1 ahead forward with this transaction. I also understand that
2 those funds are coming from Trinity. And since I represent
3 both Trinity and National Minority, I want you to be aware
4 that I believe I have a conflict as between those two clients.
5 Q And what -- give me your best recollection of what
6 Mrs. Duff said to you, in response to what you just testified.
7 A Tell me what you mean, Colby. And it -- Jane, I am
8 a lawyer, and lawyers that represent two different clients
9 that may conceivably have a conflict on an issue do have an
10 obligation to raise the fact that they have responsibilities
11 to both clients and that they, therefore, need to address that
12 issue with both clients, and after doing so, essentially be
13 given consent or permission to continue working on behalf of
14 both princ-- both, both clients.
15 Q And what did Mrs. Duff say?
16 A I understand, thank you. I certainly want you to
17 continue going forward in this matter.
18 Q And she made her decision instantly, so to speak, is
19 that it?
20 A I was given my consent on the telephone, yes, sir.
21 Q Now did you then have a similar conversation with an
22 official of TBN?
23 A Yes, sir.
24 Q With whom did you speak?
25 A That I don't recall specifically. There have been

1 so many through the years that I've had various conversations
2 with. But, again, there was a general group of people.
3 Q Well, I, I want to try to focus on this. You don't
4 have a specific recollection of talking to a particular TBN
5 official regarding this, this, this matter, is that your
6 testimony?
7 A I recall doing it. I don't recall to whom I
8 specifically spoke to.
9 Q Do you remember whether you had a conversation with
10 a TBN official contemporaneous with your conversation with
11 Mrs. Duff?
12 A Generally contemporaneous. It may have been a day
13 or two on either side.
14 Q Was it by telephone?
15 A Yes, sir.
16 Q But you don't remember who it was?
17 A I do not, sir.
18 Q Okay. Now do you have another instance that you can
19 tell, tell me about where you have a specific recollection of
20 discussing a conflict with both an NMTV official and a TBN
21 official?
22 A As to the Odessa, in the Odessa, or just any other
23 time?
24 Q No, just generally.
25 A The, the same kind of issue was raised when we had

1 the Portland application.
2 Q Did you have a specific conversation with Mrs. Duff
3 about the conflict then?
4 A Yes, although I, I believe it was in more general
5 terms. It was not -- I didn't have to go to the same kind of
6 detail. This would have been a conversation more like: Jane,
7 you recognize again that I understand the finances are coming
8 from Trinity, and as I've explained to you before and as we
9 went through with Odessa, I -- since I'm representing both
10 clients, I have a potential conflict. I understand, Colby,
11 but, please, I want you to go forward.
12 Q Now did you, do you have a recollection of having a
13 specific conversation with a Trinity official?
14 A Not specifically, no sir. Again, the same group of
15 people, I had many conversations through the years with them
16 about things like this and other issues.
17 Q But you have no specific recollection on, regarding
18 Portland, talking to a, a specific Trinity official?
19 A I can't say that I do, no, sir.
20 Q Are you sure that Mrs. Duff didn't say that's okay,
21 Colby, you can proceed, and, and she authorized you to go
22 forward on behalf of both TBN and NMTV?
23 A I'm sure that didn't happen.
24 Q You're sure it did not happen?
25 A Yes.

1 Q You have a, you, you specifically recall that not
2 occurring?
3 A I remember specifically going through the exercise
4 of wanting to touch base with both people and -- or both
5 clients and, and not have it be the same person.
6 Q Do you have or can you, can you tell us of any
7 specific recollection you have of having a, a conflict
8 conversation with any Trinity official?
9 A Yes, I've had, I've had conversation -- you mean
10 Trinity officials with regard to National Minority?
11 Q Yes.
12 A Yes. I, I had conflict conversations with
13 Mr. Juggert, that I specifically recall.
14 Q Well, now and you were, and you were speaking to
15 Mr. Juggert then in his capacity as a director of, of Trinity,
16 and an officer of Trinity?
17 A Yes.
18 Q Okay. And so you came to him with a, with a
19 conflict situation, is what you're saying?
20 A Yes. I mean it, it, we talked about a conflict
21 situation. When you say came to --
22 Q Well, did you --
23 A -- I don't know if I was on the phone with
24 Mr. Juggert and then I had a, you know, a number of items we
25 discussed and among them it was this, or whether or not I

