

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

FCC 16M-10

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

ORDER

Issued: March 21, 2016

Released: March 21, 2016

On March 7, 2016, the Presiding Judge issued *Order to Show Cause* (“OSC”), FCC 16M-07, ordering attorney and party William L. Zawila (“Zawila”) to show cause why Zawila, among other things, could not or would not send and receive courtesy copies of case filings via email address *william.zawila@yahoo.com*, in light of the fact that such email address is registered with the California State Bar under Zawila’s California Bar Number, #60223. By his Request to Appeal Order (FCC 16M-07) (“Request to Appeal”), Zawila, on behalf of himself and the other

parties he claims to represent, seeks to appeal the *OSC*, FCC 16M-07. For the reasons set forth below, Zawila's Request to Appeal is denied for failure to comply with or even cite 47 CFR § 1.301, and/or other consideration on the merits.

Request to Appeal the Presiding Judge's Interlocutory Order

Interlocutory appeals from a presiding judge's ruling as a matter of right is limited to four subjects (termination of party; discovery of privileged matters; disqualification; removal of counsel). 47 CFR § 1.301(a). Other interlocutory rulings may only be appealed if allowed by the presiding judge who made the ruling. 47 CFR § 1.301(b). That request must be filed within five (5) days of the order's release. Zawila's request "shall contain a showing that the appeal presents a new or novel question of law and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception." *Id.* The ruling of a presiding judge on a request to appeal is final. *Id.*

10-Year Limit on Proving Character Misconduct

Pages 2-4 of Zawila's motion argues that the *OSC* violates FCC policy because it is based on allegations concerning Zawila's misconduct impacting his character in the Hearing Designation Order¹ ("*HDO*"), which was issued more than ten years ago. Zawila argues that such allegations can no longer be considered under the Commission's *Policy Regarding Character Qualifications*, ("Character Policy Statement"), 102 FCC 2d 1179, 1229 (1986).

First, Zawila does not deny that the Presiding Judge has broad discretion in regulating the hearing. *See* 47 CFR § 1.243; *Hillebrand Broadcasting, Inc.*, 1 FCC Rcd 419, 419-20, para. 3 (1986) (the Commission has delegated broad discretion to presiding judges to regulate its hearings). Thus, the Presiding Judge can decide that the preferred method of communication is email. Moreover, the *OSC* is not directly based on the *HDO*, but rather on Zawila's failure to disclose and/or misrepresentations or lack of candor regarding email, which has occurred within the last two years.

Second, the Presiding Judge has previously addressed the argument that the allegations in the *HDO* include conduct that occurred over ten years ago and therefore should not be considered. *See Order*, FCC 16M-05, rel. February 29, 2016. The Commission has the responsibility and discretion to investigate, discover and consider conduct that occurred beyond ten years if circumstances so warrant. But in any event, the 10-year period is counted from the release date of the *HDO*, not the current date.² *See In the Matter of Contemporary Media, Inc.*, 12 FCC Rcd 14254, 14291, para. 150 (1997) ("[A]ll of the misconduct occurred within the 10-year period the Commission deems relevant to character inquiries, *i.e.*, **the 10 years before**

¹ *Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order*, FCC 03-158, 18 FCC Rcd 14938 (July 16, 2003).

² Zawila hasn't even offered his calculation of the date he believes his ten-year period begins and ends. His argument is broad on time, undefined, and amorphous.

designation for hearing.”) (emphasis added). The *HDO* was released on July 16, 2003; the allegations therein involve conduct in or around 1999, which fall well within the ten-year window between 1993 and 2003.

More importantly, recall that the ten-plus years’ delay was due to the stay granted by the prior presiding judge at the request of Zawila. The elemental “clean hands” doctrine instructs that a party cannot benefit from his own delay. *Cf. In re Applications of RKO Gen., Inc. (KHJ-TV) Los Angeles, California for Renewal of Broadcast License*, 2 FCC Rcd 4807, 4872, para. 435 (1987) (“RKO cannot, after demanding a further review, now argue that it is inequitable to consider its false filings because more time has passed.”).

Having twice ruled on this “ten year” issue, the Presiding Judge will not address any more arguments that Zawila or other parties have been prejudiced by the passage of ten years’ time, until the filing of proposed findings and conclusions.

Zawila Argues No Basis for the OSC

Zawila erroneously argues that the *OSC* “has no basis in fact.” Request to Appeal at 5. Zawila is entirely mistaken or totally oblivious to his state bar membership profile (Attachment A to this Order), which clearly references the email address *william.zawila@yahoo.com*. Zawila has continuously denied and failed to disclose that he has any email address. The inquiry is simply about the facts and circumstances of that unexplicated position.

