

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

WILLIAM L. ZAWILA

EB Docket No. 03-152

Permittee of FM Station JBGS,
Coalinga, California

Facility ID No. 72672

AVENAL EDUCATIONAL SERVICE, INC.

Permittee of FM Station KAAX,
Avenal, California

Facility ID No. 3365

**CENTRAL VALLEY EDUCATIONAL
SERVICES, INC.**

Permittee of FM Station KYAF,
Firebaugh, California

Facility ID No. 9993

**H. L. CHARLES d/b/a FORD CITY
BROADCASTING**

Permittee of FM Station KZPE,
Ford City, California

Facility ID No. 22030

**LINDA WARE d/b/a LINDSAY
BROADCASTING**

Licensee of FM Station KZPO,
Lindsay, California

Facility ID No. 37725

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

EVIDENCE REGARDING OWNERSHIP

Central Valley Educational Services, Inc. (CVES) and Avenal Educational Services, Inc.,
(AES) by their attorney here submit evidence responsive to the judge's Order released on March

19, 2015 (FCC 15M-11).¹ Generally, the Order seeks evidence regarding the ownership of two noncommercial educational permits, KAAX and KYAF (formerly KAJP). In conjunction with the notice of appearance by declaration on April 3, 2015, we submitted a description of the ownership in a declaration executed by Verne J. White dated April 2, 2015. On April 7, William Zawila filed improperly by FAX, but did not serve on us or on the Enforcement Bureau, a “Copy of Status Report Regarding Verne J. White and Ownership and Control of KAAX and KYAF (formerly KAJP)”, to be referred to herein as “Z. Report.” We here submit our initial analysis.

VERNE J. WHITE HAS BEEN A PRINCIPAL OF THESE ENTITIES SINCE THE ORIGINAL FILING OF THE APPLICATIONS.

Included with this filing is a Declaration of Verne J. White, sworn to under penalty of perjury and executed on May 1, 2015 (the “White Decl.”). With respect to KYAF, Attachment A shows White's home address as the address for the permittee, as of November 4, 1994. Attachment B is a copy of an authorization dated April 27, 1999, similarly using White's home address. With respect to KAAX, Attachment D is a copy of an initial construction permit, dated March 10, 1993, addressed to “Attn. Verne J. White” at his home address. Attachment E is a modification issued to “Avenal Educational Services, Inc. Attn. Verne J. White.” Attachment F is another modification, applied for in 1996, and granted on February 10, 1999, addressed to “Attn. Verne J. White” at his home address.

These facts do not square with the undocumented assertion in the Z. Report, p. 2, that White had no part in the initial filings for either station, or that “his name does not appear anywhere in the FCC's files for these stations until he filed an Informal Objection [in 2004]. . .”

¹ We requested an extension of time for this filing until Monday, May 4th, 2015, with replies due on Monday, May 11th. The Enforcement Bureau sought an extension of the reply date until May 12 instead, an extension to which we hereby agree and stipulate.

There are limitations on the evidence White is able to adduce, because such files as existed were in Zawila's possession, and he appears to be sharing their contents only selectively.

ZAWILA HAS PRODUCED NO CREDIBLE EVIDENCE OF OWNERSHIP ANY EARLIER THAN THE YEAR 2001.

The Hearing Designation Order herein (HDO) notes that Avenal Education Services was not incorporated until March 5, 1999 (p. 7, fn 19); and that Central Valley Educational Services was not incorporated until January 29, 2001 (p. 9, fn. 29) . This may not have been a qualifying issue for purposes of licensing, but it does render problematic the sworn statement of Michael T. McKenna that he served as a member of the board “of both these projects in the late 1980's and my service on the boards of AES and CVES continues at this time.” Jesus Garcia's declaration states that he served on the board of CVES “since the mid-1990's.” It is fair to ask, the board of what? Zawila by his own account (Declaration dated April 6, 2015) states:

I have served as chairman of the board, a member of the board and General Counsel of AES and CVES since the inception of the AES and CVES projects for KAAX and KAJP (now KYAF).

