

10. In addition, paragraph 2.j. of the Purchase Agreement between Delaware Valley and NMTV specifically noted that NMTV's proposed acquisition of WTGI-TV was subject to compliance with rule 73.3555, and specifically provided, in pertinent part, that:

[s]hould the Commission not grant [NMTV] a waiver of Section 73.3555 of its rules and regulations, or authorize the assignment of the above listed station, for whatever reason, then this agreement shall automatically become null and void and the parties shall be released from any and all obligations of the other whatsoever.

**D. Facts About NMTV Operation**

11. NMTV is an existing corporation with a history of over ten (10) years duration, and received a determination of tax exemption from the Internal Revenue Service in 1981 (Exhibit 17). It is recognized as tax exempt by three states. It has operated two full power television stations, in Odessa and Portland, separated by almost 1500 miles. NMTV now has seven (7) full time employees.<sup>9</sup> NMTV has its own bank accounts from which it pays its own employees and other creditors, and has its own revenues, from the sale of broadcast time and spots. NMTV receives its own contributions as a recognized 501(c)(3) organization. NMTV is qualified to do business in California, Texas and Oregon, is in

---

9/ NMTV's current Annual Employment Report is included in Exhibit 7. It is ironic that this allegedly "sham" minority organization employs three minorities on a staff of seven in a television market in the Pacific northwest without large numbers of minorities.

good standing,<sup>10</sup> and has regular meetings of the board of directors at which corporate business is discussed and voted upon. NMTV also has its own employee policies and its own health insurance coverage.

II. THRESHOLD PROCEDURAL AND SUBSTANTIVE REQUIREMENTS BAR PETITIONER'S FILING

12. Section 309(d) of the Act, and Commission rule 73.3584(a), specifically state that only a "party-in-interest" has standing to file a petition to deny. See, also, Philco Corp. v. FCC, 257 F.2d 656 (1958), cert denied, 358 U.S. 946 (1959); WGAL Television, Inc., \_\_\_ F.C.C.2d \_\_\_, 13 Rad. Reg. 2d (P&F) 1131 (1968); Triangle Publications, Inc., 27 F.C.C.2d 1019, 21 Rad. Reg. 2d (P&F) 420 (1971); Miami Broadcasting Co., 27 F.C.C.2d 1019, 1 Rad. Reg. 2d (P&F) 43 (1963). As held in WGAL Television, Inc., 13 Rad. Reg. 2d (P&F) at 1133, standing as a "party-in-interest" in an assignment proceeding is established only when a Petitioner demonstrates that grant of the application would result in or be reasonably likely to result in some injury of a direct, tangible or substantial nature to the Petitioner. The injury must be of a "substantial character, not an injury that is only nominal or speculative." Petitioner's reliance on WFBM, Inc., 47

---

10/ See Exhibit 8, a Certificate of Corporate Good Standing from the State of California.

B. Petitioner's Allegation That NMTV Is Not In Full Compliance With the Commission's Multiple-Ownership Rules and is a "Sham" is Wrong on the Law and the Facts

25. Petitioner, at the outset, attempts to obfuscate the issue by attempting to judge NMTV by the same standards as the Commission applies in determining whether an applicant is entitled to credit under the integration criteria of the standard comparative issue in licensing proceedings, and thereby cites KIST and its progeny for the proposition that NMTV is a "sham" organization, or a "front" for Trinity Broadcasting Network. KIST and its progeny are wholly and completely inapposite, however. Not only are there some rather dramatic factual distinctions between NMTV and KIST and its progeny which the Petitioner ignores, but Petitioner overlooks the fact that NMTV is not seeking integration credit under the standard comparative issue, but is seeking an assignment of license under an exception to the multiple ownership rules. A review of the Commission's pronouncements on the issue shows that the Commission's primary concern is the legal integrity of the proposed minority corporation, an integrity which NMTV more than amply satisfies. Accordingly, the Commission's grant of the Odessa and Portland assignments was in accord with the spirit and intent of rule 73.3555(d), and the rulings in General Docket No. 83-1009. Multiple Ownership--Seven Station Rule, 100 F.C.C.2d 17, 56

Rad. Reg. 2d (P&F) 859 (1984); partial recon. granted, Multiple Ownership (12-12-12 Reconsideration), 100 F.C.C.2d 74, 57 Rad. Reg. 2d (P&F) 966 (1985). Rule 73.3555(d) provides in pertinent part as follows:

(d)(1) No licensee for a commercial AM, FM or TV broadcast station shall be granted, transferred or assigned to any party -(including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or have a cognizable interest in, either:

(i) more than fourteen (14) stations in the same service, or

(ii) more than twelve (12) stations in the same service which are not minority controlled.