1 placed a call specifically about this.
2 Q Let me, let me try to be helpful here in terms of,
3 of sharpening my question. What I'm, what I am trying to do,
4 and I'd like to go on to something else, is, is, for the
5 record, have an instance of where you can tell us about a
6 specific conversation you had with a Trinity official
7 regarding conflicts between Trinity and NMTV. Now did you
8 have such a conversation with Mr. Juggert?
9 A Yes.
10 Q Can you tell me, can you tell me approximately when
11 it occurred?
12 A I believe the first time was around the time, the
13 early '87 time frame. I recall it in the context of Odessa in
14 some measure.
15 Q And was this a conversation that you initiated?
16 A Same answer as I've been giving. I mean I honestly
17 don't recall whether it was when I'd call, he called me, we
18 were on the phone about other items, it's that --
19 Q And it could have come up? It could have come up in
20 a conversation among other matters, is what you're saying?
21 A Yes.
22 Q Okay. Now do you have a specific recollection of,
23 of raising the conflict question with Mr. Juggert and asking
24 him on behalf of Trinity to authorize you to proceed?
25 A Yes. I mean that's the reason that you do it is to

1 try to give the disclosure and then get the permission to go
2 forward.
3 Q And, and you have a specific recollection of, of, of
4 in substance having that kind of a conversation with
5 Mr. Juggert?
6 A Yes, sir.
7 Q And Mr. Juggert authorized you to go forward?
8 A I understood that, yes, sir.
9 Q And do you have any other recollect-- specific
10 recollection -- strike that. I want to make, make you, you
11 are aware, of course, that Mr. Juggert had his own conflict
12 problems inasmuch as he had done work for NMTV and had done
13 work for Trinity, as a lawyer?
14 A Yes.
15 Q Yes. And was that of concern to you in, in going to
16 him in connection with this conversation?
17 A I don't know that I thought that it was either my
18 place or an issue that I specifically said to the sense that:
19 Mr. Juggert, you've got your own conflicts and you're not the
20 right person for me to talk to about this.
21 Q That didn't occur to you?
22 A No, sir.
23 Q But at the time you had the conversation with
24 Mr. Juggert, you were aware he had his own conflict problems,
25 I take it?

1 A I was aware he was doing other services, yes. I
2 suppose in that sense I understood he had a conflict.
3 Q I mean that he had provided services for both TBN
4 and, and NMTV regarding, for example, a preparation of a
5 promissory note.
6 A Yes, I was aware of that.
7 Q You were aware of that, okay. Do you, do you have a
8 recollection --
9 A Although, let me say, I don't know that I recall a
10 promissory note, per se, as the issue when I'm talking about
11 it in the context of the early '87 time frame.
12 Q Correct. Your point is well taken. I, I -- your
13 point is well taken. Indeed, you're absolutely right. That
14 generic promissory note was not prepared until substantially
15 later. Perhaps I was in, I was, I was not accurate then. At
16 the time you had the conversation with Mr. Juggert, were you
17 aware that Mr. Juggert had provided legal services for NMTV?
18 A I believe so, yes.
19 Q Now do you have a, do you have any other specific
20 recollections of telephone conversations or person -- or face
21 to face conversations with any Trinity official concerning
22 conflict?
23 A I recall that in the Wilmington matter, the issue of
24 loans came up and, in that context, I also had conversations
25 about the conflict that I had.