No documentation of this claim is provided.

Apparently Zawila, in his broad capacities, has failed to submit FCC periodic ownership reports. He continues not to produce documents of corporate actions prior to 1999. While there is no evidence that Zawila ever visited or physically inspected either station, the HDO (at pp. 7-9) documents a series of faulty reports by Zawila with respect to KAAX from 1999 to 2002. With respect to KAJP, now KYAF, the HDO documents (at pp. 9-13) a series of discrepancies unearthed by the field, and interactions and correspondence with Zawila (and with the late Ray Knight) during roughly the same time period, 1999 to 2002. Zawila signed a license application for KAJP as vice president and general counsel in 1999, HDO para. 32.

WHITE IS THE RESPONSIBLE PERSON FOR THE PERMITTEES.

Zawila's unsuitability as a project manager is set forth in minute detail by the HDO. On

May 19, 2005, White wrote to him, terminating him as attorney for the permittees, White Decl. Attachment H. Meanwhile, White and a group under his direction put KYAF on the air as of 2005. It has operated continuously under his supervision and control. Action on any license application is stayed, pending the resolution of this case.

UNRESOLVED QUESTIONS

(1) In the order directing this ownership production, the judge noted at p. 2:

Mr. White argues that Mr. Zawila has no legal right to assign Avenal and Central Valley as part of a distress sale because Mr. Zawila has never held any ownership interest in either Avenal or Central Valley and does not have the authority to sign any documents on behalf of those entities.

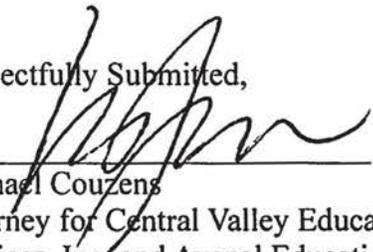
We are hopeful that this does not imply any correlation between the ownership analysis and the disposition of the assignment applications. Because court decisions have eliminated the Commission's distress sale policy, the applications are frivolous and should be summarily dismissed. Unless and until the basic qualification issues in this case are finally resolved, no such assignment is possible. It would be a shame if, for any reason, the pendency of these zombie applications were to continue on the mistaken belief that ownership needs to be litigated first.

(2) We recognize that in the record so far a number of gaps remain. The declarations furnished by Zawila are vague as to dates and are not the best evidence when attesting to documented corporate acts. Our own files may be incomplete in material respects. So far as we know, the judge has not acted upon the recommended hearing schedule in the Bureau's status report dated November 7, 2014. That proposal included a discovery cutoff of April 15, 2015. It may serve the ends of judicial economy and fairness to provide a limited extension, to enable parties to exchange documents under a production demand, pursuant to Section 1.325 of the Rules. The responding party by rule has only ten days to comply or object on particular items, so that such a phase may not delay the trial schedule, and would simplify facts and issues in the

process. Parties need to know what documents Zawila has. Reciprocally, we stand ready to comply with a parallel demand on CVES and AES for all documents.

Dated: May 4, 2015

Respectfully Submitted,



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Services, Inc. and Avenal Educational
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DECLARATION OF VERNE J. WHITE

1 This declaration is made under penalty of perjury for submission in a docketed
2 Federal Communications Commission Proceeding, EB Docket No. 03-152.

3
4 **KYAF.** Some twenty-seven years ago, on October 17, 1988, an application was
5 filed for a new noncommercial educational broadcast station to serve Firebaugh, CA on
6 94.7 MHz, BPED-19881017MD. The applicant's name was Central Valley Educational
7 Services, Inc. The attorney who prepared and filed the application was William L. Zawila
8 (Zawila). I do not have a copy of the application, nor do I have access to the files of FCC
9 activity maintained by Zawila. To the best of my recollection, the directors of the
10 applicant, as stated in the application, were myself, my spouse Katherine M. White (d.
11 2009), my son Mike White, Ray Knight (d. 2014), and Ray's son, Craig Knight.