(2) No licensee for a commercial TV broadcast station shall be granted, transferred or assigned to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or have a cognizable interest in, either:

(i) TV stations which have an aggregate national audience reach exceeding thirty (30) percent,

(ii) TV stations which have an aggregate national audience reach exceeding twenty-five (25) percent and which are not minority controlled.

(3) For purposes of this paragraph:

(iii) 'Minority-controlled' means more than fifty (50) percent owned by one or more members of a minority group.

(iv) 'Minority' means Black, Hispanic, American-Indian, Alaskan Native, Asian and Pacific Islander.

(underlining added)

The reading of this rule makes it clear that no abridgment of the Commission's policies occurs when an individual or organization owns, operates or controls, including parties under common or group control, or has a cognizable interest in "no more than 14 stations in the same service," and in the case of television does not "have an aggregate national audience reach exceeding thirty (30) percent."<sup>18</sup> Indeed, at no time has Petitioner questioned the minority status of Mrs. Duff or Rev. Aquilar, and as held in Roanoke Christian Broadcasting, Inc., supra, since NMTV is a nonprofit organization, "control" is determined by reference to its board of directors. Accordingly the requirement of rule 73.3555(d)(3)(iii), which defines "minority control" as fifty (50) percent owned by one or more members of a minority group, has been met. The rule does not require anything more. Neither

---

18/ As noted in its April 9, 1991 supplemental filing to the WTGI-TV Assignment (Exhibit 6 attached), NMTV consummated the sale of channel 42, KMLM(TV), Odessa before it became necessary to consider the limited waiver request of rule 73.3555(d) NMTV submitted with the WTGI assignment.

the rule nor the Commission's various policy statements explaining or defining the rule require or even suggest that the minority-controlled company or organization provide any specific kind of programming or that the controlling minorities be involved in the management of the station (which was the issue in KIST and its progeny). There is no explicit rule or implicit suggestion that the controlling minority group members are prohibited from working with companies or other organizations which are not minority controlled. Finally, the structure of the rule and the Commission's explanations of the rule show that the Commission contemplated--in fact, expected--that the minority-controlled corporation would have financial and other relations with a nonminority-controlled group owner.

26. For example, the issue of a group owner's participation in the two additional stations permitted under the fourteen (14) cap standard was specifically discussed and approved in Multiple Ownership Reconsideration, supra. When evaluating the factor of creating minority incentives in the context of revising the multiple-ownership rules in 1984 and 1985, the Commission observed that while the national multiple ownership rules were not primarily intended to function as a vehicle for promoting minority ownership in broadcasting, since financing had always been the obstacle to increasing minority ownership, it specifically recognized that the new fourteen (14) station cap

rule was intended to permit group owners to work with and assist minorities in acquiring broadcast ownership. The Commission stated it this way:

Thus while it would be inappropriate to retain multiple ownership regulations for the sole purpose of promoting minority ownership, we now believe that a minority incentive should be included in the rules adopted by our action today. Accordingly, we are adopting rules today which permit group owners of television and radio stations to utilize a maximum numerical cap of fourteen (14) stations provided that at least two of the stations in which they hold cognizable interests are minority controlled. Multiple Ownership Reconsideration, 57 Rad. Reg. 2d at 982 (underlining added).

In establishing the standard for minority-control, the Commission provided that:

We believe that a greater than fifty (50) percent minority ownership interest is an appropriate and meaningful standard for permitting increases to the rules adopted herein. [footnote omitted] Multiple Ownership Reconsideration, 57 Rad. Reg. 2d at 982.

