
10 be very simply, very straightforwardly answered. And I look
11 forward to any questions, and I look forward to giving you
12 straight answers on these.

13 But I will try to show you and I think the proceeding
14 will show you is an enormous preponderance of evidence that I
15 have operated well over 20 years certainly within the license
16 period and FM and an AM station that has serviced the
17 community extremely well according to the ascertained needs as
18 best as I've been able to ascertain them.

19 Easiest first, there are five or six major points
20 throughout this entire argument. The Borgos argument I think
21 it's -- what I've found trying to run a radio station and
22 survive operating pro se in this matter if I didn't write
23 something down I would forget it and forget it immediately.

24 Trying to prepare my direct case in this matter in a
25 number of different areas, I made parenthetical notes on all

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1 the affidavits. I looked at people and circumstances that
2 had, I had looked at in Skidelsky to try to prepare a direct
3 case.

4 MR. BLUMENTHAL: I have a question for you. You are
5 appearing pro se today.

6 MR. LYNCH: Yes, Your Honor.

7 MR. BLUMENTHAL: Mr. Lynch, were you appearing pro se
8 in the Barry Skidelsky case, or did you have counsel in that
9 case?

10 MR. LYNCH: I had counsel, Mr. Jerome Boros.

11 MR. BLUMENTHAL: Thank you.

12 MR. LYNCH: Take at least half the responsibility on
13 that. Very simply if you look at this affidavit, there are a
14 couple parenthetical notes on it in my handwriting. A number
15 of other places, specifically page -- in the, in the direct
16 case, pages 10-1, 10-2, 10-10, 10-34, I also made
17 parenthetical notes which are in the case. None of those ever
18 came up.

19 Mr. Borgos and I never communicated. He was on
20 vacation when I had to put the direct case in. What I did was
21 simply move it from an affidavitized form, again the notes
22 were at WYLR to remind me to ask him to talk about WYLR, and
23 the previous affidavit had been on WWIC. Very simply, I moved
24 it over. I didn't erase the notes.

25 If I was deliberately trying to defraud the FCC, I

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1 think I would have done better than parenthetical handwritten
2 notes. And I surely would have at least made the fraud on
3 point. In this community integration, AM or FM has nothing
4 whatsoever to do with the matter as far as I can best see.

5 There have been allegations that I have not run an FM
6 station in the community interest. I forthrightly say anybody
7 who says that is not telling you the truth. We have proven
8 just mathematically somewhere between 5 and 6 percent non-
9 entertainment programming, weather, sports, news, locally
10 produced ABC network --

11 MS. GREENE: Could you refresh my recollection about
12 how you put together that proof? I gather there's been some
13 confusion as to what was documented and what came from the
14 memories of witnesses.

15 MR. LYNCH: The document that -- specifically what I
16 did, there are a number of things that have not changed, news,
17 the weather. We went back to the lives, we looked at that.
18 And again, that's, that's a hard question.

19 I specifically sat down with each person on my staff
20 and said what can you swear to under, at a court of law what,
21 as your own personal knowledge. I had my own knowledge. A
22 number of these things I am very aware of. And we --

23 MS. GREENE: So much of the information came either
24 from, because you had been broadcasting that kind of program

1 staff members.

2 MR. LYNCH: Memory and I put it right to them that if
3 we got into a court of law, you put your hand on a Bible and
4 swear to it. What you have in the proffer are things that
5 most of which have been sworn to, you know, in Judge Sippel's
6 proceedings.

7 But, again, having dropped my burden in some of the
8 paperwork, I tried to reconstruct as best as I could what I
9 did over the license period. Most of it I tried to cross-
10 hatch with, with either affidavits or letters from the
11 community showing what we've actually accomplished as opposed
12 to the, the raw time that we put in --

13 MR. BLUMENTHAL: May I ask you a question on that? And
14 I want to -- you've come a long way, and I want you to be able
15 to answer some of the claims that are made by your opponent
16 directly on this so we're not speaking in generalities.

