

11 1 additional money?

2 Q Yes.

3 A Yes.

4 Q Okay. And is it true that you do not  
5 have a document in your possession regarding that?

6 A I don't think I do. I don't believe I  
7 do.

8 MR. SOLOMON: May I have some follow-up?

9 MR. CAREY: Please.

10 \* \* \* \* \*

11 EXAMINATION

12 BY MR. SOLOMON:

13 Q When did you send the additional check,  
14 Mr. Boyce?

15 A I don't know, last month or something I  
16 guess. I don't know exactly.

17 Q What prompted you to do so?

18 A I just realize that I hadn't renewed the  
19 extensions on the agreement.

20 Q Did you have any communications with the  
21 site owner?

22 A Yes.

23 Q Other than sending him the check?

24 A Yes.

25 Q And what were they?

11 1 A I talked with him, and he agreed to  
2 extend it as we had agreed to originally.

3 Q And until when is that extended?

4 A It's extended until November of this  
5 year I guess, and we also have an option to extend it  
6 month to month after that if we want to.

7 Q Is that written document, that option,  
8 is the option in writing?

9 A I don't understand now what you're  
10 asking me.

11 Q Is the further option to extend the site  
12 lease for the site availability in writing?

13 A What you have is the only written  
14 document I have.

15 Q Okay. Now, Mr. Carey asked you about  
16 the number of full-time employees you intend to have at  
17 the station.

18 Where in your application, if anywhere,  
19 does it say you intend to employ four full-timers?

20 A It just says four or less.

21 Q Where is that? I'm missing it.

22 A It says -- well, it asks if I'm going to  
23 employ five. It says five or more. I'm not -- you ask  
24 me -- what page is that on?

25 Q Excuse me?

11 1 A Are you asking me what page that's on?

2 Q I'm asking you if you can tell me  
3 whether in the application it states that you intend to  
4 employ four full-time employees?

5 A I don't think it does.

6 Q Okay.

7 A That I know of.

8 Q What, if any, charitable activities have  
9 you been involved in on behalf of the Kentucky Colonels?

10 A The Kentucky Colonels contributes to  
11 many charities.

12 Q My specific question is --

13 A Primarily with the Boy Scouts.

14 Q Is the Boy Scouts -- are the Boy Scouts  
15 affiliated with Kentucky Colonels?

16 A No, they're not affiliated, but they do  
17 receive some charitable contributions from the Kentucky  
18 Colonels.

19 Q Right. And how did you become a  
20 Kentucky Colonel?

21 A Appointed by the Governor.

22 Q My last question is: Do you know  
23 whether Elvis Presley was a Kentucky Colonel?

24 A I have no idea.

25 MR. SOLOMON: Thank you.

1 \* \* \* \* \*

2 EXAMINATION

3 BY MR. BERFIELD:

4 Q Mr. Boyce, with respect to Larry Young,  
5 in response to a question from Mr. Carey you indicated  
6 that either you or MidAmerica had loaned money to Mr.  
7 Young in the past; is that correct?

8 A Yes, sir.

9 Q Do you recall whether it was you  
10 personally or MidAmerica, the corporation?

11 A I believe it was me personally.

12 Q Do you remember approximately what year  
13 that was?

14 A Oh, wow. I'd say early '80s. I don't  
15 know what year it was exactly.

16 Q And do you remember the amount of money  
17 involved?

18 A I think it was 10,000, and I'm not even  
19 sure of that.

20 Q Do you have any records that would  
21 refresh your recollection as to when this transaction  
22 occurred and what the amount was?

23 A Only if I could find a check written  
24 back then. That would be the only way.

25 MR. BERFIELD: Thank you. I have

nothing further.

MR. CAREY: Thank you.

\* \* \* \* \*

(Whereupon, the deposition was then  
concluded at the hour of 11:00 a.m.)