This is precisely the standard incorporated in rule 73.3555(d)(3)(iii). Moreover, this same standard for minority control in order to obtain a preference in LPTV/Television translator lotteries is found in FCC Form 346, section V, Minority Preference, Instruction 3.c.<sup>19</sup> The standard set forth in FCC Form 346 was mandated by 47 U.S.C. § 309(i)(3)(A). Mrs. Duff and Rev. Aquilar are owners, as defined by the Commission

---

<sup>19/</sup> See Exhibit 16.

rules and policies. See Roanoke Christian Broadcasting, Inc., supra. Petitioner has made no showing that Mrs. Duff and Rev. Aquilar aren't directors, or that they don't go to meetings, vote on corporate business or comply with their corporate fiduciary responsibilities. Against this backdrop of black letter law, Mr. Borowicz' arguments and reliance on case law developed in the context of the grant of integration credit under the standard comparative issue is erroneous.

27. Petitioner's reliance on KIST and its progeny is also factually unsupportable as well. NMTV is not an applicant whose sole business is prosecuting an application and its sole concern reaping integration credit under the standard comparative issue. As noted in section I.D. above, NMTV is a ten-year old organization which has operated two broadcast stations separated by 1500 miles. It receives its own revenue, and, as an exempt corporation, its own contributions. It is qualified to do business in three states (Exhibits 8 and 17). It hires and fires its own employees, has its own employee policies, and has its own insurance. It files its own tax returns. It pays its own bills.

28. Against this factual background Petitioner advances a number of arguments which cannot reasonably be said to raise a substantial and material question as to NMTV's bona fides. For example, Petitioner notes that NMTV has the same address and telephone number as Trinity Broadcasting Network, a circumstance

which is hardly probative for nonprofit entities, which often share offices or other facilities with compatible organizations to save costs. This is particularly the case with NMTV since it was the licensee of stations separated by 1500 miles, and will, if this application is granted, be the licensee of stations separated by 3,000 miles. The use of the same lawyer and engineer is hardly probative, since Mrs. Duff admittedly had a long association with both her lawyer and her engineer before NMTV acquired channel 42, Odessa. NMTV's principals surely are not required to hire strangers to prove their legal independence. Petitioner's suggestion that NMTV's applications and EEO programs, even its programs-problems list, bear similarities to those of Trinity Broadcasting Network is probative of very little. NMTV's counsel is not required to indulge in flights of creative fantasy for essentially boilerplate representations, nor is the use of similar programs-issues forms suggestive of any nefarious connection either. If it were, the NAB would be considered a real-party-in-interest in most of the broadcast stations in the country, given the widespread use of NAB forms from the NAB Legal

Guide.<sup>20</sup> The fact that neither Mrs. Duff nor Rev. Aquilar have been compensated by NMTV proves nothing. Most directors of nonprofit agencies are not compensated, but are volunteers because they sympathize with the goals of the organization. Each of NMTV's directors also have responsible positions, Rev. Aquilar is the pastor of a large church with outreach ministries in several states, including Texas, Illinois and California.<sup>21</sup>

29. Petitioner's claims that there is no proof that Mrs. Duff or Rev. Espinoza (or Rev. Aquilar) have "ever done anything other than sign papers" (Petition, p. 11) stands both logic and the Commission's rules on their head.<sup>22</sup> NMTV doesn't need to prove that Mrs. Duff, Rev. Espinoza or Rev. Aquilar are truly directors. The Communications Act places that burden on Petitioner. See, e.g., WAIT Radio, supra. Petitioner, on the other hand, has provided absolutely no proof of any kind

---

20/ Similarly, counsel for Petitioner apparently used his own boilerplate papers, or word processing disk, when he states in his Conclusion section (Petition, p. 19) that: [i]t is well established that the Commission cannot grant an application without further investigation if it lacks sufficient facts to determine that renewal would serve the public interest." This is an assignment proceeding, but, as the Commission's files reflect, counsel has filed numerous Petition's to Deny against renewal applications.

21/ See Exhibit 18. Also included in this exhibit are numerous letters to Rev. Aquilar praising him and his ministry for helping clean-up poverty and crime riddled areas of Anaheim, California.

