

ORIGINAL

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

DOCKET FILE COPY ORIGINAL

In Re Applications of)	MM Docket No. 93-75
)	
TRINITY BROADCASTING OF FLORIDA, INC.)	BRCT-911001LY
)	
For Renewal of License of Television Station WHFT(TV) Miami, Florida)	
)	
GLENDALE BROADCASTING COMPANY)	BPCT-911227KE
)	
For Construction Permit Miami, Florida)	

VOLUME II-D

HEARING EXHIBITS

TRINITY BROADCASTING OF FLORIDA, INC.
TRINITY BROADCASTING NETWORK
NATIONAL NATIONAL MINORITY TELEVISION, INC.

TBF Exhibit 107

TRINITY BROADCASTING OF FLORIDA,
INC.,

TRINITY BROADCASTING NETWORK,

NATIONAL MINORITY TELEVISION,
INC.

Mullin, Rhyne, Emmons and Topel,
P.C.
1000 Connecticut Ave. - Suite 500
Washington, D.C. 20036-5383
(202) 659-4700

VOLUME II-D

HEARING EXHIBITS

TRINITY BROADCASTING OF FLORIDA, INC.
TRINITY BROADCASTING NETWORK
NATIONAL MINORITY TELEVISION, INC.

TBF Exhibit 107 Testimony of Phillip Russell Aguilar

Tab A Documents Referred to in Deposition of
Phillip Russell Aguilar

Explanatory Note

Attached is the testimony of Phillip Russell Aguilar. Pastor Aguilar currently is not a principal of any party in this proceeding and has submitted the transcript of his deposition as his hearing testimony. To facilitate reference to the documents discussed in the transcript, counsel has attached at Tab A in sequential order copies of all such documents. In one case, on page 220, the transcript erroneously refers to document #57580, when the actual document at the deposition was document #57850. The correct document has been included in Tab A.

Federal Communications Commission

Docket No. 93-75 Exhibit No. TBF107

Presented by Topel TAB A

Disposition { Identified 12-2-93
Received 12-2-93
Rejected _____

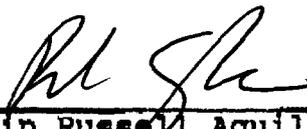
Reporter [Signature]

Date 12-2-93

TESTIMONY OF PHILLIP RUSSELL AGUILAR

I, Phillip Russell Aguilar, hereby submit to the Federal Communications Commission the transcript of the testimony I gave at my deposition taken in FCC Docket No 93-75 on September 27, 1993, as my testimony in the hearing in that case.

Executed under penalty of perjury this 1st of November, 1993.



Phillip Russell Aguilar

Sarnoff
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October 20, 1993

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**CORRESPONDENCE
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93-75

Lewis I. Cohen
COHEN & BERFIELD, P.C.
Board of Trade Building
1129 20th Street, N.W.
Washington, D.C. 20036

Pursuant to your instruction, please be advised that we are forwarding the signed original transcript of the below captioned deposition to: Secretary of the Commission, Federal Communications Commission 1919 M. Street N.W. Washington, D.C. 20036

CASE NAME: In Re: Trinity Broadcasting of Florida, Inc.

CASE NO: 93-75 DATE TAKEN: 10/23/93

WITNESS: Phillip Russell Aguilar

REPORTER: Sheri L. Clark-Bell

The following changes should be noted:

PAGE LINE FROM TO

(No Changes Made)

Jill S. Rodomsky

Jill S. Rodomsky
Sarnoff Deposition Service, Inc.
cc: Howard A. Topel, Esq.
James W. Shook, Esq.