1 Q With whom?
2 A I had a conversation with Mrs. Duff.
3 Q Yes.
4 A And I also had a conversation with Dr. Crouch, and I
5 believe also with Mr. Juggert.
6 Q Now you have a specific recollection of discussing
7 your conflict with Dr. Crouch?
8 A Yes
9 Q And was this a, a face to face or a telephone
10 conversation, if you can recall?
11 A I, I don't recall.
12 Q Were you the only two persons on the, in, in the
13 conversation or were there other people?
14 A I don't recall.
15 Q Give me your best recollection of, of what you said
16 to, to Paul Crouch and what he said to you.
17 A I recognize that a considerable sum of money is
18 coming forward from Trinity in helping NMTV meet its
19 obligations in the Wilmington matter, and because I represent
20 both clients, you understand that I have a conflict, that I'm
21 not -- I mean without your approval, I'm not to be involved in
22 that, those, the nature of those kind of transactions, within
23 those transactions. And he acknowledged that and said, yes,
24 but obviously we want you to continue to go forward.
25 Q Do you have any other specific recollections of, of

1 conversations with Trinity officials regarding conflict?
2 A Continuing in the Wilmington matter, there came a
3 time when there was literally a note prepared and I remember
4 being asked about that, and I remember responding that I had a
5 conflict, and, and I spoke to Mrs. Duff about that and she
6 indicated that she would take care of that with Mr. Juggert,
7 and I did not pursue it in, in helping to prepare a note at
8 that time.
9 Q Because of the conflict?
10 A I, you know, Mr. Cohen, I'm not sure I could say it
11 was because of the conflict specifically, but I do recall that
12 in the, in that transaction, I raised the issue of conflict,
13 and so it may have played a part in it, it may not, I honestly
14 don't know.
15 Q Very well. Okay. I, that, that's all I have and
16 now I'd like to turn to something else. You were asked some
17 questions by Mr. Topel about Ben Miller and his, and his, his
18 role. And I have so much paper on my desk that I may be
19 confused, but I, I hope I'm not. For purposes of my question,
20 I'd like you to look at Bureau Exhibit 224, which was, which
21 was put to you by Mr. Topel, and --
22 A Could you help me with the Volume number, sir?
23 Q Sure, sure, sure. It's Volume Four, and Bureau
24 Exhibit 101 -- excuse me, TBF Exhibit 101, Volume Three, and
25 page 61.

1 MR. TOPEL: Could you repeat those?

2 MR. COHEN: Sure. One is Bureau Exhibit 224,

3 page 4. The other is TBF Exhibit 101, Volume Three, Insert V,

4 page 61.

5 MR. TOPEL: Do you have that, Mr. May? Tab, Tab V?

6 MR. MAY: I believe I -- yes. Yes, I do.

7 MR. TOPEL: What page was that, Mr. Cohen?

8 MR. MAY: That's the signature page of the --

9 MR. TOPEL: Okay, 61, yes.

10 MR. MAY: -- of the license application for

11 Portland, Oregon?

12 MR. COHEN: Yes. The December 5, 1989, is the, is

13 the license application, the 302 for Portland.

14 MR. MAY: Yes, sir, I have that.

15 MR. COHEN: And what I wanted to ask you is I see no

16 indication, in reading the engineering material attached to

17 that document, that reflects that Mr. Miller indicates that he

18 was responsible for supervising the construction of the, of

19 the Portland station. Do you, do you disagree with that, sir?

20 MR. MAY: No, sir, I don't see any, any written

21 representation to that effect, no sir

22 MR. COHEN: Or, or do you see any, anything

23 pertaining to the matter of Mr. Miller supervising the

24 construction of the Portland station?

25 MR. MAY: No.

1 MR. COHEN: Now what I'm confused about, and perhaps
2 you can help me, is if you'll notice 224, in 224, on page 4,
3 Mr. Miller is, is signing off as technical director. That was
4 what the purpose of the stipulation was, am I correct?
5 MR. TOPEL: Yes, because there's a hole --
6 MR. COHEN: Yes.
7 MR. TOPEL: -- punched in.
8 MR. COHEN: You see that. And in one of -- in
9 Trinity Exhibit 101, page 61, Mr. Miller is signing off as
10 technical consultant. Do you see that?
11 MR. MAY: Yes, sir.
12 MR. COHEN: Okay. Now first of all, do you have
13 any, do you have any knowledge, having represented NMTV all
14 these years, do you have any knowledge as to why Mr. Miller on
15 the one hand called himself a technical director and the other
16 hand called himself a technical consultant?
17 MR. MAY: No, sir.
18 MR. COHEN: Now are you aware that Mr. Miller wore
19 many hats at Trinity in connection with providing engineering
20 services for a whole host of entities?
21 MR. MAY: Yes, sir. I was aware he did, did a
22 number of things for a host of entities. The wearing of the
23 hats, I don't.
24 MR. COHEN: Well, Mr. Holt, would you be good enough
25 to put before the witness, Mass Media Bureau Exhibit 378.