22/ While Rev. Espinoza is no longer with NMTV, a short biography on his activities is attached as Exhibit 19.

whatsoever that Mrs. Duff and Rev. Aquilar are not functioning as directors in accordance with their fiduciary responsibilities and state law.

30. Petitioner's claim that "TBN has boldly held out to its readers that it will control WTGI-TV" (Petition, p. 13) is another example of Petitioner's tabloid pleading style. A review of the newsletter to which Petitioner refers shows that the reference to channel 61 included one reference to channel 61 being in "full affiliation" to Trinity Broadcasting Network, and two references to the fact that Channel 61 would be an NMTV station. According to Petitioner's standards, it appears the president of any national network could be convicted of misrepresenting the ownership or control of their broadcast affiliates.

31. Petitioner's cruelest cut, his most unnecessary, and his most inaccurate, is his casual dismissal of Rev. Espinoza as "faithful ... and fungible" and his contemptuous reference to Mrs. Duff as "Paul Crouch's secretary." Mrs. Duff is not now, and has never been, Dr. Crouch's secretary (see Petition, p. 11), a fact which Petitioner could have easily ascertained if he sought facts from sources other than newspaper articles. Mrs. Duff is the "Assistant to the President" of Trinity Broadcasting Network, a title which means what it says--she holds virtually the second highest management office in the Network's hierarchy.

Mrs. Duff has now been intimately involved in broadcasting in a managerial capacity for over 11 years. Any apparent lack of formal education which Petitioner claims disqualifies Mrs. Duff has surely been cured by eleven years of on the job managerial experience. Moreover, even if Mrs. Duff were as uneducated and inexperienced as Petitioner alleges, that does not reflect on her ability to fulfill a managerial role, or serve as a director of the station. Since 1965 the Commission has held that lack of broadcast experience doesn't disqualify an applicant from being qualified to fulfill a broadcast management position, see, e.g., Policy Statement on Comparative Broadcast Hearings, 1 F.C.C.2d 393, 5 Rad. Reg. 2d (P&F) 1901, 1910 (1965). Even lack of other business experience does not reflect an individual's ability to fulfill a management role. See, e.g., Webster-Baker Broadcasting Co., 88 F.C.C.2d 944, 50 Rad. Reg. 2d (P&F) 1142, 1148 (Rev. Bd. 1982). Finally, it is particularly absurd to claim that Mrs. Duff's lack of broadcast experience (however inaccurate), disqualifies her from being considered an owner when the whole purpose of the minority exception to the multiple ownership rules is to increase the participation of minorities in broadcast ownership.

32. Nor does either Rev. Espinoza (or Rev. Aquilar) deserve Petitioner's sneering reference to "faithful ... and fungible" Hispanic ministers. Rev. Espinoza pastors two churches in the

Los Angeles area, one which is English speaking, and one which is Spanish speaking. Rev. Espinoza's seven-year stay on NMTV's volunteer nonprofit board was not a short one either. A seven-year tenure is a long one on volunteer nonprofit boards, whose generally rapid turnover the Commission has been forced to recognize in its rulemaking proceeding in MM Docket No. 89-77, FCC 89-90, released April 11, 1989. As noted above, Rev. Aquilar is the pastor of a large church with outreach ministries in three different states.<sup>23</sup> Accordingly, when the facts, as opposed to Petitioner's speculative name calling, are examined, NMTV's minority directors are hardly--to use one of Petitioner's words-- "Patsies," but principals with a depth of personal, broadcast and managerial experience who would give credit to any nonprofit corporation on whose board they sat.

33. Petitioner's allegations that NMTV, or Trinity Broadcasting Network, have concealed or not disclosed their relationship simply isn't factually accurate either. As noted in Section I above, both parties have made extensive disclosures, and have provided all the information which the Commission's forms required or the Commission's staff has suggested. Petitioner's charges that there was (or is) an intent

---

<sup>23/</sup> In preparing this pleading NMTV has discovered that Rev. Aquilar had been convicted in 1976 of a criminal charge of assault. Accordingly, NMTV's response to Section II, question 4(a) is incorrect. NMTV will be filing a corrective amendment as soon as practicably possible.