17 In the reply pleading of Lawrence Brandt at page 3,
18 little cat eye to four, little cat eye, the pleading makes the
19 following assertions, and I want you to tell me whether you
20 agree with these or whether you disagree. The pleading
21 states, "The record reflects that during all but 6 of the 28
22 calendar quarters in the license term, Normandy failed to
23 place issues programs list in its public file reflecting any
24 programming aired on WYLR. And in the 6 quarters where FM
25 programs are listed on Normandy's lists, the programs did not

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1 | involve any substantive discussion of or attention to
2 | community needs, issues and problems." What is your response
3 | to that?

4 | MR. LYNCH: A number of the --

5 | MR. BLUMENTHAL: Is that accurate?

6 | MR. LYNCH: I don't believe it is. A number of the
7 | quarters we didn't. But we didn't have FM programming. We
8 | had AM programming. But --

9 | MR. BLUMENTHAL: We're here talking about WYLR FM, Mr.
10 | Lynch. So I'm not --

11 | MR. LYNCH: A number of the quarters --

12 | MR. BLUMENTHAL: I want, I want a simple answer to this
13 | question. Is the assertion that I just read to you about the
14 | absence of issues program lists in the public file correct?

15 | MR. LYNCH: That is correct.

16 | MR. BLUMENTHAL: All right. Mr. Tillotson on behalf of
17 | Brandt goes on to say, "In the absence of evidence that WYLR
18 | aired programming to address significant community needs and
19 | issues and problems, I'm faced with evidence from Normandy's
20 | own issues problem list that no such programming was aired.
21 | The presiding judge correctly concluded that Normandy was not
22 | entitled to a renewal expectancy." Why would you disagree
23 | with that statement?

24 | MR. LYNCH: I admit that I made errors in my record
25 | keeping. I've explained them. We tried -- We, we tried

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1 through affidavit. We tried through sworn testimony which,
2 which if it's not brought into question should be admitted as
3 fact. We have also tried in our proffer, to, to list, to make
4 good from where, where we goofed up before. I believe the --

5 MR. BLUMENTHAL: All right. I have two other claims,
6 and I want you to address those also. I turn to page 8 of the
7 reply pleading, and I find the following statement. "Normandy
8 also claimed in its written submission that WYLR had run
9 approximately 110 public service announcements per week or 15
10 PSAs per day." Citing Normandy Exhibit 6 at page 15.

11 The reply pleading of your opponent goes on to say,
12 "However, WYLR's program logs for two randomly selected dates
13 during the relevant license term did not reflect a single
14 public service announcement having been aired on either date."
15 Citing to Brandt Exhibits 4 and 5. How respond you to that?

16 MR. LYNCH: Two ways. Occass-- You know, maybe there's
17 a day or two where we didn't run a public service
18 announcement. I doubt that. We would, we'd put them in our
19 newscasts on an ongoing basis virtually every single month.

20 MR. BLUMENTHAL: What evidence did you produce, and
21 what in the record did you produce to show that you did so?

22 MR. LYNCH: My sworn evidence is evidence of my
23 previous program -- sworn testimony of my previous program
24 director and my current program director. Both had knowledge
25 of this plus a wealth of affidavits actually showing from the

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1 groups that we were working for what we did for them, the
2 results, the ongoing nature of things like walk-a-thons or
3 fund raisers --

4 MR. BLUMENTHAL: All right. But now having said that,
5 then I go on with the following charge made citing to the
6 transcript -- citing to your transcript testimony as a matter
7 of fact. The reply pleading says, "According to Lynch, he
8 personally had counted up the number of times and durations of
9 programs reflected on the logs for the week of February 11th,
10 1992 and then had used this information as the basis for his
11 written testimony regarding the programming that WYLR had
12 aired during the relevant time frame which had ended some 10
13 months previous." Citing transcript 564 to 568.

14 It then goes on to say, "Lynch admitted, however, that
15 he made no effort to verify from program logs for days during
16 the relevant time period or other records that the programming
17 reflected on WYLR's February 1992 logs accurately reflected
18 the programming that had aired over WYLR during the renewal
19 period." Is that statement correct?

