

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	MB Docket No. 14-82
	)	
<b>PATRICK SULLIVAN</b>	)	FRN 0003749041, 0006119796,
(Assignor)	)	0006149843, 0017196064
	)	
and	)	Facility ID No. 146162
	)	
<b>LAKE BROADCASTING, INC.</b>	)	File No. BALFT-20120523ABY
(Assignee)	)	
	)	
Application for Consent to Assignment of	)	
License of FM Translator Station W238CE,	)	
Montgomery, Alabama	)	

To: Marlene H. Dortch, Secretary  
Attn: Chief Administrative Law Judge Richard L. Sippel

**JOINT STATUS REPORT**

1. The Presiding Judge directed the parties in this proceeding to jointly file a report on or before December 8, 2014, on the status of their trial preparations. *See Patrick Sullivan, et al.*, Order, FCC 14M-21 (ALJ, rel. June 25, 2014) and *Patrick Sullivan, et al.*, Order, FCC 14M-37 (ALJ, rel. Nov. 25, 2014). Pursuant thereto, Patrick Sullivan and Lake Broadcasting, Inc. (collectively, “Lake Broadcasting”) and the Enforcement Bureau (“Bureau”) (collectively, “Parties”) hereby submit their respective reports. In addition to reporting on the status of their trial preparations, the Presiding Judge directed the Parties to submit their respective comments on the impact, if any, that the Commission’s ruling in *David Titus*, Decision, FCC 14-177 (rel. Nov. 6, 2014), may have on the instant proceeding. *See Patrick Sullivan, et al.*, Order, FCC 14M-35 (ALJ, rel. Nov. 20, 2014).

The Bureau has opted to provide its Titus-related comments in a separate report filed simultaneously with this Joint Status Report. Lake Broadcasting has opted to provide its Titus-related comments in the instant Joint Status Report. The following comments expressed herein by Lake Broadcasting about the impact of the Titus Decision are solely those of Lake Broadcasting.

### **The Bureau's Report on Discovery**

2. The Parties, through their respective counsel, have conferred about discovery in this proceeding. In discussions during the past week, counsel for Lake Broadcasting represented that he would provide to Bureau counsel sometime in early December (a) the additional information regarding past employers that formed the basis for the Enforcement Bureau's pending Motion to Compel;<sup>1</sup> and (b) an expert psychological report for Mr. Rice. In the Parties' September 24, 2014 Joint Status Report, Lake submitted limited contact information concerning two former employers, and in its September 29, 2014 Supplement to Joint Status Report, Lake supplied further contact information for those two employers. More recently, on December 4, 2014, the Bureau received additional information regarding past employers and an expert psychological report. The Bureau currently is reviewing the information and is in the process of evaluating whether to request withdrawal of its pending Motion to Compel.

3. The Bureau has been in contact with local authorities in Missouri where Mr. Rice is domiciled to determine what, if any, assessments have been conducted of Mr. Rice's mental health and of his risk to the community beyond the placement of Mr. Rice's name on the Missouri sex offender registry. The Bureau also is endeavoring to retain the services of a health care expert who is experienced in evaluating sex offenders.

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<sup>1</sup> See Enforcement Bureau's Motion to Compel Answers to Interrogatories, filed August 27, 2014.

### Lake Broadcasting's Report on Discovery

4. In the September 24 Joint Status Report, the Bureau emphasized its desire to have Lake identify all employers over the last five years who have paid Mr. Rice a total of \$1,000 dollars or more in compensation. Lake hereby informs the Bureau and the Presiding Judge that there were only two (2) such additional employers over the last five years, and their identity and contact information is as follows:

A. Employer: Church of God in Christ, Inc.

Dates of employment: March 2014

Overall Manager: Ulysses C. Henderson, Jr., General Counsel  
6345 Balboa Blvd. Suite 235  
Building II  
Encino CA 91316  
Tel.: 424-202-5402

Mr. Rice's duties: Due diligence of Radio Station KSTL(AM), St. Louis MO, licensed to Church of God in Christ, Inc. Report sent to COGIC's international headquarters at 930 Mason St., Memphis TN 38126.

