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

In re Application of

RICHARD RICHARDS

93-176 ✓
File No. BRTTL-921116IG

For Renewal of License
of Low Power Television
Station K33CG,
Sierra Vista, Arizona

HEARING DESIGNATION ORDER

Adopted: June 11, 1993;

Released: June 28, 1993

By the Commission:

1. The Commission has before it for consideration the application of Richard Richards (Richards) for renewal of license of low power television station K33CG, Sierra Vista, Arizona.

2. Richards is the licensee of low power television station K33CG, Sierra Vista, Arizona. On May 4, 1992, Richards pled guilty in the United States District Court for the District of Arizona to possession with intent to distribute marijuana and cultivating marijuana on federal property, felonies in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D) and 841(b)(5). On July 31, 1992, Richards was convicted and sentenced to five years probation and seven months house arrest. On November 16, 1992, Richards filed an application to renew the license of station K33CG.

3. The Commission considers felony convictions relevant to our evaluation of a licensee's character. *Policy Statement and Order*, 5 FCC Rcd 3252 (1990), *recon. granted*, 7 FCC Rcd 6564 (1992). Moreover, the Commission regards drug trafficking as a matter of the gravest concern and we have stated our intention to apply policies that reinforce both private and governmental efforts to eradicate drug trafficking.¹ In this regard, we stated our intent to take all appropriate steps, including license revocation proceedings, where information comes to our attention that Commission licensees or their principals have been convicted of drug trafficking. *Public Notice*, 4 FCC Rcd 7533 (1989). Consequently, we believe that Richards' July 1992 felony drug conviction raises substantial and material questions as to whether he possesses the requisite character qualifications to remain the licensee of station K33CG. See *Williamsburg County Broadcasting Corp.*, 5 FCC Rcd 3034

(1990). Accordingly, we conclude that a hearing should be held to determine if the license of station K33CG warrants renewal.²

4. Accordingly, IT IS ORDERED, That pursuant to Title 47, United States Code, Section 309(e), the application of Richard Richards for renewal of license of station K33CG, Sierra Vista, Arizona, IS DESIGNATED FOR HEARING at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine, in light of Richard Richards' conviction for violating Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D) and 841(b)(5), whether Richards possesses the requisite qualifications to be the licensee of station K33CG.

(b) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the grant of the application to renew the license of station K33CG will serve the public interest, convenience and necessity.

5. IT IS FURTHER ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, both the burden of proceeding with the introduction of evidence and burden of proof with respect to issues (a) and (b) shall be upon Richards.

6. IT IS FURTHER ORDERED, That to avail himself of the opportunity to be heard, the party respondent herein, pursuant to Section 1.221 of the Commission's rules, 47 C.F.R. Section 1.221, shall file with the Commission, within (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. IT IS FURTHER ORDERED, That Richards shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, 47 United States Code Section 311(a)(2), and Section 73.3594(f) of the Commission's rules, 47 C.F.R. Section 73.3594(f), give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(f) of the Commission's rules.

8. IT IS FURTHER ORDERED, That the Chief, Mass Media Bureau, send a copy of this Order, Certified Mail-Return Receipt Requested, to the party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
William F. Caton
Acting Secretary

¹ See, e.g., Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690 (1988); Federal Drug Free Workplace Act, Pub. L. No. 100-71 (1987); Anti-Drug Abuse Act of 1986, Pub. L. No. 99-750 (1986); Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473 (1984); Executive Order 12696, President's Drug Advisory Council, 54 Fed. Reg. 47,507 (1989); Executive Order 12595, White House Conference for a Drug Free America, 52 Fed. Reg.

17,383 (1987); Executive Order 12590, National Drug Policy Board, 52 Fed. Reg. 10,021 (1987); Executive Order 12564, Drug Free Federal Workplace, 51 Fed. Reg. 32,889 (1986).

² Further, a related application to assign the license of station K33CG from Richards to Elsie Weick (File No. BALTTL-920603JC) shall be held in abeyance pending the outcome of the license renewal proceeding.