20 MR. LYNCH: No, Your Honor.

21 MR. BLUMENTHAL: Okay. What --

22 MR. LYNCH: I, I have been misquoted throughout this
23 proceeding. A number of my pleadings have, have given you --
24 places where my words were used out of context or were, were
25 just twisted --

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1 MR. BLUMENTHAL: What, what would we find in transcript
2 564 to 568, and maybe you can explain it here.

3 MR. LYNCH: May I see a copy of that?

4 MR. BLUMENTHAL: Well, maybe Mr. Tillotson would --

5 MR. LYNCH: Yeah. Okay, pages --

6 MR. BLUMENTHAL: -- would be kind enough to give you a
7 copy --

8 UNIDENTIFIED SPEAKER: He, he has it.

9 MR. LYNCH: I, I have it.

10 UNIDENTIFIED SPEAKER: Give him a page.

11 MR. BLUMENTHAL: -- of his pleading. His name is on
12 it, so I know he's proud of it. It's on page 8, and we are at
13 the penultimate sentence in that paragraph.

14 MR. LYNCH: We had as per FCC law gone off log on a lot
15 of major public service work that we do. So the PSAs we would
16 do would be 10, 20, 40, 60 seconds depending on how close we
17 got to an event, what we were trying to push. What I, my
18 testimony was that given that we had taken a lot of our PSA
19 work off of our logs and then are forced to -- well, pull the
20 logs to substantiate what we say --

21 MR. BLUMENTHAL: Why did you take them off the logs?

22 MR. LYNCH: Because it was enormously easier to work
23 just through programming. And everybody, you know, the
24 program director would sit down. And if we were doing
25 something such as a March of Dimes Walk-A-Thon, you know, we

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1 | would sit down and we'd coordinate on this. Remember some of
2 | the things were on the logs. Now obviously everything is on
3 | the logs, everything we do.

4 | But it was just easier rather than to have to go into
5 | log and log every single one of these things and force them
6 | in, every time we took a break, hey, it's Radio-Thon Sunday.
7 | It was a rock image type station. A lot of what we were doing
8 | was, you know, we'd have our weather forecast. It's TV Radio-
9 | Thon day. Beautiful day, you know. And, and we would just
10 | integrate our major community pushes --

11 | MR. BLUMENTHAL: Well, I'm going to help you out a
12 | little bit here and, and I don't mean testify. It will not,
13 | I, I hope to assure the parties here, influence very strongly
14 | my vote in this case.

15 | But having spent a great deal of time in broadcasting,
16 | particularly radio, I do know that all PSAs are not logged
17 | anymore than they are on some independent television stations,
18 | because you get vacant moments where you're not ready for the
19 | next thing. And you've got -- instead of dead air, you grab a
20 | PSA for somebody and you run it, or somebody comes into the
21 | station and brings a PSA about a certain community event that
22 | hadn't been pre-logged by the, by the staff who made up the
23 | logs. And you monitor it while you're listening to a record.
24 | And if it sounds pretty good and it will help a community
25 | group, you run it and you don't always, you don't always log

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1 it.

2 And those were in the days when the FCC's logging
3 requirements were, were second in rigidity only, only to the
4 instructions of a Mercedes-Benz fuel injection system.

5 MR. LYNCH: Wouldn't know about that.

6 MR. BLUMENTHAL: So I do, I do understand that that
7 sort of thing can happen. Nonetheless, nonetheless.

8 MS. ALLISON: He's up to his rebuttal time.

9 MR. BLUMENTHAL: We'll give you some more time. You've
10 come a long way down here.

11 Nonetheless, it must be understood that when a licensee
12 comes before us at renewal time, particularly if there is a
13 challenge, the Commission and the courts have said that the
14 onus is on the licensee to prove meritorious service so that
15 they can get a renewal expectancy.

16 We just recently issued a decision, which I will not
17 talk much about because there are petitions for
18 reconsideration, involving Fox Broadcasting. And even though
19 Fox ran what the ALJ and the Board thought was a superior
20 amount of public service programming, your colleagues in the
21 Mass Media Bureau came in and said my God, they were down to
22 128 PSAs a day, and they reduced some of their other public
23 service programmings. And they wanted us to significantly
24 diminish the renewal expectancy based on pure quantity.

