

Before the  
Federal Communications Commission  
Washington, DC 20554

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FCC Mail Room

In the Matter of )	EB Docket No. 03-152
WILLIAM L. ZAWILA )	Facility ID No. 72672
Permittee of FM Station KNKS )	
Coalinga, California )	
AVENAL EDUCATIONAL SERVICE, INC. )	Facility ID No. 3365
Permittee of FM Station KAAX, )	DOCKET FILE COPY ORIGINAL
Avenal, California )	
CENTRAL VALLEY EDUCATIONAL )	Facility ID No. 9993
SERVICES, INC. )	
Permittee of FM Station KYAF, )	
Firebaugh, California )	
H. L. CHARLES d/b/a FORD CITY )	Facility ID No. 22030
BROADCASTING )	
Permittee of FM Station KZPE, )	
Ford City, California )	
LINDA WARE d/b/a LINDSAY )	Facility ID No. 37725
BROADCASTING )	
Licensee of FM Station KZPO, )	
Lindsay, California )	

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

REQUEST TO APPEAL 3-7-16 ORDER (FCC 16M-07)

The Estate of Linda Ware, Cynthia Ramage, Executor, the  
Estate of H.L. Charles, Robert Willing, Executor, Avenal Educa-  
tional Services, Inc., Central Valley Educational Services, Inc.,

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and William L. Zawila, by their attorney, hereby request permission to file an appeal to the full Commission of the presiding officer's Order released on 3-7-16 (FCC 16M-07). This request is made pursuant to §1.301(b) of the Commission's Rules and Regulations, 47 C.F.R. §1.301(b).

VIOLATION OF FCC POLICY -

The subject Order (FCC 16M-07) violates FCC policy of not inquiring into matters of alleged misconduct more than ten (10) years ago. See Policy Regarding Character Qualifications in Broadcast Licensing Report, Order and Policy Statement, 102 FCC 2d 1179 (1986) at 1229 (the "Character Policy Statement"). The subject Order (FCC 16M-07) arises out of an unauthorized inquiry into matters alleged in a Hearing Designation Order released on 7-16-03, more than ten (10) years ago. Without the underlying unauthorized inquiry into matters alleged in the said HDO, the subject Order (FCC 16M-07) would have no basis for existence.

The presiding officer lacks authority to make findings or conclusions based on matters related to this proceeding which is based on the said HDO released more than ten (10) years ago.

Currently in this matter, there is already a motion pending to dismiss this entire proceeding which is based on a Hearing Designation Order issued more than ten (10) years ago on 7-16-03.

The subject HDO contains nothing more than stale allegations regarding character which are now more than ten (10) years old concerning matters that go back almost twenty (20) years.

The current subject Order (FCC 16M-07) is directly offensive

to the FCC's above-cited policy of not inquiring into matters more than ten (10) years old as the current subject Order (FCC 16M-07) inquires into matters related to the said HDO which was released more than ten (10) years ago as noted above. The current subject Order (FCC 16M-07) would have no existence but for its relationship to the said HDO released on 7-16-03.

The subject Order (FCC 16M-07) is a direct offense to the FCC's time limit policy of ten (10) years noted above which is essentially akin to a statute of limitations applicable to this proceeding.

This entire proceeding, including the current subject Order (FCC 16M-07), is essentially based on character allegations against William L. Zawila which are subject to the limitations established in the above-referenced Character Policy Statement. The said Character Policy Statement limits the jurisdiction and authority of the enforcement bureau and the presiding officer when inquiring into character allegations. The enforcement bureau and the presiding officer have no jurisdiction or authority to inquire into character allegations that are more than ten (10) years old based on the clear limitations set forth in the FCC's established Character Policy Statement noted above.

There can be no good cause for an Order such as the subject Order (FCC 16M-07) that is so clearly an offense to the FCC's policy of not inquiring into matters based on character allegations that are more than (10) years old as discussed above.