to deceive the Commission founders on the fact that Petitioner attempts to prove his allegations in almost ever particular by reference to documents which NMTV or Trinity Broadcasting Network filed with the Commission, or which were discovered in the public file of various stations. It is difficult to manufacture a serious case of a failure to disclose when the allegations are based on facts taken from documents filed with the agency in accordance with its rules. See, e.g., Vogel Ellington Corp., 41 F.C.C.2d 1005, 1010, 27 Rad. Reg. 2d (P&F) 1685, 1692 (Rev. Bd. 1973); Superior Broadcasting of California, 94 F.C.C.2d 904, 54 Rad. Reg. 2d (P&F) 773, 776 (Rev. Bd. 1983).

C. Petitioner's Failure to Consider or Even Acknowledge the Difference Between Debt and Equity is the Basis For His Flawed Assertions That Improper Fundraising Has Occurred.

34. Mr. Borowicz' final argument is that NMTV's program network, the Trinity Broadcasting Network, and its president, Paul Crouch, falsely and fraudulently solicited contributions from the public in support of the WTGI-TV purchase, or, in the alternative, that NMTV has falsely certified its financial qualifications. These arguments are false, and are completely constructed on guess, surmise, and suggested inferences which do

occurred, or that any such improper conduct has taken place. Petitioner's reach into the bucket to grab a little mud does not work here--the mud simply won't stick.

#### IV. CONCLUSION

39. Petitioner's filing is unsupported by law and fact. NMTV's proposed purchase of WTGI-TV is fully compliant with Commission rule 73.3555(d), and the involvement of Dr. Paul F. Crouch and the Trinity Broadcasting Network not only meets the Commission's standards, but was specifically contemplated in Multiple Ownership Reconsideration, supra. NMTV's qualifications, and the involvement of Dr. Crouch and the Trinity Broadcasting Network, have twice been previously disclosed and twice been previously authorized by the Commission. A full disclosure and listing of Dr. Crouch's and Mrs. Duff's broadcast interests was provided in the WTGI-TV application, and a limited waiver of rule 73.3555(d) was also included in order to permit NMTV to consummate its approved sale of KMLM-TV, Odessa, Texas. That divestiture requirement has been completed, and NMTV is prepared to complete its acquisition of WTGI-TV following Commission approval.

40. Petitioner has failed to offer even the slightest bit of evidence which complies with the requirements of section 309(d) of the Act. It has not provided a single statement from

an individual with personal knowledge of the facts alleged to support its allegations. Moreover, even often distorted or incomplete citations Petitioner provides to the public record cannot make up for this fatal flaw.<sup>29</sup> For these reasons alone Mr. Borowicz' Petition must be denied. WAIT Radio, Inc., supra, WKBN Broadcasting Corp., supra, and Mississippi Authority for Educational Television, supra.

41. Petitioner's retreat to contesting NMTV's intended program format change of WTGI-TV is likewise completely legally insufficient, in fact, legally irrelevant. FCC v. WNCN Listeners Guild, supra, 450 U.S. 582 (1981). Moreover, NMTV has included a petition with hundreds of signatures supporting the program change it is proposing. These signatures underscore the Commission's wisdom in refusing to consider format changes.

---

29/ As an example of a particularly egregious distortion, Petitioner excerpted, on p. 12, a statement from an amendment filed by the Trinity Broadcasting Network on April 13, 1989 in its assignment application to acquire WHSG(TV), Monroe, Georgia (BAPCT-881007KN) in which Trinity Broadcasting Network stated that "at no time will Trinity ever operate more than twelve television facilities." As part of that application the Trinity Broadcasting Network had requested a one-year waiver of the Rule of 12 as it applies to nonminority-controlled organizations. In its April 13, 1989 filing it sought to bring its waiver request in closer accord with the ruling in TVX Broadcast Group, Inc., FCC 87-69 (released February 25, 1987). As a result, Trinity Broadcasting Network was agreeing that it would not actually activate the over-the-air broadcast operation of WHSG(TV), an unbuilt construction permit, until it had divested one of its other holdings. Petitioner cited this statement to support an inference that Trinity Broadcasting Network somehow promised not to acquire interests in more than 12 stations. Put in context, the statement meant something entirely different.