WITNESSES

REPORT

For

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

RECEIVED

OCT 29 1993

FCC - MAIL ROOM

In re Applications of)
)
TRINITY BROADCASTING OF)
FLORIDA, INC.)
)
For Renewal of License of)
Station WHFT(TV), Channel)
45, Miami, Florida)
)
GLENDALE BROADCASTING)
COMPANY)
)
For a Construction Permit)
for a New TV Station on)
Channel 45 at Miami, Florida)
)

MM DOCKET NO. 93-75
File No. BRCT-911001LY

CORRESPONDENCE
FILE

File No. BPCT-911227KE

ORIGINAL

DEPOSITION OF PHILLIP RUSSELL AGUILAR

Santa Ana, California

Monday, September 27, 1993

Sarnoff
**DEPOSITION
SERVICE, INC.**

3

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Before the **CORRESPONDENCE**
FEDERAL COMMUNICATIONS COMMISSION **FILE**
Washington, D.C. 20554

In re Applications of)	MM DOCKET NO. <u>93-75</u>
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TRINITY BROADCASTING OF)	File No. BRCT-911001LY
FLORIDA, INC.)	
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For Renewal of License of)	
Station WHFT(TV), Channel)	
45, Miami, Florida)	
)	
GLENDALE BROADCASTING)	File No. BPCT-911227KE
COMPANY)	
)	
For a Construction Permit)	
for a New TV Station on)	
Channel 45 at Miami, Florida)	
)	

Deposition of PHILLIP RUSSELL AGUILAR, taken on behalf of Glendale Broadcasting Company, at 2100 North Broadway, Suite 310, Santa Ana, California, commencing at 9:10 a.m., on Monday, September 27, 1993, before SHERI L. CLARK-BELL, Certified Shorthand Reporter No. 6368, pursuant to Notice.



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APPEARANCES:

For Glendale Broadcasting Company:

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Trinity Christian Center of Santa Ana, Inc.
dba Trinity Broadcasting Network, and
National Minority TV, Inc.:

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Washington, D.C. 20036-5383

For Mass Media Bureau - Federal
Communications Commission:

JAMES W. SHOOK
Attorney at Law
Mass Media Bureau
Washington, D.C. 20554

Also Present:

JOSEPH E. DUNNE, III



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I N D E X

<u>WITNESS</u>	<u>EXAMINATION</u>	<u>PAGE</u>
AGUILAR, PHILLIP RUSSELL	BY MR. COHEN	5,217
	BY MR. SHOOK	182
	BY MR. TOPEL	206

EXHIBITS FOR IDENTIFICATION

(None)



1 Santa Ana, California, Monday, September 27, 1993

2 9:10 a.m.

3

4 PHILLIP RUSSELL AGUILAR,

5 produced as a witness by and on behalf of Glendale

6 Broadcasting Company, and having been first duly sworn, was

7 examined and testified as follows:

8

9

EXAMINATION

10 BY MR. COHEN:

11 Q Pastor, will you please state your name for the
12 record.

13 A Phillip Russell Aguilar.

14 Q And what is your address?

15 A 615 "K" Road, Visalia, California.

16 Q And will you please identify your occupation,
17 sir.

18 A Christian businessman, pastor, evangelist,
19 church planner.

20 Q You wear a lot of hats.

21 And are you affiliated with an institution
22 called Set Free?

23 A Yes.

24 Q Would you identify Set Free for the record,
25 please.

1 A Set Free is a group of Christian churches in
2 the United States, internationally now.

3 Q And it has more than one facility in and around
4 Santa Ana?

5 A Yes, sir.

6 Q Would you describe those facilities briefly.

7 A There's independent churches that are
8 associated through mutual goals all over Orange County and
9 in other states and in five different countries.

10 Q Thank you. I haven't had the opportunity to
11 speak with you until this moment. You are not represented
12 by counsel, nor need you be, but I wanted to know: Has
13 anyone up to this point explained to you that you have the
14 opportunity to have counsel of your choice if you wish to
15 have counsel?

16 A Yeah, I knew I could have counsel.

17 Q Has Mr. Topel or anyone else explained to you a
18 rule that we have in this proceeding called sequestration?

19 A Yes, sir.

20 Q So am I correct that you have no knowledge
21 about any of the testimony that anyone has given in this
22 proceeding?