1 MR. HOLT: What volume is that?
2 MR. TOPEL: Well, he has, he has it.
3 MR. COHEN: That's, that's Volume Six.
4 MR. MAY: Yes, sir.
5 BY MR. COHEN:
6 Q Okay. Now this document which is in evidence is
7 what I was refer, referring to when I said that Mr. Miller
8 wore many hats. You'll notice he says that, in this memo,
9 that his -- my titles, one of his titles for NMTV is
10 technical, technical consultant. See that?
11 A Yes, sir.
12 Q Okay. So I take it you have no knowledge then why
13 he called himself a technical director in Exhibit 224? And I
14 recognize that Exhibit 224 was prepared prior to the time that
15 Exhibit 378 was prepared.
16 A Okay, I've got the documents sort now. I'm sorry, I
17 didn't get, follow the question.
18 Q What I'm saying is do you have any knowledge as to
19 why he referred to himself as a technical director in the
20 Bureau Exhibit 224, and referred to himself as technical
21 consultant in TBF Exhibit 101?
22 A No, sir.
23 COURT REPORTER: Excuse me.
24 (Off the record. Back on the record.)
25 BY MR. COHEN:

1 Q Now would, would you agree with me that neither TBF
2 Exhibit 101, page 61, or Mass Media Bureau Exhibit 224, page
3 4, and the, and the material accompanying those signature
4 pages, sets forth any information concerning Mr. Miller's role
5 at NMTV?
6 A Well, it, it, it does provide that he is either a
7 technical director or a technical consultant, who is
8 responsible for the preparing his portion of a, of an
9 application.
10 Q Yes, it does do that. But what I want to, what I
11 want to ask you about what it doesn't do. Does it make any,
12 is there any explanation as to what services Mr. Miller has
13 prepared -- strike that, had performed for NMTV?
14 A Not specifically there. I mean I'm looking now at
15 Bureau Exhibit 324, just to the signature page where
16 Mr. Miller is, and it just says: the apparatus constructed
17 does not differ in any significant way. So at least in
18 certifying that, I presume he's saying that he knows about the
19 apparatus and how it's, and it's construction, and he's
20 certifying it doesn't differ in any way from the
21 authorization.
22 Q For example, by looking at both those documents and
23 accompanying material, could one learn that Mr. Miller
24 received not a penny in compensation from NMTV for preparing
25 either document?

1 A No, sir. It doesn't say anything about
2 compensation.
3 Q By looking at those documents, could one learn that
4 Mr. Miller had no written agreement or oral agreement to
5 provide services to NMTV?
6 A It doesn't say anything about that, sir.
7 Q By looking at the Portland document, could one learn
8 that Mr. Miller had travelled to Portland personally to
9 supervise the construction of the station?
10 A: Portland, Oregon. What page are you on? I'm
11 sorry, I don't --
12 Q Looking at the Portland -- the license application
13 for portland.
14 A The licensing?
15 Q Which is --
16 A Is that Mass Media 220, no, let's see. That's
17 Odessa.
18 Q No, no. That's, that's Exhibit 101, page 57, is
19 where, that's where it begins and it, and the signature is on
20 61.
21 A I'm sorry. I was still focusing back on Mass Media
22 Bureau Exhibit 221.
23 Q I'm sorry if I -- there's so many pieces of paper
24 here, I'm, I'm not surprised you're confused. I'm confused.
25 I'm not talking, Mr. May, about TBF Exhibit 101, starting at