The subject FCC policy is based on the common sense reasoning as adopted by the FCC that it is virtually impossible to

effectively defend against stale character allegations that are more than ten (10) years old due to the numerous realities which preclude an effective defense. Such realities include the death of parties, witnesses and attorneys; the loss of witnesses and attorneys; the fading of memories of what few witnesses that may remain; the decline of health and onset of health issues of witnesses and parties of advanced age; the loss of documentary evidence due to the death of parties, witnesses and attorneys; the loss of documentary evidence due to the loss of witnesses and attorneys; the loss of documentary evidence through normal business purging or attrition of files and records over the years; the diminishment and exhaustion of resources caused by long drawn out controversies with the FCC that extend for more than ten (10) years. All of these realities are present in, and adversely affect, this proceeding.

No Genuine Basis for Order (FCC 16M-07) -

While the subject Order (FCC 16M-07) alleges that it is based on "information recently discovered, which has been corroborated by OALJ staff", the subject Order (FCC 16M-07) has no basis in fact as it is based entirely on allegations concerning email and fax facilities associated with William L. Zawila and the use of fax facilities for the purpose of sending "courtesy copies" of filings made in this matter by William L. Zawila.

While the subject Order (FCC 16M-07) attempts to give the impression that it is based on "information recently discovered", this is absolutely not true as the matters discussed in the subject Order (FCC 16M-07) were discussed in detail nine (9) months ago in a telephone status conference held by the presiding officer which resulted in Orders reflecting the said discussions.

It is indeed a sad commentary on this entire proceeding to recognize that we now actually have an Order (FCC 16M-07) concerning email and fax facilities associated with William L. Zawila and the use of fax facilities for the purpose of sending "courtesy copies" of filings made by William L. Zawila in this matter.

Clearly, based on the assertions of the said Order (FCC 16M-07), the use of fax facilities has in no way prejudiced the enforcement bureau, the presiding officer, or other counsel in this case. It does appear interestingly enough that William L. Zawila may have been prejudiced by the use of fax facilities in this matter.

The subject Order (FCC 16M-07) exemplifies a new low in demonstrating the desperate attempts to attack William L. Zawila in this proceeding.

Review of the substance of the said Order (FCC 16M-07) clearly demonstrates the bias of the enforcement bureau and the presiding officer against William L. Zawila in this proceeding.

The time has certainly arrived to introduce some objectivity into this proceeding and to inform the full Commission as to what is really going on in this proceeding.

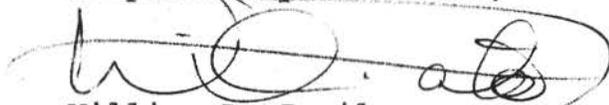
CONCLUSION -

The grounds for appeal discussed above are of such paramount importance in this matter that they well may serve to bring an end to this long running marathon proceeding.

Therefore, and in view of the points discussed above, the matter of the subject Order (FCC 16M-07) should be placed before the full Commission on appeal so that all concerned in this current matter will have the benefit of the views and guidance of the full Commission.

It is respectfully requested that the presiding officer either vacate the subject Order (FCC 16M-07) or grant leave to appeal the subject Order (FCC 16M-07) to the full Commission.

Respectfully submitted,



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3-10-16

CERTIFICATE OF SERVICE

I, William Zawila, hereby certify that a copy of the foregoing Request to Appeal 3-7-16 Order (FCC 16M-07)

was served on the following by U.S. First Class Mail, postage prepaid, on 3-10-16:

Chief Administrative Law Judge

Richard L. Sippel

FCC

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Pamela S. Kane, Esquire

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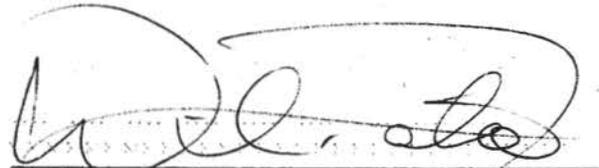
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