Also, as noted in Exhibit 11, others are poised to provide the foreign and Spanish-language programming which might otherwise be displaced because of NMTV's acquisition of WTGI-TV. This underscores that the marketplace, and not any artificial government fiat, is the proper forum for resolution of format and programming questions.

42. Finally, Petitioner's allegation that NMTV or its principals have engaged in false and fraudulent fundraising is not only factually unsupported, it is total nonsense. Indeed, since the cornerstone of NMTV's funding to acquire WTGI-TV is its December 7, 1990 letter from the Bank of California, requesting donations is in no way false or misleading. A party may have loan funds available and still wish to pay cash to reduce its debt burden--especially if it is purchasing a bankrupt station. The gap between the facts and Mr. Borowicz' allegations confirms the wisdom of requiring petitioners to provide real evidence to support their claims, not just wild guess and speculation.

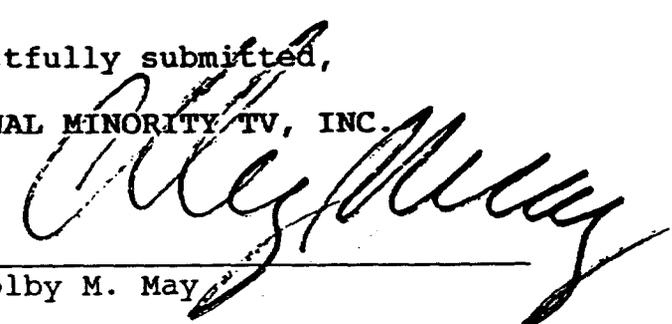
43. Petitioner has failed to make any prima facie showing that grant of the WTGI-TV assignment to NMTV is not in the public interest. None of his charges comply with the requirements of section 309(d) of the Act nor the Commission's case law applying the Act. NMTV is in compliance with the multiple-ownership rules, has provided complete disclosure to the Commission concerning the involvement of Dr. Crouch and the Trinity

Broadcasting Network, and has not, nor has its president, indulged in any fraudulent or false fundraising. Accordingly, Mr. Borowicz' Petition should be expeditiously denied and dismissed.

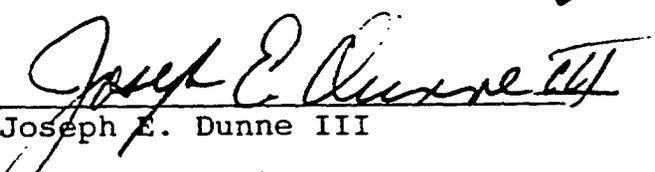
WHEREFORE, National Minority TV, Inc. hereby respectfully requests that the May 10, 1991 Petition to Deny, and For Other Relief filed by Dan Borowicz, and the informal objections filed in this matter, be denied and dismissed and the WTGI-TV assignment approved in the public interest.

Respectfully submitted,

NATIONAL MINORITY TV, INC.

By: 

Colby M. May

By: 

Joseph E. Dunne III

Its Attorneys

MAY & DUNNE, CHARTERED  
Suite 520  
1000 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007  
(202) 298-6345

May 22, 1991

STATEMENT OF JANE DUFF

My name is Jane Duff and I am an officer and director of National Minority TV, Inc.

I hereby declare that I have read and reviewed the foregoing Consolidated Opposition to Petition to Deny and Informal Objections and to the best of my knowledge and belief all of the facts and assertions made therein are true and correct.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the State of California and of the United States of America.

Accordingly, I have signed this statement on the 22nd day of May, 1991.

  
\_\_\_\_\_  
Jane Duff, Director  
National Minority TV, Inc.

m  
m  
B  
E  
X

354

May 24, 1991

NMTV  
H

Rev. Phillip Aguilar  
Set Free Ministries  
320 N. Anaheim Boulevard  
Anaheim, California 92805

RE: National Minority TV, Inc.

Dear Rev. Aguilar:

Let me introduce myself. I and my partner Colby May represent National Minority TV, Inc. in its dealings with the Federal Communications Commission. We also represent Trinity Broadcasting Network, and other affiliated organizations.