25 In your case, we don't even have very good evidence by

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1 | your own admission, that is documentary evidence, of what
2 | public interest programming you actually did on the FM
3 | station. What do you cite, give it your best shot, for your
4 | proposition that your performance at WYLR entitles you to a
5 | renewal expectancy under case precedent such as Cowles
6 | Florida, Video 44 and other cases. Give it your best shot.
7 | What do you point to as your best evidence of meritorious
8 | service warranting what is known in the jargon in the, of the
9 | trade as a renewal expectancy?

10 | MR. LYNCH: Simply over the entire license period we
11 | have done news, we have done weather, we have done disaster
12 | programming, EBS programming which is uncontroverted as we sit
13 | here right now, other on an ongoing basis. Quantitatively,
14 | that would get me at least a renewal.

15 | Over and above that, what I am trying to --

16 | MR. BLUMENTHAL: Well, what is the quantity? Do you --
17 | you don't even have enough records to show us what "the
18 | quantity" is. You don't come in to us and say as, as some
19 | licensees have said X percent of my programming was non-
20 | entertainment. Do you have a figure for that, or did you
21 | proffer a figure for non-entertainment programming at either
22 | of the hearings?

23 | MR. LYNCH: At, at this, at the previous hearing with
24 | Judge Sippel we proffered -- a proffer showed 5.7 plus or
25 | minus, again there's minutia in there. Did you subtract this,

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1 that or the other? But between 5 and 6 percent. 5.75 is an
2 actual number of ongoing non-entertainment programming. So I
3 think my --

4 MS. GREENE: By ongoing you mean that's the news,
5 that's the reason why you --

6 MR. LYNCH: Six, seven, eight --

7 MS. GREENE: -- you broadcast on a regularly scheduled
8 basis.

1 effort to show what, superior programming?

2 MR. LYNCH: In this case specifically they, they were
3 submitted. But self-serving testimony is also sworn under
4 penalty of perjury --

5 MR. BLUMENTHAL: Well, I understand. But your
6 testimony is evidence. And, and everybody relies on it. But
7 in the hierarchy of evidentiary values, I must tell you that
8 the law regards self-serving testimony as the weakest for
9 reasons that you would obviously understand.

10 MR. LYNCH: You asked me for my best shot. The second
11 part of my best shot --

12 MR. BLUMENTHAL: Sure.

13 MR. LYNCH: -- is what is the function I've done with
14 this community. What do the other people in the community
15 see? What do they say? I have given -- and again, one of my
16 exhibits I gave too much. I, I was precluded from giving half
17 or two-thirds of what I tried to give. Just affidavits,
18 awards substantiating my self-serving testimony --

19 MR. BLUMENTHAL: You were limited by the ALJ, because
20 he felt they were redundant?

21 MR. LYNCH: No. Because it was too much.

22 MR. BLUMENTHAL: Well, that's -- I think we're saying
23 the same thing. In the law a judge, for example if, if Mr.
24 Tillotson, for example, were on trial for his -- and the
25 question was his basic honesty and trustworthiness, if he

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1 brought in with him 1 000 witnesses who were prepared to

1 | what I would call new, new evidence. And that's, and that's a
2 | legal issue. Something we, we might have to decide as a
3 | matter of law as we, as we talk to the Mass Media Bureau.

4 | But I won't belabor it with you. It's a lawyer's
5 | point. You're representing yourself. But it's a lawyer's
6 | point.

7 | CHAIRMAN MARINO: Mr. Lynch, you've responded to the
8 | judge's findings on the affidavit and the additions to the
9 | affidavit. Do you want to respond briefly to the three issues
10 | that Judge Kuhlmann resolved against you in the Skidelsky
11 | case?

12 | MR. LYNCH: I'd very much appreciate the opportunity,
13 | Your Honor.

14 | CHAIRMAN MARINO: Just take a few moments. First point
15 | was the transmitter site.

16 | MR. LYNCH: I felt from the beginning that I talked to
17 | Mr. Abbess and that I had a legitimate site. I had a
18 | legitimate, binding oral agreement with this gentleman. And
19 | we changed the transmitter site about 2 months later.