B. Employer: Jackson Communications

Date of employment: Intermittently from 2008 through 2014

Overall Manager: Vernon C. Jackson  
Jackson Communications  
2109 Ebert Lane  
Wentzville MO 63383  
Tel. 636-262-2863

Mr. Rice's duties: Various radio engineering projects. Mr. Rice works with Mr. Jackson, and Mr. Jackson bills his and Mr. Rice's services on one invoice. Jackson Communications then compensates Mr. Rice and issues him a Form 1099.

5. In the September 24 Joint Status Report, Lake stated that it had engaged the services of Dr. Ann Dell Duncan, Ph.D., J.D., and Dr. Wells Hively, Ph.D., Duncan

Hively Psychological Services, of Chesterfield, Missouri, to perform a psychological evaluation of Mr. Rice to gauge his rehabilitation. That Report, dated November 22, 2014, is attached hereto. Drs. Duncan and Hively conclude (at 8):

[A]s to whether [Mr. Rice] has been sufficiently rehabilitated over the 23 years...we find no psychological reason that Mr. Rice should not merit the reconsideration of his license status...Mr. Rice has paid his debt to society and is not a danger to himself or to others.

6. On August 15, 2014, in response to Interrogatory No. 26, Lake stated that it intends to place in evidence several statements of Mr. Rice's good character, and will supply a list of authors when they are known. Attached are character letters from the following seven (7) persons, which letters contain full contact information for them:

- John Rau, a civic association colleague of Mr. Rice
- Gary Reynolds, radio operations manager
- Jack S. Sellmeyer, P.E., a broadcast consulting engineer
- Vernon C. Jackson, a radio broadcast engineer and employer of Mr. Rice
- John A. Caran, the General Sales Manager for a billboard marketing firm
- Kevin R. Berlen, a broadcast consulting engineer
- John Eric Hoehn, a broadcast engineer who used to work for Mr. Rice

Lake is expecting one more character letter, and, when it arrives, it will provide a copy of same to the Presiding Judge and the Bureau.

**Lake Broadcasting's Comments on the *David Titus* Decision**

7. In measuring the rehabilitation of Mr. Titus in the *David Titus* Decision, the Commission gave dispositive weight to Mr. Titus's classification as a Level 3 high risk offender by the Seattle, Washington police in 2004 in the Washington State sex offender registry, and it apparently has not changed that classification in the intervening 10 years. The Commission concluded that "Mr. Titus remains a continuing risk to the community" (Para. 14), and that the Commission "should defer to state judgments about sex

offenders” (Para. 16). Lake has retained the services of a Missouri criminal law expert, who will prepare a report analyzing the Missouri sex offender program and registry, explaining how it applies to Mr. Rice and contrasting it with the law and facts in Washington State and in the *Titus* Decision.

8. Lake’s expert is:

Carter Collins Law, Esq.  
Law & Schriener LLC  
141 North Meramec Avenue, Suite 314  
Clayton, Missouri 63105  
314-721-7095 -- telephone  
314-863-7096 – facsimile

Lake will submit Ms. Law’s report as soon as it is completed. Lake believes that Ms. Law’s report and testimony should be sufficient to resolve any legal questions raised by the *Titus* case as they apply to Mr. Rice.

9. Counsel for Lake Broadcasting has reviewed this Joint Status Report and has authorized the Bureau to file it on his clients’ behalf.

Respectfully submitted,  
Travis LeBlanc

Acting Chief, Enforcement Bureau



William Knowles-Kellett

Attorney, Investigations & Hearings Division



Gary Oshinsky

Attorney, Investigations & Hearings Division

Federal Communications Commission  
Enforcement Bureau  
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December 8, 2014

**CERTIFICATE OF SERVICE**

I, William Knowles-Kellett, counsel for the Enforcement Bureau's Investigations & Hearings Division, certify that on this 8<sup>th</sup> day of December 2014, I sent via First Class United States Mail and via email copies of the foregoing Joint Status Report to:

Jerold L. Jacobs, Esq.  
Law Offices of Jerold L. Jacobs  
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Washington, DC 20006  
[jerold.jacobs.esq@verizon.net](mailto:jerold.jacobs.esq@verizon.net)  
Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

Caused a copy of the foregoing to be served via hand-delivery to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, DC 20554

  
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William Knowles-Kellett