1 page 57, which is the license application for Portland.
2 A And your question to me is --
3 Q Yes, by, by reviewing the application, is, could
4 you, could, could one learn that Mr. Miller travelled to
5 Portland personally to supervise the construction?
6 A Well, he's certifying here that the apparatus
7 construction does not differ from that described in the
8 application for construction permit in any particular way.
9 Q He certainly does. But does that indicate to you
10 that he travelled to Portland to supervise the construction of
11 the station?
12 A Well, he, I mean he's certifying that they're the
13 same. I assume he has to actually go and know for a fact that
14 the apparatus constructed is the same; otherwise, how would he
15 certify, if he hadn't been there.
16 Q Oh, you think that, you think that for, for a
17 consulting engineer to make the kind of statement that's set
18 forth therein, it requires his personal presence at the site.
19 Is that, is that your testimony?
20 A That's my general understanding. Yes, sir.
21 Q Is it your opinion, Mr. May, that Mr. Miller has
22 made full disclosure in page 61 and at page 4 of those
23 respective documents as to what his role is at TBN vis-a-vis
24 NMTV? Strike that question. Has he made full disclosure, in
25 your opinion, as to what services Mr. Miller provided as

1 technical consultant and as technical director?
2 A Well, what -- I mean he's disclosed that he's
3 performed this service.
4 Q Yes. Do you think --
5 A Full disclosure, I mean, didn't, as I mentioned
6 earlier, didn't talk about whether he had a written or he
7 didn't have a written agreement, or whether or not he was
8 compensated or not. I mean there's --
9 Q Okay. Well, let's, let's -- the record will speak
10 for itself. I'd like to go on to something else.
11 (Asides.)
12 Q Would you agree that when one holds himself out as a
13 technical consultant or as a technical director, there is a,
14 an inference that NMTV has employed him for purposes of
15 preparing these two applications?
16 A I don't -- I mean, I guess you could make that
17 inference.
18 Q Do you think that's a reasonable and a fair
19 inference?
20 A I think you could, you can make an inference to that
21 effect, yes.
22 Q Well, do you think it's reasonable and fair?
23 A Well, other -- I guess so, yes, sir.
24 Q In point of fact, then NMTV had not employed
25 Mr. Miller to prepare either application, am I correct?

1 A I had understood that Mr. Miller prepared these
2 applications and did the services he did at the direction and
3 specification of Mrs. Duff, so I don't, I suppose in that
4 context, what -- he was doing it because he'd been requested
5 and instructed to do so.
6 Q You may not be aware of this. And if you're not
7 aware, I want you to tell me, because I want to be fair to
8 you. Whether you were aware that the record reflects that
9 Mr. Miller received no compensation for the services he
10 rendered to NMTV.
11 A Yes.
12 Q And that he was paid by TBN, and he received no
13 other compensation.
14 A Yes, sir. I'm aware of that.
15 Q You are aware of it?
16 A Yes, sir.
17 Q Well, let the record -- let's leave that and then
18 we'll go on to something else. Now I want to deal briefly
19 with the matter of the ownership reports and the questions
20 that Mr. Topel put to you concerning those matters. Now I
21 gather it's your testimony, and, and I want to be very clear
22 I'm, that I'm summarizing your testimony correctly. If I'm
23 wrong, I want you to tell me. That when you prepared the
24 Portland and the Odessa application, that you didn't look at
25 the ownership reports when you prepared the Table One, is that

1 correct? That's what I understood you to say.
2 A I, I, there was no ownership report, per se, for
3 Television Translator at the time I was preparing the Odessa
4 application.
5 Q But am I correct, and, and this is what I under, I
6 under, my notes reflect that what you said you did was you
7 looked at an office file to get the ownership information to
8 prepare the programming -- to prepare the, the Table One type
9 information?
10 A Yes, sir, for Odessa that's ex-- that's what I
11 recall happening. For Portland --
12 Q And I understand your testimony for Portland, you
13 did the same thing?
14 A No. For Portland, we essentially just used Odessa
15 as the template and just got the information and did not,
16 frankly, realize that the assistant secretaries had not been
17 included previously and so that mistake was simply compounded
18 in the next application.
19 Q Well, at the time Odessa was filed, are, did, are
20 you, are you telling me that you had no ownership reports in
21 your office which reflected the current officers of NMTV?
22 A We did, yes, sir.
23 Q And am I correct that you didn't look at those
24 ownership reports, but rather you looked at some office file
25 to, to obtain the Table One information?