Furthermore, the opening paragraph of the *OSC* states the basis for its issuance:

Zawila is hereby ordered to show cause why he cannot [now] or will not [now] send and receive courtesy copies of filings via email address *william.zawila@yahoo.com*.

The underlying fact – which Zawila has not denied – is the recently discovered and corroborated fact that there exists an email address registered with the California State bar under Zawila’s name and California bar number, #60223.

June 2015 Telephone Conference

Zawila argues that the matters discussed in the *OSC* “were discussed in detail nine (9) months ago in a telephone status conference held by the [P]residing [J]udge which resulted in Orders reflecting the said discussions.” Request to Appeal at 5. There is no record of the June 2015 conference call that shows Zawila’s email address. It is true that the Presiding Judge allowed Zawila to “continue to file his pleadings by mail and . . . transmit courtesy copies by fax.” *See Order*, FCC 15M-21, rel. June 4, 2015, at 2.³ However, what Zawila fails to note is

³ Based on a recent review of orders issued in this case (EB Docket 03-152), *Order FCC 15M-21 is the only order* reflecting June 3, 2015 discussions.

that in that telephone conference, **Zawila did not disclose to the Presiding Judge that he had an email address.**⁴ Indeed, it was not until the *Enforcement Bureau* disclosed Zawila's potential email address in its February 12, 2016 *Interim Status Report* that the Presiding Judge was made aware. As discussed above, the Presiding Judge has broad discretion in regulating the hearing – including, if he deems necessary, setting and changing the method(s) parties shall use to communicate with the Presiding Judge and other parties, even for courtesy copies.

A Perceived Prejudice of Bureau Counsel and the Presiding Judge

Zawila asserts that “use of fax facilities has in no way prejudiced the [E]nforcement [B]ureau, the [P]residing [O]fficer, or other counsel in this case.” *Id.* at 5. Zawila does not identify any “assertions” of the *OSC* that he believes demonstrate the lack of prejudice to Bureau counsel and the Presiding Judge by Zawila's use of his fax machine. In fact, the Presiding Judge finds the opposite to be true. The *OSC* notes the repeated difficulties experienced by both OALJ staff and the Enforcement Bureau in communicating with Zawila via fax, as well Zawila's continuing misrepresentation and/or lack of candor regarding the fact that he has an email address.

As to the absurd, undemonstrated, and gratuitous suggestion stated in his Request to Appeal that Zawila has been prejudiced, it is a fact that the lack of fax paper and other mechanical problems with his fax machine is no one's responsibility but Zawila's. Zawila also, without any basis shown, makes accusations of “bias” and “desperate attempts to attack” him. *See id.* at 6. The Presiding Judge finds these throwaway arguments to be baseless, and therefore reckless.

Conclusion

The Presiding Judge takes note of Zawila's hyperbolic rhetoric that “[i]t is indeed a sad commentary” that it was necessary for the Presiding Judge to issue an Order to Show Cause regarding the issues caused by Zawila's failure to disclose his email address. *See id.* at 5. If Zawila had been forthcoming in the first place, this Order to Show Cause could have been avoided. And given the accumulation of attendant circumstances, any suggestion of bias on the part of Bureau counsel or the Presiding Judge is unfounded and rejected *vigoroso*.

Orders

For these and other reasons stated above, IT IS ORDERED that William L. Zawila's Request to Appeal Order to Show Cause, FCC 16M-10, issued March 7, 2016, must be and **IS DENIED.**

⁴ The evident failures of an unrecorded telephone conference is convincing evidence of why the next conference must be in open court with a court reporter.

IT IS FURTHER ORDERED that the time for Zawila to respond to the Order to Show Cause IS EXTENDED TO March 28, 2016.⁵

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁶

A handwritten signature in black ink that reads "Richard L. Sippel". The signature is written in a cursive style with a large initial 'R' and 'S'.

Richard L. Sippel
Chief Administrative Law Judge

⁵ Zawila's request to appeal was timely, and so it will be treated as an extension for additional time to respond to the OSC.

⁶ Courtesy copies of this Order will be sent by email on issuance to all counsel, including Mr. Zawila at william.zawilla@yahoo.com.

Attachment A

ATTORNEY SEARCH

William Louis Zawila - #60223

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	60223		
Address:	12600 Brookhurst St Ste 105 Garden Grove, CA 92840 Map it	Phone Number:	(714) 636-5040
		Fax Number:	Not Available
		e-mail:	william.zawila@yahoo.com
County:	Orange	Undergraduate School:	San Jose State Univ; San Jose CA
District:	District 4		
Sections:	None	Law School:	Western State Univ; CA

Status History

Effective Date	Status Change
Present	Active
6/18/1974	Admitted to The State Bar of California

[Explanation of member status](#)

Actions Affecting Eligibility to Practice Law

Disciplinary and Related Actions

[Overview of the attorney discipline system.](#)

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

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