

1 MS. LADEN: Your Honor, I have indicated I would
2 provide the citations for the two cases I mentioned, TV 9,
3 Inc. v. FCC from the D.C. Circuit 1973, 495 F.2d 929. And
4 that also is reported at 28RR.2d 1115.

5 JUDGE LUTON: All right.

6 MS. LADEN: And Marr Broadcasting Company is a
7 Review Board case. I, I indicated it was a Commission case.
8 The case I'm citing is a Review Board case. That is at 2 FCC
9 Record 6596.

10 JUDGE LUTON: Okay. Other objections?

11 MS. LADEN: Paragraph 6, Your Honor, we have the
12 same objection. I understand your ruling. But I have the
13 same objection to paragraph 6.

14 JUDGE LUTON: All right. Same ruling.

15 MS. LADEN: And I have the same objection to
16 paragraph 7.

17 JUDGE LUTON: All right, seven tells us about the
18 witness's contacts with Root and -- all right. Same ruling
19 with respect to seven.

20 MS. LADEN: Paragraph 8, the same objection, Your
21 Honor.

22 JUDGE LUTON: Same ruling. Overruled.

23 MS. LADEN: And the same objection to paragraph 9.
24 Except for one sentence which I believe addresses another
25 issue having to do with the transcript control. And that is

1 the sentence in the middle of paragraph 9 at the bottom of
2 page 6 that indicates, "Thomas L. Root typically handled the
3 filing of the station's ownership reports as well as the
4 preparation of the station's first renewal application which
5 he filed on June 1st, 1989." There is a separate issue that
6 inquires into the circumstances of those filings. So we have
7 no objection to that sentence. But we have the same objection
8 with, to the rest of paragraph 9.

9 JUDGE LUTON: And if I understand that objection
10 correctly it is that --

11 MS. LADEN: That the degree of participation by
12 Thomas Root is not relevant to the --

13 JUDGE LUTON: And -- well, certainly -- well, the
14 view I'm taking is that it doesn't overcome the specification
15 of a character issue but that it has some relevance with
16 respect, precedent mitigation. Same ruling. I'm going to
17 permit 9 to stand in its entirety.

18 MS. LADEN: Your Honor, I have the same objection
19 with respect to paragraph 10.

20 JUDGE LUTON: Ten, same ruling with respect to 10.

21 MS. LADEN: And I have the same objection with
22 respect to paragraph 11.

23 JUDGE LUTON: Well, 11 seems to me to constitute
24 argument. That's the kind of thing I would expect from
25 counsel, not from a witness on the stand. You want to address

1 that, Ms. Farhat?

2 MS. FARHAT: Yes, Your Honor. I can understand
3 there may be one or two statements in there that, that may be
4 more a legal argument. But the fact that I believe certain
5 portions of this are the testimony, really constitute -- not
6 really. Is constitute the testimony of, of the witness in
7 terms of his relationship --

8 JUDGE LUTON: It all constitutes testimony. But
9 it's not the kind of testimony that I'm prepared to accept.
10 It's, it's --

11 MS. FARHAT: Your Honor --

12 JUDGE LUTON: -- starts out indicating that it
13 purports to be a recapitulation of what has gone before as
14 previously testified. Then we're going to have it restated by
15 only this time with a bit more spice and dash which to me is
16 also an argument being made which I don't need from this
17 witness.

18 MS. FARHAT: Your Honor, the second, the second
19 sentence in that station -- in that, in that paragraph,
20 however, does go to his state of mind as does another sentence
21 then.

22 JUDGE LUTON: State of mind isn't in question here.
23 I'm going to -- I don't know whether the Bureau objected to
24 this or not. Did you, Bureau? I think maybe I'm objecting
25 right along with you in my anxiety here.