1 A We look at the Television Translator files. We were
2 doing this on behalf of National Minority. And that's the
3 resource material that we went to, and, you know, neglected
4 and simply, you know, made a mistake, and a stupid error
5 frankly, but a mistake nevertheless, that we did not go check
6 other files where we would have had the information.
7 Q And that would have been the ownership reports,
8 correct?
9 A Yes, sir. There would have been another material
10 for Trinity this, for Trinity that.
11 Q I, I, I'm not trying to, to rub your nose in this,
12 that's not what I'm trying to do at all. All I want to do is
13 just make sure I understand your testimony.
14 A That's a big mistake and a big nose.
15 Q Well, I mean, I'm, I'm not interested in pursuing
16 whether it's a mistake or not, that's not the thrust of my, my
17 question, Mr. May. Not, well, what I'm trying to just find
18 out is what you did. So you, you looked at a file other than
19 the ownership file, files, in terms of preparing the Table One
20 information. Is that the sum and substance of it?
21 A There, there was no ownership file --
22 Q Weren't there ownership --
23 MR. TOPEL: Mr. Cohen, he's answering a question.
24 MR. COHEN: Thank you. I'm sorry, Your Honor. I
25 know I should address you. Your point is well taken. I would

1 appreciate it --

2 JUDGE CHACHKIN: You should address me, yes.

3 MR. COHEN: And I apologize. I'm sorry for

4 interrupting you and I apologize.

5 JUDGE CHACHKIN: All right. Let, let's just move

6 along.

7 BY MR. COHEN:

8 Q I didn't mean to cut you off.

9 A I'm not, I'm not aware that in 1987, there was a

10 specific ownership report that had submitted on behalf of

11 Television Translator, and so I don't know that there, that, I

12 mean I don't believe that there was a report in the Television

13 Translator file, which is where, you know, my office went to

14 gather the information that was then put into the Odessa

15 application.

16 Q Wouldn't there have been ownership information

17 regarding NMTV in the, in the Trinity ownership report?

18 A Yes, sir, there was.

19 Q And, and you simply didn't look there, right?

20 A Yes, sir.

21 Q What office file did you obtain the Table One

22 information from?

23 A From the, the previously submitted material from

24 Television Translator.

25 Q Now I'd like, I'd like for you to look, if you

1 would, at Trinity Exhibit 122, page 253.
2 A And may I also say that I don't --
3 Q Yes.
4 A -- I don't mean, I don't specifically recall myself
5 going through that routine, but I mean that's the routine that
6 my office, I understand my office went through. I mean --
7 Q I, I understood.
8 A -- could tell you I looked and said, oh, this is the
9 material, but I instructed that this be gathered and this was
10 the material put together and, you know, I just, it's what
11 happened and I didn't necessary go through and recheck it the
12 way I probably should have, the way I definitely should have.
13 Q I'd like to turn to something else. Mr. Topel asked
14 you questions about Trinity Exhibit 122, page 253. Now this
15 attachment one, which is 253, who prepared that?
16 A I'm, I'm sorry.
17 Q Sure, page --
18 A I don't have it.
19 Q -- page 253 of TBN Exhibit 122.
20 A 12 -- that's my problem. 122.
21 Q It's hard to find all this stuff, I understand.
22 A 122. Oh, there it is. I'm sorry. Mr. Cohen, I
23 have it.
24 Q Okay.
25 A And I'm sorry, the page number again, sir?