23 A None whatsoever.

24 Q What I would ask of you is that you not discuss
25 your testimony, either the questions or the answers, with

1 anybody who is connected with Trinity.

2 Would you agree with that, rather than go
3 through the names, Howard?

4 MR. TOPEL: Yes. We have discussed the
5 sequestration. Pastor Aguilar, I am confident, understands
6 it.

7 BY MR. COHEN:

8 Q Rather than give you the names of the persons
9 that are supposed to testify, why don't I just tell you
10 don't talk about this with anybody related to Trinity.

11 A Sounds wonderful.

12 Q That way you will have avoided the
13 sequestration.

14 A Okay.

15 Q Also, Pastor, have you ever been deposed
16 before?

17 A I think I have many --

18 Q Years ago?

19 A -- times.

20 Q What I wanted to say is: The way this works is
21 I'm going to ask you a series of questions. My colleague,
22 Mr. Shook, who represents the Mass Media Bureau of the
23 Federal Communications Commission. May ask you questions,
24 and my colleague Howard Topel, who represents Trinity, will
25 have the opportunity to ask you questions.

1 Any time that my questions are not clear,
2 please tell me, and I will try and make them clear. At any
3 time during the course of your answers you want to change an
4 answer, modify it, adjust it, correct it, whatever, I want
5 you to do that. All I want from you are the facts. And any
6 time something comes to your mind, for example, that you
7 should have said or you shouldn't have said in terms of the
8 facts, please state that on the record. Is that clear?

9 A Yes, sir.

10 Q Good. How did you prepare for this session, or
11 did you prepare at all for this session in any way?

12 A I spent about an hour and a half just talking
13 to Howard, trying to remember some of the things that
14 happened a few years back.

15 Q And when was that?

16 A Last night.

17 Q And did you review any documents or look at any
18 documents?

19 A I looked at a few of them, yes.

20 Q Can you recall what documents you looked at?

21 A Some of the meetings that I went to for NMTV,
22 the affidavit, and basically that was about it.

23 Q You know a man named Paul Crouch, of course?

24 A Yes, sir.

25 Q When is the last time you spoke with him about

1 anything?

2 A I was on the program last Tuesday night.

3 Q And what program is that?

4 A Praise the Lord program on his TV network.

5 Q So you spoke with him then?

6 A Yes.

7 Q And preceding that, when was the last time you
8 spoke with him?

9 A Probably at least two or three months.

10 Q Now, you've mentioned your affidavit. By
11 "affidavit," are you referring to the document that's in
12 front of you?

13 A Yes, sir.

14 Q Look at page 12, if you would. That's your
15 signature?

16 A Yes, sir.

17 Q I want to bring you back to the time that this
18 affidavit was prepared, which it was signed by you on
19 September 24, do you see that, 1991? Do you see that in the
20 middle of the page, page 12 of 12?

21 A Yes.

22 Q That's the period of time I want to ask you
23 about, so try to bring yourself back to, I guess it's, two
24 years ago.

25 A Okay.

1 Q And when the time changes, I'll tell you. But
2 that's the time I'm asking you about.

3 A Okay.

4 Q Bringing you back to that time, did you know
5 that NMTV hired a private investigator to look into facts
6 about your record?

7 A I'm not sure if we're talking about -- when
8 they did do that, I didn't know that. I found it out at a
9 next meeting coming up.

10 Q When did you find out about it?

11 A Probably somewhere within the realm of 30 days
12 after that.

13 Q And how did you find out about it?

14 A We were at a meeting at TBN. We were in Tustin
15 having an NMTV meeting, and the directors were there, Colby
16 May, the attorney, was there, and it was brought up there
17 that Mr. Little had secured my files from the courthouse
18 about my past.

19 Q And how did that come up in the meeting,
20 Pastor?

21 A It was because they were preparing for FCC
22 findings, things that they needed, and it just kind of was
23 part of the protocol of the meeting.