1 MS. LADEN: I believe we objected. In any event, we
2 object to paragraph 10 as irrelevant, Your Honor.

3 JUDGE LUTON: No, we're on 11.

4 MS. LADEN: Oh, okay. Then I had not objected.

5 JUDGE LUTON: All right. Well --

6 MS. FARHAT: Your Honor, it's my understanding she
7 had objected to this just on the basis of relevance but not on
8 the basis for which you're offering.

9 JUDGE LUTON: Okay. I'm, I'm -- well, argument is
10 irrelevant as well as inappropriate in these cases. So I'm
11 going to sustain the Bureau's objection, and I'm going to add
12 my own and sustain my own objection as well on paragraph 11
13 and strike it in its entirety.

14 Twelve, again in order to save some time here, try
15 to anyway, I'm going to strike 12. That tells us what Nasby
16 thinks of its station WSWR. That it has not enjoyed a good
17 deal of financial success. It states the opinion of the
18 witness that the station shouldn't be punished for the
19 misdeeds of Root and matters such as those. I don't see that
20 any of that is relevant to anything in this case. Ms. Farhat,
21 give you an opportunity to respond.

22 MS. FARHAT: Thank you, Your Honor. In light of
23 your prior ruling which I obviously will have my objections
24 already stated for the record relative to the program service
25 question, that I understand.

1 There is a second tier to this hearing designation
2 order that relates to the transfer of control and, and to the
3 extent that a potential violation exists there we did want in
4 the record the, the financial information and the fact that
5 the station has not enjoyed financial success in the event
6 that there would be some finding attached to that. So in that
7 respect, assuming that Appendix C is not stricken and for that
8 purpose is to the financial success or opinion of its station
9 operation for that as well.

10 MS. LADEN: Your Honor, we have no objection to
11 Appendix C. We did have an objection to paragraph 12. I
12 agree with Ms. Farhat. I think Appendix C may be relevant to
13 a showing of ability to pay a forfeiture. But I don't -- it
14 happens to be included in this paragraph. I, I believe the
15 rest of the paragraph is irrelevant.

16 JUDGE LUTON: Yeah, the, the setting is the
17 difficulty. Well, Ms. Farhat, since Ms. Laden has indicated
18 the Bureau has no objection to your financial information
19 which you're going to offer later on in Appendix C, if you've
20 go that information in the record, it will be there, in which
21 event you won't need this witness's take on the, the financial
22 success or lack of success of this station.

23 I -- in other words, I don't think that having the
24 witness characterize the station as financially successful or
25 unsuccessful adds anything or will add anything once you get

1 | your financial information in the record. Consequently, I'm
2 | going to strike 12 in its entirety.

3 | The impression I have -- this, you know, this
4 | business about financial has just kind of got served up there.
5 | But it really wasn't the point of the paragraph to begin with.
6 | Doesn't seem to me to have been the case.

7 | Anyway -- but be that as it may, I'm going to strike
8 | 12. And then we'll deal with Appendix C and Nasby's financial
9 | information when we get to it.

10 | MS. FARHAT: Actually, Your Honor, I think you have
11 | already received that into evidence --

12 | JUDGE LUTON: I have?

13 | MS. FARHAT: Yes.

14 | MS. LADEN: I, I believe, Your Honor, I asked if we
15 | had objections. My recollection is that we decided to go back
16 | and take Exhibit 1 in order.

17 | MS. FARHAT: I'm sorry. I thought it was the two --
18 | I thought the two items that you had an objection to were
19 | received.

20 | JUDGE LUTON: I recall Ms. Laden saying that we take
21 | up the appendices later. Isn't that what you said?

22 | MS. LADEN: Um-hum.

23 | MS. FARHAT: I, I guess I thought it just related to
24 | A and B then. I'm sorry.

25 | JUDGE LUTON: I thought it was all of them.

1 MS. FARHAT: Okay.

2 JUDGE LUTON: I also understood Ms. Laden to say
3 that when we do get to C there will be no objection by the
4 Bureau. Is that right?