1 Q 253. What I want to know is who prepared attachment
2 one?
3 A 253. That, that's prepared in our office.
4 Q Now --
5 A My office prepared that.
6 Q Okay. Now what was your source of information for
7 preparing attachment one?
8 A The, the files that we had regarding Community
9 Educational Television.
10 Q Now I want to direct your attention to the last
11 paragraph on page 253, which, which describes Community
12 Educational Television, Inc. Do you see that?
13 A Yes, sir.
14 Q Do you see it talks about the control of Community
15 Educational Television, Inc.? Do you see that? It states
16 it's not formally under the control of any other organization
17 or corporation. Do you see that?
18 A On page 254?
19 Q 253, the bottom of the page.
20 A Yes, sir.
21 Q Okay. Why don't you just read that paragraph to
22 yourself, and then I have a couple of questions.
23 A Community Educational Television?
24 Q Yes. Just read it to yourself. This, this is in
25 the record.

1 A Oh, I'm sorry.
2 Q Have you read it?
3 A Yes, sir.
4 Q Now it's my understanding what that paragraph does,
5 and correct me if I'm wrong, is it, it endeavors to set forth
6 the relationship between Community Educational Television and
7 TCCSA. Is that a fair statement?
8 A Yes, sir.
9 Q Okay. Now I want you to read that carefully and
10 tell me do you, do you think that that paragraph was candid?
11 MR. TOPEL: I object, Your Honor. Beyond the scope
12 of cross, of, of re-direct. We didn't get into the control
13 issue at all.
14 MR. COHEN: Your Honor, there was reference made to
15 the exhibit, there was questions made -- lots of questions
16 about the ownership report.
17 JUDGE CHACHKIN: Overruled.
18 BY MR. COHEN:
19 Q And take as much time as you need, Mr. May, and tell
20 me whether you think, upon reflection, that that paragraph was
21 candid.
22 A Yes, sir. I think it's candid. I think it's
23 accur-- I, I thought it was accurate.
24 Q Isn't it true yesterday you testified that there was
25 a, a business agreement between Community Educational

1 Television, Inc., and Trinity? An agreement to provide
2 business services.
3 A Yes, sir, I believe so.
4 Q That's not set forth therein, is that?
5 A No, sir.
6 Q Didn't you testify yesterday that Trinity was
7 providing or had provided accounting services for Community
8 Educational Television, Inc.?
9 A I believe that's part of the business services.
10 Q That's not set forth therein, is it?
11 A No, sir.
12 Q Didn't you testify yesterday that Trinity provided
13 engineering services to Community Educational Television?
14 A I guess I understood the questions that were asked
15 me by Mr. Schonman to be what roles Mr. Miller played, or I
16 think I indicated that Mr. Miller provided services.
17 Q Yes. Well --
18 A If, if that's what you mean.
19 Q Yes. Now wouldn't you agree that, that the matter
20 of the accounting services and the business agreement and the
21 engineering services all go to the question of the control of,
22 of Community Educational Television, they're all indicia of de
23 facto control?
24 A I don't view it that way, sir. And I think they're
25 just administerial functions.

1 BY JUDGE CHACHKIN:

2 Q But isn't it true, sir, by the statement in which
3 you say it's not formally under the control, that you
4 recognize, even in a non-profit area, that control, that
5 another corporation could not control CETV, you recognize that
6 concept? It's apparent, despite statements you made since
7 then, it's apparent in this, in your attachment here, which
8 you prepared, that you recognize that the, a concept of
9 control, that it was impermissible even in the area of
10 non-profit corporations for one entity to patrol another
11 corporation. Isn't that true?

12 A Yes, sir, I believe so.

13 Q So you do recognize that 73.555 prohibits an entity,
14 such as TBN, from controlling an entity, such as National
15 Minority?

16 A Yes, I, I believe that, that, yes, sir. I believe
17 that rule speaks to that, yes, sir.

18 Q Not withstanding that NMTV is minority controlled,
19 the rule still, it's still impermissible for Trinity to
20 control NMTV, isn't that true?

21 A Yes. I believe that's true.

22 Q I don't believe that's what your testimony has been
23 up to now, but what we'll -- the record will speak for itself.

24 A Well, I, I mean I believe that the indicia of
25 control that were just asked me by Mr. Cohen, things like