20 | It was about a 2- or 3-year period that I never talked
21 | to this man. This is about a 70-year-old gentleman. And he
22 | forgot the crux of my argument in this. This man has never
23 | put any evidence whatsoever in front of any court saying Chris
24 | Lynch didn't do this or Chris Lynch didn't, didn't do this.

25 | He -- and I know, I believe you honed in on this at the

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1 previous oral argument. I believe you did also. But the --
2 he says I can't remember. That's a quote. He's not saying
3 Chris Lynch didn't do this. He's saying I can't remember,
4 which is understandable.

5 But there's incontrovertible evidence that there were
6 tons, there were literally dozens of viable transmitter sites
7 that fit the engineering. And the idea that I didn't make a 5
8 minute phone call and then went off and perjured myself for
9 the next 3 years is absolutely preposterous.

10 CHAIRMAN MARINO: The second point was your threshold
11 showing. How do you respond to Judge Kuhlmann's findings and
12 conclusions about that?

13 MR. LYNCH: I am proud of what I have done on those two
14 radio stations over more than 2 decades. I am extremely proud
15 of it. The idea that I went into this hearing -- and I had a
16 winning hand. I had superior integration. I had superior
17 background. I had an enormous wealth of community
18 programming. And the idea that I would -- sit down and
19 perjure myself in the threshold of, of showing which is
20 utterly optional is absurd.

21 We looked at every single question on that threshold
22 hearing, and every single one is, is minutia. Is, you know,
23 the idea that I put out pet patrols on a second station when
24 I, I only did it on the first one because of a misplaced
25 apostrophe. But every piece of this is easily explained

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1 secretarially and can -- this was a pressure cooker.

2 They came up with a threshold that I didn't like, that
3 didn't really say what I wanted to say to the, the FCC about
4 my broadcast performance. And this went back and forth and
5 back and forth and back and forth and back and forth. And
6 there was not enough time to take every single little
7 apostrophe or comma and, and be absolutely proofread. Final
8 copy that went down, went out of my office at about 4 o'clock
9 in the afternoon after getting I think mid-morning and it
10 just -- there were little clerical errors.

11 But the idea that I purposely did this is preposterous.
12 I would have been better off just doing nothing. And I, and I
13 should have prevailed in this case.

14 CHAIRMAN MARINO: What about the third point that you
15 didn't disclose a document that reflected -- I guess your
16 sister had some kind of a lien or an interest, security
17 interest in the station.

18 MR. LYNCH: This was my father's station. It went --
19 when he passed away, it went to my mother. And when she
20 passed away it was split evenly between my sister and me. We
21 had a simple -- I bought out the final -- her final shares of
22 stock with a security agreement.

23 I correct one thing. I did produce it -- I don't
24 produce this, there seems to be an ongoing double standard
25 sometimes where other documents were never produced by, by

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1 other litigants in this case. I produced this document months
2 before the actual court date. This is in a full
3 interrogatory. Nothing came out of this document. And in my
4 mind, I can't even see how anything would have. The idea that
5 I purposely withheld this --

6 MR. BLUMENTHAL: The reason I think the Chairman asks
7 that is we had a very similar situation in I think the first
8 case the Chairman and I when we were on the Board together we
9 gave some of the benefit of the doubt on ownership of a
10 property in which it turned out that the sister had a security
11 interest, indeed title. Both brother and sister testified
12 that they always considered it his and not hers. We gave the
13 gentleman the benefit of the doubt. The court gave us the,
14 the rubber hose. The case is styled WHW Enterprises v. FCC.
15 The law can sometimes be harsh.

16 CHAIRMAN MARINO: There is, there's one more paragraph.
17 And Mr. Tillotson I think argues this in his brief as well.
18 What changes were made in your logging, log keeping and other
19 document keeping after you went through the Skidelsky hearing?
20 If you can just enlighten us. What -- did you change any of
21 your record keeping? If it's reflected --. And where is it
22 reflected by the record? He, he seems to indicate that no --
23 you learned nothing from your experience in the Skidelsky
24 case. What's your response to that?