5 MS. LADEN: That's correct.

6 JUDGE LUTON: Okay. All right. Now what's left of
7 1. Let's see, that completes 1. Is 1 offered now?

8 MS. FARHAT: Yes, Your Honor.

9 JUDGE LUTON: All right.

10 MS. LADEN: Your Honor, I -- the appendices are part
11 of Exhibit 1?

12 MS. FARHAT: Yes, they are, Your Honor. So we do
13 need to --

14 MS. LADEN: And I have objections to the appendices.

15 JUDGE LUTON: Okay. Let's deal with those. First
16 we've got community leader letters. Then we've got letters
17 from members of the public. And then we've got financial
18 statements. All right, let's take the Bureau's objections.

19 MS. LADEN: Okay. Your Honor, Appendix A, page 1 is
20 the declaration of Stanley L. Andrews. We object to that
21 declaration. It's reputation -- is irrelevant. There's no
22 renewal expectancy issue. It talks about the community
23 service which Your Honor has already sustained our objections
24 on grounds of relevance.

25 It also talks about the programming on this station.

1 Now in our view, the programming of the station cannot be used
2 to mitigate in this case either for two reasons. One, a
3 prerequisite for the receipt of such evidence as a meritorious
4 programming issue which has not been sought. And number two,
5 it's also our position that the, that programming will not
6 mitigate the kind of serious misconduct that is involved in
7 this case.

8 And the declaration is a mixture of all three of
9 those things. And, and for that reason we object to it.

10 JUDGE LUTON: Are there any of these letters in the,
11 this Appendix A to which the Bureau does not object on either
12 the same or similar bases?

13 MS. LADEN: If I could have a moment, Your Honor, to
14 review my notes?

15 JUDGE LUTON: Yes.

16 (Pause.)

17 MS. LADEN: Your Honor, the Bureau objects to all of
18 Appendix A for those reasons. As I said the declarations --

19 JUDGE LUTON: All right.

20 MS. LADEN: -- intermix --

21 JUDGE LUTON: I thought that might be the case.
22 That's why he wouldn't answer the questions.

23 MS. LADEN: Yes, Your Honor. They've all had
24 mixtures of the three reasons for our objection.

25 JUDGE LUTON: All right. Ms. Farhat --

1 MS. FARHAT: Yes, Your Honor. Your Honor, as you
2 know this is a renewal hearing. And to that extent, we
3 believe that the licensee is being judged to a degree on its,
4 on its record. And we didn't seek a meritorious programming
5 issue for purposes of mitigation. Because Your Honor, those
6 cases in which that kind of issue comes from, comes from
7 licensee misconduct which we are taking the position there's
8 been no licensee misconduct in this case. And so in that
9 respect I don't, I don't really think that the whole issue of
10 meritorious programming issues even apply.

11 For purposes of, of mitigation in general, once
12 again I think to understand if in fact that, that there will
13 be just a blind imputation of the convictions for, of Mr. Root
14 to the character qualifications of this station, it should be
15 done in a context to reflect what the station has been doing
16 in, in the public.

17 And the last two I believe hearing, in the hearing
18 designation order, it talks -- the last two issues specified I
19 believe whether or not a grant of this license would serve the
20 public interest, convenience and necessity. And I think that
21 also goes to that.

22 JUDGE LUTON: Again, I think that we're limited in
23 our reach here by the matters comprehended by the hearing
24 designation order. I don't think that determination of a
25 public convenience and necessity as comprehended by the

1 MS. LADEN: Similar, Your Honor. Not exactly --

2 JUDGE LUTON: Similar.

3 MS. LADEN: -- the same. I have a question of
4 clarification. My copies of the exhibits at page 23 has
5 income statements from page 23 to page 52. And I, I suspect
6 that this was just mis-collated, and this belongs in Appendix
7 C.

