

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In re Application of) MM Docket No. 93-265
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PINE TREE MEDIA, INC.) File No. BR-900817UF
)
KARW (AM), Longview, Texas)
)
)
For Renewal of License)

TO: Honorable John M. Frysiak
Administrative Law Judge

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

MOTION TO RECEIVE EXHIBIT

Praise Media, Inc. (Praise), by its attorney, hereby respectfully requests that the attached two-page document, a statement of Eugene Washington, be marked for identification as "Praise Exhibit No. 13" and received into evidence. In support whereof, the following is shown:

1. At the hearing, Praise's principal, M. Janet Washington, was asked a number of questions relative to her relationship with Eugene Washington. Mr. Washington is incarcerated. He sent the undersigned a notarized two-page statement, which the undersigned received earlier this week.

2. Section 1.351 of the Commission's Rules provides that the Federal Rules of Evidence governing civil proceedings are to prevail in Commission hearing matters;

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however, "[s]uch rules may be relaxed if the ends of justice will be better served by so doing". Clearly, we cannot produce Mr. Washington for cross-examination. However, the ends of justice--an attempt to preserve a radio station owned by an African-American female which serves the African-American community in Longview and surrounding areas in east Texas--would be served by the presiding Judge reviewing Mr. Washington's statement.

3. Further, Rule 804(b)(5) of the Federal Rules of Evidence, which applies where a declarant is unavailable, would allow the receipt of Mr. Washington's statement where, as here, (a) the statement is offered as evidence of a material fact, (b) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (c) the general purpose of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

4. Mr. Washington's statement discusses the relationship with Ray Lee Williams, and also states that Mr. Washington has relinquished any and all control and ownership of assets pertaining to station KARW to Janet Washington and her son, Amir Washington.

5. Mr. Washington's statement thus reinforces the testimony of Ms. Washington on these points, and confirms such documentary evidence as the "Power of Attorney" which has been admitted into evidence.

6. Thus, the interests of justice and fairness would be served by the admission of the attached two-page statement of Eugene Washington into evidence as Praise Ex. 13.

7. Two copies of Praise Ex. 13 have been mailed this date to Free State Reporting, Inc., the official court reporter in this proceeding.

WHEREFORE, it is urged that this motion BE GRANTED.

Respectfully submitted,

PRAISE MEDIA, INC.

By 

Dennis J. Kelly
Its Attorney

CORDON AND KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 410-280-6290

April 7, 1995

DATE: MARCH 25, 1995

TO: JUDGE FRYSIAC

FROM: EUGENE WASHINGTON

RE: CASE # 93-265

As of December 29, 1992 I, Eugene Washington, relieved Ray Lee Williams from the position of Vice President; due to hostile circumstances that had developed at station KARW between Ray Lee Williams and my wife Janet Washington. According to Janet Washington it was brought to my attention that Ray Lee Williams was embezzling funds from station KARW. It was discovered that several accounts were paid in cash to Ray Lee Williams from advertisers who were not listed under accounts receivable. I approached Ray Lee Williams concerning this matter and he refused to admit the truth. Janet Washington contacted the advertisers by phone and mitigated the situation. The trust between Ray Lee Williams and the board of directors for Praise Media Inc. was damaged. Ray Lee Williams continued to harass and annoy the staff at station KARW. Ray Lee Williams refused to let the situation rest until I, Eugene Washington compensate him for money he claimed to have invested in station KARW prior to his commitment with Praise Media Inc.. At this time Janet Washington contacted the Longview District Attorney to press charges against Ray Lee Williams. Ray Lee Williams contacted me, Eugene Washington, in Chicago regarding this matter. It was agreed between Ray Lee Williams and I that the charge of embezzlement would ruin his credibility as a minister and would be damaging to his radio ministry. Ray Lee Williams agreed to stop harassing the staff and clients if I could get Janet Washington to drop the charges. Due to the hostile nature of the situation and the mental anguish I was experiencing I agreed to compensate Ray Lee Williams \$5,000. dollars in stock for his prior expenses. In order not to have any misunderstanding with my wife I refused to speak of this matter.

Ray Lee Williams and I agreed in confident not to tell Janet Washington. At no point has Ray Lee Williams invested a dollar of his personal finances into Praise Media Inc,. In order to not taint the reputation of station KARW in the publics eye and stop the conflict between my wife and Ray Lee Williams I felt it best to handle the situation accordingly.

Concerning the issue of Dr. Herbert Wren and his attorney Buddy Kirby. It was expressed by Dr. Wren to Janet Washington and I that he would do everything possible to transfer the license to Praise Media Inc,. It was expressed by his attorney Buddy Kirby and Judge Miller (a personal friend of Dr. Wren) that they would assist Dr. Wren in every way with the transfer of the license. Dr. Wren stated that Judge Miller had contacts with various persons in Washington D.C. that would help in assisting the transfer. Janet Washington nor I had no knowledge of the complexity involved with transferring an FCC License.

Janet Washington and I have been separated since January of 1990. Due to irreconcilable differences we agreed not to be with each other. I had express to her that I had washed my hands of station KARW in 1993 and would assist her in every possible way in obtaining the license. My parents and fiancée agreed I should not challenge the situation legally and should relinquish all control as well as assests to Praise Media to Janet Washington and my son Amir Washington.

Sincerely,

Eugene R. Washington
Eugene Washington

Abbey K. Ramey

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing *Motion to Receive Exhibit* were served by hand, on this 7th day of April, 1995, upon the following:

Honorable John M. Frysiak
Administrative Law Judge
Federal Communications Commission
Washington, DC 20554

Robert A. Zauner, Esquire
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N. W., Room 7212
Washington, DC 20554

Free State Reporting, Inc. (by first-class U. S. mail)
1006 Cape Saint Claire Road
Annapolis, MD 21401
Attention: Marykae Fleishman



Dennis J. Kelly