25 MR. LYNCH: I -- when I -- I tried to mitigate what I

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1 | could mitigate under collateral estoppel and my exhibits
2 | having been rejected whole hand. I have changed my entire
3 | logging. I have changed my entire public file system top to
4 | bottom. I am personally responsible for it. Both of my, my
5 | program directors AM and FM report to me on it. I review it
6 | on an ongoing basis. Our policy is --

7 | MS. GREENE: When were --

8 | CHAIRMAN MARINO: Mr. Lynch. I think --

9 | MS. GREENE: When were the changes made?

10 | MR. LYNCH: The changes were made very shortly after
11 | Skidelsky started. You know, we, we had a situation allowed
12 | where everything seemed to be working sitting up there in
13 | Glens Falls looking out. My community service went very well.
14 | Everything else went very well.

15 | When I was first acquainted with the severity of
16 | goofing up on a public file or how important a log is to
17 | support in, in a proceeding like this even though it was
18 | harder, we pretty, pretty much right in the beginning of
19 | Skidelsky turned everything around period. And again after we
20 | had the raid on our public files --

21 | MR. BLUMENTHAL: I point out something to you you may
22 | not be aware of. Maybe you are. The Board has not yet ruled
23 | on your exceptions in Skidelsky nor did we -- which went to
24 | matters other than the transmitter site.

25 | We have an interesting question which we may ask for

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1 supplemental briefs on from the parties. You withdrew your
2 application in Skidelsky, is that correct?

3 MR. LYNCH: I was forced to, Your Honor.

4 MR. BLUMENTHAL: You were forced --

5 MR. LYNCH: Inability to prosecute. It takes money to
6 prosecute these things --

7 MR. BLUMENTHAL: I see.

8 MR. LYNCH: -- it's been over a 3-year period.

9 MR. BLUMENTHAL: Okay. Well, well, I know. But that's
10 like saying I was forced --

11 CHAIRMAN MARINO: You did, you --

12 MR. LYNCH: I, I withdraw, I withdrew --

13 MR. BLUMENTHAL: -- I was forced to rob a bank, because
14 I didn't have any money. Listen, we will then have an
15 interesting question, folks in the Media Bureau and Mr.
16 Tillotson and fellow Board Members --

17 MR. LYNCH: I agree.

18 MR. BLUMENTHAL: -- as to whether those exceptions
19 which challenged Judge Kuhlmann's adverse conclusions are
20 still alive or whether they are now defunct.

21 CHAIRMAN MARINO: Mr., Mr. Lynch, we'll have to take
22 that up with the lawyers. I, I think Board Member Blumenthal
23 is showing there are a lot of things we've got to look at. So
24 thank you very much. We'll give you 5 minutes for rebuttal,
25 and we'll hear from Mr. Schonman on behalf of the Mass Media

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1 Bureau.

2 (Pause.)

3 MR. SCHONMAN: Good morning, Chairman Marino, Board
4 Members Blumenthal and Greene. Initially, I'd like to reserve
5 5 minutes for rebuttal time, please.

6 The case before you involves two competing
7 applications, one filed by Normandy Broadcasting Corporation
8 for renewal of license of WYLR FM in Glens Falls, New York and
9 the other filed by Lawrence Brandt for a construction permit
10 for a new station on the same frequency as WYLR.

11 The Bureau's exceptions concern two rulings in the
12 initial decision. First, the Bureau believes that the idea
13 aired in disqualifying Normandy based on adverse conclusions
14 in another proceeding. The Bureau also believes that the idea
15 aired denying Normandy a renewal expectancy.

16 In the other proceeding Normandy is an applicant for a
17 new FM station in Queensbury, New York. The initial decision
18 in the Queensbury proceeding found Normandy basically unfit to
19 be a licensee on basically three grounds. Normandy lacked
20 reasonable assurance of a transmitter site, a threshold
21 showing that Normandy had proffered was carelessly prepared
22 and contained exaggerations or untruths --

23 MR. BLUMENTHAL: Which do you think it is,
24 exaggerations or untruths, Mr. Schonman?

25 CHAIRMAN MARINO: Did you file exception -- you

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