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I, the undersigned, PETER BOYCE, do hereby certify that I have read the foregoing deposition and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below):

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
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PETER BOYCE

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned Notary Public within and for the above-named county and state, on the \_\_\_\_\_ day of \_\_\_\_\_, 1993, personally appeared PETER BOYCE, and acknowledged the execution of the foregoing document.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN RE APPLICATIONS OF	)	MM DOCKET NO.	93-51
	)		
MARTHA J. HUBER	)	File No.	BPH-911114ME
	)		
RITA REYNA BRENT	)	File No.	BPH-911115ME
	)		
MIDAMERICA ELECTRONICS	)	File No.	BPH-911115ML
SERVICE, INC.	)		
	)		
STATON COMMUNICATIONS,	)	File No.	BPH-911115MU
INC.	)		
	)		
For Construction Permit	)		
for a New FM Station on	)		
Channel 234A in	)		
New Albany, Indiana	)		

\* \* \*

DEPONENT: LARRY A. YOUNG

DATE: MAY 25, 1993

-----

ELLEN L. COULTER, R.P.R.  
 COULTER, KAREM & McBRIDE  
 STARKS BUILDING  
 455 SOUTH FOURTH AVENUE, SUITE 765  
 LOUISVILLE, KENTUCKY 40202  
 (502) 582-1627

1           The deposition of LARRY A. YOUNG, taken  
2           at the offices of Monroe Shine, Certified Public  
3           Accountants, 222 East Market Street, New Albany,  
4           Indiana, on the 25th day of May, 1993, at  
5           approximately 2:00 p.m.; said deposition taken in  
6           accordance with the Federal Rules of Civil  
7           Procedure.

8

9

A P P E A R A N C E S

10

11           FOR JUDY HUBER:

12

13

MORTON L. BERFIELD  
Cohen and Berfield  
Board of Trade Building  
1129 20th Street, N.W.  
Washington, D.C. 20036

14

15

16           FOR MIDAMERICA ELECTRONICS SERVICE, INC.:

17

BRADFORD D. CAREY  
Hardy and Carey  
111 Veterans Boulevard, Suite 255  
Metairie, Louisiana 70005

18

19

20           ALSO PRESENT: MARTHA J. HUBER

20

21

\* \* \*

22           LARRY A. YOUNG, a witness herein, being  
23           called by counsel for Mrs. Huber and having been  
24           first duly sworn, was examined and deposed as  
25           follows:

1 MR. BERFIELD: This is the  
2 opening of depositions in FCC MM Docket Number  
3 93-51.  
4

5 EXAMINATION  
6

7 BY MR. BERFIELD:

8 Q. Would you please state your name  
9 for the record?

10 A. Larry Alan Young.

11 Q. And could you give us your  
12 residential address?

13 A. 1018 Harbrook, H-A-R-B-R-O-O-K,  
14 Drive, New Albany, Indiana, 47150.

15 Q. Do you have a business address,  
16 Mr. Young?

17 A. 825 University Woods Drive,  
18 Suite 6, New Albany, Indiana, 47150.

19 Q. And what is your occupation?

20 A. I'm regional director with  
21 ALSAC, St. Jude Children's Research Hospital.

22 Q. And where is that hospital  
23 located?

24 A. Memphis, Tennessee.

25 Q. And is that a full-time

1 occupation?

2 A. Yes, it is.

3 Q. And how long have you been  
4 employed in that position?

5 A. Fourteen-plus years.

6 Q. All of those here in New Albany?

7 A. Yes.

8 Q. And you're familiar with a  
9 corporation known as MidAmerica Electronics  
10 Service, Inc.?

11 A. Yes.

12 Q. And could you state for the  
13 record what your position is with respect to that  
14 corporation?

15 A. Corporate secretary.

16 Q. Are you a corporate director?

17 A. No, just corporate secretary.

18 Q. Do you hold any other offices  
19 such as treasurer?

20 A. No.

21 Q. Secretary only.

22 A. (Nodding head affirmatively).

23 Q. And how long have you held that  
24 position with MidAmerica? This is not a test of  
25 your memory. If you know approximately --

1           A.           Since its inception, which I'm  
2 trying to think back when that was. In the late  
3 '70s, I guess, middle '70s, I guess, something  
4 like that. Whenever it was organized.