Mr. May and I tried to reach you on May 21st through the 23rd. Mr. May was able to speak with your secretary, Lois Tredder. She can tell you, generally, why we need to speak with you. What she cannot emphasize enough, however, is that we need to speak to you personally.

In conjunction with certain other matters concerning NMTV's application to acquire WFGI-TV in Wilmington, Delaware, it came to our attention that in the 70's you were convicted of a crime. That was not reported to the FCC in the application and we need to file an amendment to report that information. Unfortunately, this amendment is hardly pro forma. As Mrs. Duff will tell you, the NMTV Wilmington application is contested--there is a petition to deny that has been filed against the application and we expect that all of our pleadings and representations will be scrutinized with great care.

It is for that reason that we need to speak with you directly concerning the circumstances concerning your 1976 conviction. The reason we need to speak with you directly is that we need to be completely and absolutely accurate in any representations that are made to the FCC concerning this matter. Neither Mr. May nor I think that the fact of the conviction itself, ultimately, will make any difference. What could cause problems, however, is that the information is somehow inaccurately or incompletely reported.

Accordingly, Mr. May and I hope that you will give either one of us a call at your earliest convenience to discuss this matter

①

00359

Federal Communications Commission

Docket No. 93-25 Exhibit No. 354

Presented by M M B **DEC 03 1993**

Disposition { Received DEC 03 1993  
Rejected \_\_\_\_\_

Reporter A. Wilson

Date **DEC 03 1993**

May 24, 1991  
Page 2

with us. We will only take a few moments of your time, but it will be a few moments that will be extremely helpful to NMTV.

We hope to year from you soon.

Very truly yours,

Joseph E. Dunne III

JED:jrfB47  
xc: Jane Duff

(2)

06360

—  
M  
M  
B  
E  
X.

355

JOSEPH E. DUNNE III  
COLBY M. MAY

MAY & DUNNE

CHARTERED

ATTORNEYS AT

1000 THOMAS JEFFERSON STREET, N.W.

SUITE 520

WASHINGTON, D.C. 20007

(202) 298-6345

RICHARD G. GAY  
OF COUNSEL

TELECOPIER NO.  
(202) 298-6375

FCC/MELLON JUN 18 1991

AL REGISTERED IN VIRGINIA

June 14, 1991

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Communications Commission  
Mass Media Services  
P. O. Box 358180  
Pittsburgh, Pennsylvania 15251-5180

RE: KNMT(TV), Portland, Oregon, Ownership Report

Dear Sir or Madam:

On May 3, 1991 James J. Brown, Assistant Chief, Video Services Division, Mass Media Bureau, sent a letter to National Minority TV, Inc. ("NMTV"), licensee of the referenced facility. That letter noted that no annual ownership certification had been provided for KNMT(TV). However, NMTV did file an updated ownership Report on November 15, 1990 for KNMT(TV), and its 1991 certification is not due until October 1. However, NMTV is submitting herewith a new Ownership Report for KNMT(TV), since it filed its November 15, 1990 Ownership Report reflecting the addition of a new director, Rev. Philip Aquilar, it failed to report that Rev. Aquilar had been convicted of child assault, a felony, in 1977. Accordingly, while an ownership report does not elicit any information concerning the criminal record of the licensee's principals, this new report is being submitted with the details of Rev. Aquilar's record.

It must also be noted, however, that Rev. Aquilar's conviction did not involve any of the criminal matters noted as reflecting on an individual's qualifications to be a Commission licensee. Character Qualifications In Broadcast Licenses, FCC 85-648, released January 14, 1986, 59 R.R.2d 801 (1986).

Specifically, Rev. Aquilar's conviction did not involve fraud, misrepresentation, deceit, dishonesty or false statements, nor did it involve anti-competitive behavior. Also, the conviction is remote in time, fourteen years ago, and since then Rev. Aquilar has been a model citizen, is the pastor of a large and active church, and has received numerous awards and commendations for community service.

Regarding KMLM(TV), Odessa, Texas, also referenced in your letter, NMTV consummated its sale of that facility on April 5, 1991, and notice was given on April 9, 1991. As a result, your concern seems moot with regard to KMLM.