8 MS. FARHAT: My, my copy doesn't reflect that and I
9 will endeavor to give you --

10 MS. LADEN: Okay.

11 MS. FARHAT: -- the corrected pages.

12 MS. LADEN: And I have a clarification as to whether
13 Appendix B ends with page 109.

14 MS. FARHAT: No, Your Honor, it ends in, in the --
15 page 167.

16 MS. LADEN: Okay. I don't have -- oh, I -- yeah,
17 it's -- mine has been mis-collated. My pages through 167 --

18 JUDGE LUTON: Yours ends at 167?

19 MS. LADEN: Mine ends in 109 and then picks up again
20 at 110 after the income statements. But I think I have all of
21 the individual pages. It's just been mis-attached just on my
22 copy.

23 In any event, we would object to exhibit, the
24 entirety of Exhibit B to the extent that it, it has letters.
25 It seems to go to reputation evidence. It seems to be the

1 sort of showing that might be relevant to a renewal
2 expectancy. And I believe it's irrelevant in this case, Your
3 Honor.

4 JUDGE LUTON: It strikes me as being irrelevant too.
5 Ms. Farhat, for the record --

6 MS. FARHAT: Your Honor, it -- for the reasons that
7 I stated that I believe that the testimony in Appendix A
8 should also be received in my opinion also and Nasby's opinion
9 applies to Appendix B as well.

10 Your Honor, I would note that, that I view this case
11 or Nasby views this case as to be a very unusual case. And
12 I'm not so sure that Commission case law has really addressed
13 this type of situation before. To the extent that there has
14 been an unusual case in the Commission such as the RKO case,
15 there have been evidentiary showings in there that took place
16 which didn't, which, which were not limited to just a
17 meritorious program showing nor was any other evidence that
18 was offered in mitigation.

19 And as I said here, to the extent that we would
20 somehow be subject to the imputation of Mr. Root's activities
21 on the character qualifications of the station, we believe
22 that this information would be, serve as a mitigation or
23 diminution of a potential penalty for such imputation.

24 JUDGE LUTON: I understand that that's Nasby's
25 position. It is a somewhat unusual case. So we are -- we

1 can't be terribly sure about its proper bounds. But we have
2 to make decisions, and the one I make differs from what
3 you're, you're seeking on behalf of Nasby, Ms. Farhat.

4 I think that again evidence such as this, letters
5 from members of the public, thank you for helping the fire
6 department for example, is simply not relevant to what I
7 understand to be the focus of our concern this morning.
8 Chamber of Commerce, outing was a great success. Served as an
9 important fund raiser for the Chamber. And they go on and on.
10 It's the typical kind of public witness thing that you see in
11 the ordinary renewal case. This is not the ordinary renewal
12 case. Consequently, I don't view this evidence as being
13 relevant. I'm going to once again sustain the objection and
14 strike Appendix B.

15 (Whereupon, the document referred to
16 as Petroleum V. Nasby Appendix B to
17 Exhibit No. 1 was rejected.)

18 JUDGE LUTON: That brings us to Appendix C which
19 constitutes certain financial information that Nasby wants in
20 the record and to which I understand the Bureau's not going to
21 object. Ms. Farhat, would you --

22 MS. FARHAT: Yes, Your Honor --

23 JUDGE LUTON: -- care to tell us just what this is?

24 MS. FARHAT: Yes, Your Honor. The information in
25 Appendix B consists -- Appendix C, excuse me, consists of the

1 (Whereupon, the document referred to
2 as Petroleum V. Nasby Exhibit No. 1
3 was received into evidence.)

4 JUDGE LUTON: Cross-examination?

5 MS. LADEN: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. LADEN:

8 Q Mr. Moore, my name is Paulette Laden. I'm with the
9 Mass Media Bureau. And I wonder if you could turn to your
10 exhibit, PVN Exhibit 1 please, page 6.

11 (Pause.)

12 Q At paragraph 8 you state following Thomas L. Root's
13 resignation as an officer and director of Nasby that Mr. Root
14 did not participate in any way in any corporate meetings of
15 Nasby. Isn't it a fact that during most of this time Mr. Root
16 was incarcerated?