5           Q.           And who were the other officers  
6 of MidAmerica Electronics Service, Inc.?

7           A.           Peter C.L. Boyce.

8           Q.           And what offices does he hold?

9           A.           President and treasurer.

10          Q.           Are there any other officers?

11          A.           No.

12          Q.           And how many stockholders are  
13 there in MidAmerica?

14          A.           One.

15          Q.           And who is that?

16          A.           Peter C.L. Boyce.

17          Q.           You're not presently a  
18 stockholder in MidAmerica?

19          A.           No.

20          Q.           Have you ever been a stockholder  
21 in MidAmerica?

22          A.           No.

23          Q.           How did you come to be secretary  
24 of MidAmerica Electronics Service, Inc.,  
25 corporate secretary?

1           A.           I was asked by Pete to be  
2 corporate secretary.

3           Q.           Pete, being Mr. Boyce?

4           A.           Peter C.L. Boyce, excuse me.

5           Q.           You were personal friends or  
6 business -- had a business relationship?

7           A.           Personal friends.

8           Q.           Other than MidAmerica  
9 Electronics Service, Inc., have you had or do you  
10 have any business relationship with Mr. Boyce?

11          A.           What do you mean by that?

12          Q.           Well, are you and Mr. Boyce  
13 owners, for example, of any other business other  
14 than MidAmerica?

15          A.           No.

16          Q.           Have you ever been -- are you a  
17 client of MidAmerica Electronics, Inc.?

18          A.           No.

19          Q.           I mean, is the organization for  
20 which you work, the hospital, is that a client?

21          A.           No.

22          Q.           Do you have any investments  
23 together with Mr. Boyce?

24          A.           No.

25          Q.           Have you had any -- when I say

1 business relationship, have you ever had any  
2 investments with Mr. Boyce; ever owned any  
3 property or assets together?

4 A. No.

5 Q. Tell me briefly, what functions  
6 have you performed as secretary of MidAmerica  
7 Electronics Service, Inc.?

8 A. Signing the corporate resolution  
9 every year, reviewing the corporate minutes,  
10 whatever, of the annual meeting of shareholders  
11 and directors.

12 Q. Who are the directors of  
13 MidAmerica?

14 MR. CAREY: I think you asked  
15 that, didn't you?

16 Q. Is Mr. Boyce the only director?

17 A. Mr. Boyce is the only person  
18 that owns any stock.

19 Q. But is he also --

20 A. He's the only director. I am  
21 merely a secretary of that corporation.

22 Q. Other than the duties you've  
23 just described, have you performed any other  
24 duties for MidAmerica, as secretary or in any  
25 other capacity?

1           A.           I don't have any other capacity,  
2 and not that I can ever recall, no.

3           Q.           Just briefly stated, what is the  
4 primary business of MidAmerica Electronics?

5           A.           As I understand it, broadcast  
6 engineering primarily, building radio stations,  
7 maintaining radio stations, servicing radio  
8 stations.

9           Q.           In the past, prior to this FCC  
10 application of MidAmerica, have you ever made any  
11 investment in MidAmerica, any financial  
12 investment?

13          A.           No.

14          Q.           Do you know how many employees  
15 MidAmerica presently has?

16          A.           Two.

17          Q.           Is one of those Mr. Boyce?

18          A.           No.

19          Q.           You mean Mr. Boyce --

20          A.           How many other, other than  
21 Mr. Boyce, is employed there?

22          Q.           Yeah.

23          A.           There are two other people  
24 employed there.

25          Q.           Do you know whether they're full

1 time or part time?

2 A. One is full time; one is half  
3 time, I guess.

4 Q. To your knowledge, is MidAmerica  
5 Electronics, is that Mr. Boyce's full-time  
6 occupation presently?

7 A. Yes.

8 Q. To your knowledge, does  
9 MidAmerica have clients outside the immediate New  
10 Albany/Louisville area?

11 A. Yes.

12 Q. Are there clients -- to your  
13 knowledge, are there clients of Mr. Boyce who he  
14 services on behalf of MidAmerica where he would  
15 need to stay overnight, the distance of the  
16 client would be such that he would normally stay  
17 overnight?