24 Q That's when you learned of it?

25 A Yes.

1 Q Do you remember who was present at that
2 meeting?

3 A Colby May, Paul Crouch, myself, I think Terry
4 Hickey might have been there, Jane Duff was there, and
5 possibly Matt Crouch might have been there.

6 Q This was in 1991, correct? We are talking
7 about back in '91?

8 A Right.

9 Q Were any of the other directors -- I'm trying
10 to remember, back in '91, Pastor Espinoza, he was gone? He
11 left in '90?

12 A In '90.

13 Q This was before --

14 A Before E.V. Hill came on board.

15 Q Before E.V. Hill came on board. So you were
16 the only --

17 A Jane Duff.

18 Q And Paul Crouch were the directors?

19 A Yes.

20 Q They were all present at that meeting?

21 A Yes.

22 Q The purpose of that meeting was to do what?
23 Why were you meeting?

24 A Well, for numerous things.

25 Q Can you recall?

1 A We were talking about -- I think at this time
2 we were talking about the Odessa station. We were viewing
3 financial -- they were briefing me on financial reports on
4 stations. Jane Duff was giving information about, I think,
5 like going to trade shows, I think they call them, where
6 they learn about other low-power stations and medium
7 stations.

8 And we were addressing the issues on the
9 Wilmington, Delaware station, I think was an important part
10 of that. We were talking about what we should do as far as
11 continuing to secure the station. And then I think it was
12 brought up somehow, like I said, where my past and Detective
13 Little had secured those things. And I think basically
14 those were the things we talked about, but a lot of
15 briefing, bringing me up-to-date on things on the stations.

16 Q I understand. The document you have in front
17 of you, that declaration, your affidavit -- which you're
18 going to share with Mr. Topel, or we can get you another
19 copy, if that's necessary.

20 A That's fine.

21 Q -- do you recall how this document came about,
22 that is, how it was prepared? Do you have a recollection of
23 the process which resulted in this affidavit being signed by
24 you?

25 A I just remember communication back and forth.

1 Q Tell me what you can recall about it.

2 A That Jane Duff talked to my secretary and we
3 talked about putting an affidavit together that would just
4 kind of bring up-to-date from the beginning of how I got on
5 the board and just the important things that came along to
6 our relationship with TBN and how we met and our
7 association, just kind of an overview of our --

8 Q Whose words are there? I mean, who wrote it?
9 Who actually did the writing, if you know?

10 A Well, my secretary is the one who put together
11 my part. And then the words, like I said, I'm not sure
12 exactly who put the right sentence structure so it would be
13 understandable. I'm thinking it would be Jane Duff who
14 actually grammatically structured it correctly. In other
15 words, I give, you know, paraphrase to my secretary and
16 then --

17 Q Then what would she do with it?

18 A Turn it over to Jane Duff, is who I imagine it
19 went to then.

20 Q You don't know that, though? You say you
21 imagine. I am trying to find out what you know.

22 A All of our dealings were really with Jane Duff,
23 being the secretary of the board, that's who we had our
24 communications with.

25 Q Did you talk with Jane Duff directly about the

1 preparation of this?

2 A Yes.

3 Q Did you give her the facts? And by "facts,"
4 I'm talking about the contents, like, for example --

5 A I actually gave the facts and contents to my
6 secretary to give to Jane.

7 Q And who was your secretary?

8 A Lois Trader.

9 Q And you did this orally to her?

10 A Yes.

11 Q Then she in turn spoke to Jane?

12 A Uh-huh.

13 Q And then somehow they ended up in an affidavit?

14 A Yes, sir.

15 Q But you don't know how the actual affidavit was
16 prepared? I don't want to put words in your mouth. I want
17 to make sure I understand what you are saying.

18 A No. I believe it was done with Jane right
19 there.

20 Q You mean the actual drafting of the document?

21 A Uh-huh.

22 Q And you say you believe it was done by Jane?

23 A Right.

24 Q That's what your secretary told you or that's
25 what you observed?

1 A That's just what I observed. My part is I do
2 it with my secretary, then her communication is with Jane,
3 and then the secretaries working together like that.