17 A Incarcerated during 1990?

18 Q During most of the -- the statement that, here is
19 that since 1990, Mr. Root has not -- let me ask you this.
20 What --

21 A Oh, since 1990.

22 Q Yes. What date was Mr. Root incarcerated?

23 MS. FARHAT: If the witness knows, Your Honor.

24 BY MS. LADEN:

25 A It was midsummer '92 I believe.

1 Q Okay. Now at paragraph 9 you say, "As general
2 manager of WSWR, I would from time to time consult with Thomas
3 Root concerning FCC legal and corporate matters." Is that
4 correct?

5 A Um-hum. Yes, ma'am.

6 Q Could you give us some examples of the sorts of
7 things that you would consult with Thomas Root?

8 A Sure. Lotteries, making sure that if we're running
9 spots or commercials or have some kind of promotions that we
10 do not violate the, the lottery stipulations. Certainly
11 didn't want to do that. And I would check to make sure that
12 that would be okay.

13 Others would be political broadcasting and, and
14 questions, if we had questions. If I would have a question on
15 maybe some copy and I, that was, that I found, wanted to know
16 whether or not we, we could air something like that without
17 violating something and get in trouble. Situations like that.

18 Q During that time, Mr. Root had bank signature
19 authority? That is he could sign checks for the bank?

20 MS. FARHAT: Excuse me, Your Honor. I'm not sure --
21 I'm not understanding which time Ms. Laden is referring to.

22 BY MS. LADEN:

23 Q During -- between November, November 1st, 1988 when
24 you became general manager and --

25 A Acting, acting general manager.

1 Q Okay. Oh, I see. Yes. You're absolutely correct.
2 Until Mr. Root's resignation which I believe was March 1990.
3 Isn't it a fact that Mr. Root had bank signature authority?

4 A He was on the signature card, yes.

5 Q So could Mr. Root have written a check without any
6 other signature?

7 MS. FARHAT: Objection, Your Honor. It's, it's -- I
8 mean I think the more appropriate question, Your Honor, to ask
9 is "did he" as opposed to whether or not could he have.

10 MS. LADEN: I do intend to ask, Your Honor, whether
11 he ever did.

12 JUDGE LUTON: -- I don't think the question as it
13 was asked was inappropriate. The question is whether he had
14 authority to write a check at that time. That right? Whether
15 he had the authority. That's okay.

16 MS. LADEN: That's correct, Your Honor. I believe
17 whether he exercised the authority or not --

18 JUDGE LUTON: I, I -- that's -- it's overruled.

19 WITNESS: I said yes.

20 BY MS. LADEN:

21 Q Could Mr. Root have written a check?

22 A Yes.

23 Q Did he ever write a check --

24 A No, ma'am.

25 Q Your answer was no?

1 A No. Yes.

2 Q Now you indicate in your testimony that you assisted
3 Thomas L. Root in negotiations for a necessary station loan
4 refinancing. Could you tell us more about that? What, what
5 did Mr. Root do that you assisted him in?

6 A What time period are you talking about?

7 Q In your testimony you indicate I believe November
8 1988. I'm looking at, at paragraph 6 on page 4.

9 A Okay.

10 Q I'm not sure what the time frame is either. Because
11 earlier it says for a period of time from November 26, 1988
12 until September 7, 1993. Your testimony states, "It was at
13 this time that I assisted Thomas Root." I think later on it
14 talks about November 1988. I should ask did you ever assist
15 Tom Root in negotiations for, for station financing?