18 A. Yes.

19 Q. And do you know where those  
20 would be located, for example?

21 A. Eastern Kentucky, Evansville.

22 Q. Indiana?

23 A. Yes. That's the only ones I can  
24 think of.

25 Q. Are these radio stations --

1 A. Radio stations, yes.

2 Q. -- that Mr. Boyce provides  
3 continuing services for?

4 A. No. The Evansville one is one  
5 that has been a while that I know that he's been  
6 down there. Eastern Kentucky was one that -- and  
7 I don't know how long ago it's been, but he was  
8 helping build and add on stations for a client  
9 that he had down there, and that was --

10 Q. Does Mr. Boyce have any --  
11 MidAmerica have any clients outside the  
12 continental United States?

13 A. Not to my knowledge, no.

14 Q. Where is the business office of  
15 MidAmerica located?

16 A. New Albany, Indiana.

17 Q. Do you have any understanding --  
18 agreement or understanding with Mr. Boyce as to  
19 your acquiring an ownership interest in  
20 MidAmerica?

21 A. Do I have any --

22 Q. Have you ever had -- first of  
23 all, have you ever had any discussions with  
24 Mr. Boyce about your becoming, say, a part owner  
25 in MidAmerica?

1 A. No.

2 Q. Have you ever expressed an  
3 interest to Mr. Boyce that you would like to  
4 become -- own some stock or become a part owner  
5 of MidAmerica?

6 A. No.

7 MR. CAREY: I'm going to  
8 object. I think the question -- I think if you  
9 don't mind rephrasing it, I'll be able to  
10 withdraw the objection. It's not the subject  
11 matter that I've objected to, but your question I  
12 think assumes something. If you want, I'll go  
13 out in the hall and tell you what I think it  
14 assumes, or --

15 MR. BERFIELD: Let me say I  
16 asked if he'd ever had any discussions -- if he'd  
17 ever had any discussions --

18 MR. CAREY: Right.

19 MR. BERFIELD: -- with Mr. Boyce  
20 in which you'd expressed an interest in acquiring  
21 ownership in MidAmerica.

22 MR. CAREY: And I think he  
23 answered no to that. Is that correct, court  
24 reporter?

25 THE REPORTER: (Nodding head

1 affirmatively).

2 MR. CAREY: But then there was a  
3 follow-up question that --

4 MR. BERFIELD: Correct. That's  
5 all right.

6 Do you know whether or not  
7 Mr. Boyce has any understanding with any of his  
8 employees as to those employees acquiring an  
9 interest -- an ownership interest of some kind in  
10 MidAmerica?

11 A. I don't know anything about  
12 that.

13 Q. You have no knowledge of that.

14 A. (Shaking head negatively).

15 MR. CAREY: May I interrupt  
16 here? She cannot record a shoulder shrug. If  
17 you don't mind, just so -- and generally they  
18 appreciate it if you kind of look at the court  
19 reporter so she can see your answer. But that  
20 was my only reason for interjecting there was I  
21 noticed a shoulder shrug, which doesn't always  
22 come out well on the record.

23 Q. You have no knowledge of any --  
24 if there were any such agreement, you wouldn't  
25 know about it, is that correct?

1           A.           That is correct.

2           Q.           Now, you're aware, are you not,  
3 that MidAmerica Electronics Service, Inc. has  
4 filed an application with the FCC for a new FM  
5 station here in New Albany?

6           A.           Yes, I am.

7           Q.           And can you tell me  
8 approximately when you became aware of  
9 MidAmerica's application -- first became aware of  
10 MidAmerica's application?

11          A.           I don't remember the date. Back  
12 when it first came out and the FCC published it  
13 through Broadcasting Magazine, Pete mentioned it  
14 and started a discussion at that point. I don't  
15 remember how long ago that was.