12
13 Attachment A hereto is a copy from FCC records of the construction permit granted
14 as the result of this application, with a grant date of November 4, 1994. This document,
15 addressed to my home, "637 W. Los Altos, Clovis, CA," refreshes my recollection that I
16 was the contact person given in Section I of the application. Attachment B is a copy of the
17 grant of an application for minor modification of construction permit, granted on April 27,
18 1999, and similarly addressed to my home address. Working with a team including Craig
19 Knight, Dr. Sandra Woodruff, and others, I placed this station on the air in 2005, and it has
20 operated continuously since that time, under my supervision and control. I am the person
21 responsible for the permittee, and on its behalf I secure programming, pay the power bill
22 and rents, and generally do all that is necessary to keep the station on the air.

23
24 Central Valley Educational Services, Inc. was incorporated in California on January
25 29, 2001, Attachment C. The address filed with the California Secretary of State was 1575
26 11th Street, Firebaugh, CA 93622, and the agent for service of process was Ray C. Knight,
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at that same address.

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2 **KAAX.** In 1989 an application was filed for a new noncommercial educational
3 broadcast station to serve Avenal, CA on 105.7 MHz, BPED-19890320MB. The
4 applicant's name was Avenal Educational Services, Inc. The attorney who prepared and
5 filed the application was Zawila. I do not have a copy of the application, nor do I have
6 access to the files of FCC activity maintained by Zawila. To the best of my recollection,
7 the directors of the applicant, as stated in the application, were myself, my spouse
8 Katherine M. White (d. 2009), my son Mike White, Ray Knight (d. 2014), and Ray's son,
9 Craig Knight.
10

11 Attachment D hereto is a copy from FCC records of the construction permit granted
12 as a result of this application, with a grant date of March 10, 1993. This document,
13 addressed to "Attn. Verne J. White" at my home, "637 W. Los Altos, Clovis, CA,"
14 refreshes my recollection that I was the contact person given in Section I of the application.

15 Attachment E is a copy of a granted modification of the construction permit, BMPED-
16 19940913AJA. A grant date does not appear on the face of the authorization. The grant
17 was issued to "Avenal Educational Services, Inc. Attn. Verne J. White" at my home
18 address. Attachment F is another grant of CP modification, BMPED-199608261A, applied
19 for in 1996 and granted on February 10, 1999. Once again it was addressed to "Attn. Verne
20 J. White" at my home address.
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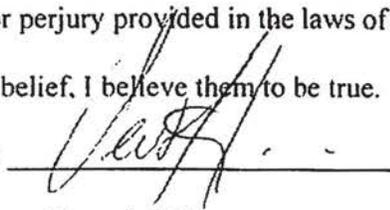
22 Avenal Educational Services, Inc. was incorporated in California on March 5, 1999,
23 Attachment G. The address was my home address, and the agent for service of process
24 was "Verne J. White" at that address.
25

26 **Representation.** On May 19, 2005, I sent a handwritten note to Zawila,
27 Attachment H, terminating him as the lawyer for the two stations. "You never return calls
28

1 and don't seem to be honest + forthwith [sic.] on our radio station projects." The events in
2 question occurred more than twenty years ago. Zawila may have been an original
3 incorporator and may have held an office, president or other. But I do not recall any board
4 action giving him any officership. To the best of my recollection, at no time was he a
5 member of the governing board of either station. Any authority he may have had in or for
6 the stations was revoked as of May 19, 2005. As mentioned above, I have operated KYAF
7 in Firebaugh continuously since 2005. Zawila was not involved in the construction of the
8 station, and has had no involvement with any aspect of its broadcast service since it went
9 on the air. To my knowledge Zawila has never visited the station.
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11 The foregoing is sworn to under the penalties for perjury provided in the laws of the
12 United States. As to matters stated on information and belief, I believe them to be true.

13 Dated: May 1, 2015

14 By: 

15 Verne J. White
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