4 Q Did you have a face-to-face meeting with Jane?

5 A Numerous times.

6 Q In connection with the preparation of this
7 document?

8 A No.

9 Q So Lois, your secretary, talked to Jane on the
10 phone?

11 A Yes, sir.

12 Q Now, the format of this affidavit was obviously
13 not -- you didn't prepare the format?

14 A That's right.

15 Q Do you know what I mean by a "draft"? A draft
16 is not a final version, something before you sign it.

17 A Yes.

18 Q You know, a preliminary copy.

19 A Yes.

20 Q That's what I mean by "draft" now.

21 A Okay.

22 Q Did you see a draft of this affidavit before
23 this final document was prepared?

24 A Come to think about it, in my mind's
25 recollection now --

1 Q Take your time.

2 A Is that Joe -- you are the one that sent me the
3 draft, aren't you?

4 MR. DUNNE: I can't testify for you. You have to
5 testify.

6 MR. TOPEL: Pastor, you need to give just your best
7 recollection.

8 THE WITNESS: My best recollection is --

9 BY MR. COHEN:

10 Q I am trying to help your memory. That's what
11 I'm trying to do.

12 A -- that I got a draft. And, as a matter of
13 fact, it was submitted again, because some of the order of
14 the statements we put -- or we didn't give enough facts on
15 there, and it was sent back again and we redid it. And I
16 think it was sent out of Colby May's office.

17 Q So you got a draft, and then you and your
18 secretary reviewed it?

19 A Right.

20 Q And you made some changes in it?

21 A Exactly. Now it's coming back that it wasn't
22 Jane Duff over there. It was coming out of the Colby May
23 office.

24 Q And the changes you made were because -- why
25 did you make changes?

1 A I think there were just little basic things,
2 like putting a few more facts on there and trying to give a
3 little more detail.

4 Q Now, when you prepared for this deposition last
5 night with Mr. Topel, I take it you reviewed this affidavit?

6 A A little bit, yeah.

7 Q Let me ask you about -- if you look at the
8 document, you see there is a paragraph 1 and then it's
9 underlined?

10 A Uh-huh.

11 Q And the remainder of page 1 and up until the
12 first paragraph on page 2 are the answer to this question
13 that was put to NMTV by the FCC. I just want to refresh
14 your recollection.

15 Do you understand what that is, what I'm saying
16 to you?

17 A Uh-huh.

18 Q Now, I want to read into the record -- I think
19 the affidavit has been identified for the record, but let me
20 do it again. It's an affidavit of Pastor Phillip R. Aguilar
21 consisting of 12 pages, and it was subscribed to by him on
22 September 24th, 1991, and my copy is document number 51755
23 through 51766. That's just to identify it for the record.

24 I want to ask you about the first paragraph
25 where it states, and this is you speaking, "I did speak to a

1 reporter for the Orange County Register, but the quote
2 attributed to me concerning my being a figurehead was not
3 accurately quoted and, in fact, was taken totally out of
4 context."

5 Now, are those your words, or are those someone
6 else's words? Do you speak that way using the word --

7 A Those are my words.

8 Q So you used the words "attributed to me"?
9 Those are your words?

10 A The definition is definitely mine.

11 Q And "the words were taken totally out of
12 context," those are your words? Those aren't someone else's
13 words?

14 A No. Those are totally mine.

15 Q Tell me, were you interviewed by someone at the
16 Orange County Register?

17 A Uh-huh.

18 Q Do you remember who interviewed you?

19 MR. TOPEL: Excuse me. Pastor, you need to say yes,
20 because it's hard for her to record something that we in the
21 room understand.

22 THE WITNESS: Yes.

23 BY MR. COHEN:

24 Q I think you're a quick sketch. I think you'll
25 pick that up very fast.