16          Q.           When you said Pete, you're  
17 referring to Mr. Boyce.

18          A.           Excuse me, Mr. Peter C.L. Boyce,  
19 yes.

20          Q.           Have you ever seen MidAmerica's  
21 application?

22          A.           Yes, I have.

23          Q.           And do you recall when you first  
24 saw it? Was that before it was filed or after it  
25 was filed?

1           A.           Oh, before it was filed. I  
2 don't remember offhand what that date was, when  
3 it was. It was a year ago, two years ago? In  
4 the course of looking over it, whenever it was,  
5 in the application and part of his process of  
6 filing it, I did look over it.

7           Q.           Did you assist in any way in the  
8 preparation of MidAmerica's application?

9           A.           No.

10          Q.           Did you furnish Mr. Boyce any  
11 information to be used in conjunction with the  
12 application?

13          A.           What do you mean by that? As  
14 far as what?

15          Q.           Well, did you provide him any  
16 information, any documents?

17          A.           Any documents? No.

18          Q.           Do you remember whether you  
19 provided him with any information of any kind?

20          A.           I do not believe I did.

21          Q.           Okay. Do you remember the  
22 circumstances under which you first saw the  
23 application?

24          A.           He showed it to me as part of  
25 his process of discussion one night.

1 Q. This is Mr. Boyce?

2 A. Mr. Boyce, yes, excuse me.

3 Q. Go ahead. I didn't mean to  
4 interrupt.

5 A. Just over dinner someplace he  
6 showed it to me at that point.

7 Q. Had the application been filled  
8 out at that point?

9 A. To the best of my recollection,  
10 yes.

11 Q. And he said in effect, "This is  
12 the application I'm going to file with the FCC,"  
13 or what did he say; do you recall?

14 A. In fact, not that formal;  
15 glancing over the material of the stuff that he  
16 was going to file.

17 Q. At that time would you say  
18 that -- did you look at the application, would  
19 you say, casually or carefully or did you read  
20 through it at that time? How would you describe  
21 what went on?

22 A. Casually is probably the best  
23 definition.

24 Q. This was during a dinner with  
25 Mr. Boyce?

1           A.           Dinner or lunch sometime just in  
2 general -- basically general conversation.

3           Q.           Now, at one time -- were you  
4 aware at one time that Mr. Boyce had an ownership  
5 interest in some radio stations in the state of  
6 Indiana?

7           A.           Yes.

8           Q.           And do you recall where those  
9 stations were located?

10          A.           Yes.

11          Q.           Where was that?

12          A.           North Vernon, Indiana.

13          Q.           And do you recall, did Mr. Boyce  
14 have his ownership in those stations as an  
15 individual or through MidAmerica, or do you know?

16          A.           Through a separate corporation,  
17 I believe.

18          Q.           Did you have any connection of  
19 any kind with those radio stations in North  
20 Vernon, Indiana that --

21          A.           No.

22          Q.           Did you ever visit those  
23 stations in North Vernon?

24          A.           Yes.

25          Q.           On how many occasions?

1           A.           Fifteen, twenty.

2           Q.           And what was the nature of your  
3 being there at those stations? On what  
4 occasions?

5           A.           Numerous occasions, almost all  
6 exclusively in riding along with Pete to keep him  
7 company on his way up to either North Vernon or  
8 Columbus and sites there, when he needed to go up  
9 to do something engineering-wise or whatever with  
10 the station.

11          Q.           I'm sorry, you said Columbus.  
12 You mean Columbus, Indiana?

13          A.           Columbus, Indiana.

14          Q.           Were there two different  
15 transmitter sites or -- I wasn't sure what  
16 Columbus had to do with the stations --

17          A.           There was a studio in  
18 Columbus --

19          Q.           Oh, I see.

20          A.           -- Indiana.

21          Q.           As well as in North Vernon?

22          A.           Right, correct.

23          Q.           I see. And, to your knowledge,  
24 what role did Mr. Boyce play in the operation of  
25 those North Vernon stations? Was he there on a