16 A With the local bank.

17 Q And when was that?

18 A November or December of '88 I believe. November of
19 '88 --

20 Q And, and what did Mr. Root do?

21 A Mr. Root as secretary of Nasby signed loan financing
22 documents on behalf of Nasby.

23 Q Did he engage in the negotiations to obtain the
24 financing? Did he talk to people at the bank?

25 A I don't recall if he did. I'm assuming that he did.

1 I know that I did. It's a local bank. It's two blocks from
2 the radio station. All of our financing is there.

3 Q Now at this time was Mr. Root living in Shelby,
4 Ohio, in the vicinity of Shelby --

5 A November of '88?

6 Q Yes.

7 A No, ma'am.

8 Q He was living in Washington, D.C.

9 A Yes.

10 Q How often did he come to the station?

11 A Almost never.

12 Q Now you indicated he resigned as a, from the Board
13 in, in March of 1990. Is that a yes?

14 A Yes, ma'am. Sorry.

15 Q Now isn't it a fact that in May of 1989 he sold I
16 believe all of his stock.

17 MS. FARHAT: Your Honor, I have objections to, to
18 having the witness answer these questions. We did stipulate
19 in the stipulation of facts the dates in which the stock
20 transactions occurred. And I'm not sure that, that general
21 time period. I think there was several different dates that
22 were involved.

23 BY MS. LADEN:

24 Q Okay. If you look at paragraph 7, page 5 of your
25 testimony near the bottom, you indicate that in 1989 Thomas

1 | Root attended annual shareholders and board meetings because
2 | he was a shareholder and director. Did he vote at those
3 | meetings?

4 | A I'm, I'm assuming that he did if he was a
5 | shareholder.

6 | Q When you came to the station November of 1988, what
7 | percentage of the ownership of the station did he have?

8 | A I have no idea.

9 | Q Who did you report to?

10 | A David Williamson. I worked directly for David.

11 | Q Okay. And Mr. Williamson was the general manager --

12 | A Yes, ma'am.

13 | Q Before you were?

14 | A Yes, ma'am.

15 | Q When you became the general manager, who did you
16 | report to at that time?

17 | A The board of directors.

18 | Q And who was the board of directors?

19 | A There were three -- Emma Sloane at that time and
20 | David in fact was still president.

21 | Q Was Mr. Root on the board of directors?

22 | A I don't recall. I, I believe so.

23 | Q Did Mr. Williamson hire you when you came to the
24 | station?

25 | A Originally?

- 1 Q Yes.
- 2 A When. I, I --
- 3 Q When you first came to work for the station. Who
4 hired you when you first came to --
- 5 A Mr. Williamson. That was in '83.
- 6 Q And who selected you to be acting general manager?
- 7 A I'm assuming the board did.
- 8 Q How did you learn about it?
- 9 A Mr. Williamson came to me and asked me if I would
10 take the position.
- 11 Q And how -- and who appointed you general manager?
- 12 A The board.
- 13 Q And how did you learn about that?
- 14 A From Mr. Williamson.
- 15 Q During the time when you were -- and you're still
16 general manager of the station, is that right?
- 17 A Yes, ma'am.
- 18 Q From November 1988 when you became acting general
19 manager until today, do you do all the hiring and firing at
20 the station?
- 21 A All of it. Do all the hiring, all the firing,
22 establishing of policy, pay the bills, negotiate contracts.
- 23 Q Did Mr. Root have any input into your hiring
24 decisions --
- 25 A Mr. Root had, had no input in regards to any hiring,

1 any policy, any programming decisions at all.

2 Q Now if Mr. Root had called and said, you know, I, I
3 want you to do this, would you have -- I mean you knew he was
4 an owner at the time.

5 MS. FARHAT: Objection, Your Honor.

6 JUDGE LUTON: Well, tell me why. Because there are
7 two questions there or something else?

8 MS. FARHAT: First of all, Your Honor, it's form
9 question in terms of there were two questions asked and --

10 MS. LADEN: That's, that's all right, Your Honor.
11 I'll withdraw the question.

12 BY MS. LADEN:

13 Q Mr. Moore, if you'd look at, at page 8 at the bottom
14 of paragraph 10 which is at the top of that page, you indicate
15 in your written testimony that in June 1990 Thomas L. Root
16 reminded you of the need to file an ownership report and that
17 he assisted in the preparation of the report which I filed.
18 Now you had also indicated in your testimony that Mr. Root
19 retired -- resigned in March of 1990. So this reminder and
20 this assistance and this assistance occurred after he
21 resigned?

22 A Yes, ma'am.

23 Q Did he --

24 MS. FARHAT: Your Honor, may I just interject
25 something? I -- the testimony was that he resigned as a

1 member -- we stipulated facts, and I believe the testimony is
2 that he resigned in March of 1990 as an officer and director.
3 The question seemed more appropriate to a, to a determination
4 as to when he's --

5 MS. LADEN: All right.

6 MS. FARHAT: -- legal counsel to the, to the --

7 JUDGE LUTON: I'm sorry. I didn't hear the last of
8 it.

9 MS. FARHAT: Okay.

10 JUDGE LUTON: Your voice just carried and went that
11 way on me.

12 MS. FARHAT: I'm sorry. I, I believe that, that the
13 inference from her question is that he resigned in March of
14 1990. And I'm saying that he resigned in March of 1990 as a
15 officer and director of the company.

16 JUDGE LUTON: Well, redirect is the place to clear
17 up inferences that, that you don't like. They don't really
18 form the basis for an objection. I didn't hear any
19 mischaracterization. Things may not have been as clear as you
20 would like for them to have been. But I really don't see
21 anything objectionable about that. You will have an
22 opportunity --

23 MS. FARHAT: I'm sorry.

24 JUDGE LUTON: -- for redirect. It seems to me to be
25 the classic kind of thing that one clears up on redirect

1 examination.

2 MS. FARHAT: Thank you, Your Honor.

3 JUDGE LUTON: Objection is overruled.

4 BY MS. LADEN:

5 Q Mr. Moore, what was Mr. Root's -- was Mr. -- did Mr.
6 Root have an ownership interest in Petroleum V. Nasby in June
7 of 1990?

8 A I don't believe he did.

9 Q Was he an officer?

10 A No, ma'am.

11 Q Was he a director?

12 A No, ma'am.

13 Q Was he an employee?

14 A No, ma'am.

15 Q Was he legal counsel? Was he an attorney?

16 A No, ma'am.

17 Q So what was his role in June of 1990 when he
18 reminded you of the need to file an annual ownership report.

19 A Well, he had no role in the station at that point at
20 all. Please understand that, that as counsel were 400 miles
21 away, he typically would, would take care of, remind me of the
22 FCC. I had my hands full operating the day-to-day operation
23 of the radio station. And he simply reminded me at that point
24 in regards to and assisted in preparation of the report.

25 I prior to becoming general manager didn't ever fill

1 out those reports and in fact didn't know what the reports,
2 what reports were due, when they were due, what they were for.
3 And that's why. At this point, I had no other counsel.

4 Q Now isn't it a fact that in June of 1990 Thomas L.
5 Root had been disbarred in the District of Columbia?

6 A I don't, I don't recall when he was disbarred.

7 MS. LADEN: Your Honor, I'd like to approach the
8 witness with a copy of the Mass Media Bureau's exhibit.

9 JUDGE LUTON: Yes.

10 MS. LADEN: Thank you.

11 BY MS. LADEN:

12 Q Mr. Moore, I wonder if you could turn to Mass Media
13 Bureau Exhibit 12.

14 (Pause.)

15 Q Now Mr. Moore, are you familiar with Mass Media
16 Bureau Exhibit 12?

17 A Which one? Which page? Well --

18 Q Beginning at page 3.

19 A Okay. Have I seen forms like that? Oh, yes.

20 Q Have you seen this one --

21 A I -- assuming -- I, I don't recall seeing this
22 specific form. I don't know that I did not.

23 Q Okay. Now if you turn to page 6, there's a pledge
24 agreement. Are -- have you ever seen this document before?

25 (Pause.)