

1 had an idea of what I sounded like.

2 Q Did you provide that information to Mr. Britten?

3 A Yes, sir.

4 Q And obviously you got hired, is that right?

5 A Yes, sir.

6 Q Would you tell us a little bit about what your
7 duties were in this position? You mentioned you were an on-
8 air personality; is that right?

9 A When I started for WRBR?

10 Q Yes.

11 A Yes, I was doing the morning drive show with a co-
12 host. I also did some production work, commercials and
13 such; tried to do as many appearances as we could to
14 publicize our new morning show and get out there in the
15 public and do things of that nature.

16 Q What was the format of WRBR at this time?

17 A It was an Oldies format.

18 Q Did you have much interaction with Mr. Hicks when
19 you were on-air personality?

20 A No, sir.

21 Q And at various times when you were -- at this time
22 when you were doing the on-air work for WRBR, were you also
23 performing work for WBYT?

24 A Not really. When you would do a commercial,
25 sometimes it might play on another station, but you really

1 wouldn't have any way of knowing that. You were just
2 assigned to do a commercial and you did it and recorded it.

3 Q Did your job -- there came a time obviously when
4 your job title at WRBR changed.

5 When was that?

6 A It was in the last part of 1995.

7 Q What were the circumstances surrounding that
8 change?

9 A We were -- as I said in explaining my position as
10 a morning co-host, we were doing -- we were trying to do a
11 lot more things, getting out in the community, doing stunts,
12 that kind of thing, to raise awareness of our morning show.
13 And some things, some ideas that we would have wouldn't get
14 done, or, you know, it was just pushed off to the side for
15 whatever reason, and it was becoming apparent that we needed
16 a more focused leader, so to speak, for WRBR for the things
17 that we wanted to do.

18 Q What was the position that you changed to at this
19 time?

20 A I added the title of assistant program director.

21 Q Was that strictly for WRBR?

22 A That was for WBYT and for WRBR.

23 Q How much time did you spend doing things for WRBR
24 versus WBYT?

25 A Most of my time was spent on WRBR. Doing a

1 morning show, there is a lot of things involved as I said
2 before, and a lot of show preparation, keeping an eye on
3 things that are going in in the public, that kind of thing.

4 And being an assistant program director, I was
5 more of an answer person for doing weekend schedules, doing
6 things like who's going to work this remote, that kind of
7 thing. So it was just -- it was an additional burden to my
8 already busy day, but most of my day was focused on doing
9 the morning show and doing an incredible job. So I would
10 say 99 percent of my time.

11 Q Was the fact that WRBR was an Oldies format, did
12 that affect the kinds of programming requirements that the
13 station had?

14 A To a degree. As an Oldies station, you have the
15 same songs that you pretty much rotate over and over again.
16 As we always used to say, there are no new Oldies. It's
17 basically the same music from say 1960 to 1974, okay. and we
18 would just pretty much rotate those, so you don't have to
19 listen to the music. There is no new music to listen to.
20 So music scheduling, which is a big part of programming a
21 radio station, was not -- was not important. There was no
22 music scheduling. You just rotated the same songs over
23 again.

24 Q And you mentioned that you were spending the vast
25 majority of your time when you obtained the title of

1 assistant program director for WRBR.

2 Who was doing the programming for WBYT when you
3 were doing it for WRBR?

4 A That was Phil Britten.

5 Q What was his title at the time?

6 A He was the program director for WBYT and for WRBR.

7 Q Now, did there come a time when your, even your
8 title with regard to the responsibilities for WBYT changed?

9 A That would have been the time that we change
10 formats at WRBR.

11 Q And when was that?

12 A That was in March of '96, mid-March.

13 Q How did that change -- how did that change? This
14 is when you became program director?

15 A That's correct.

16 Q How did that change come about?

17 A Well, prior to that, about a month prior to that
18 time, the acting program director, Phil Britten, left the
19 station to take another position at another radio station,
20 and it was kind of a sudden departure, and it kind of left
21 us all wondering what to do next.

22 And I felt as assistant program director, I at
23 least knew enough, and having prior programming experience,
24 I knew enough to step in and say let's get the job done.
25 And as I pointed out, we were also in the process of

1 changing the format, and that's a very volatile time in a
2 radio station's career.

3 Q What was your position change to at this time?

4 A Program director and afternoon drive for WRBR.

5 Q Did you have any responsibilities with WBYB after
6 you became program director?

7 A Very, very little. I think the only thing that I
8 did was to make sure that schedules were maintained, that
9 someone was there to work weekends, for instance. The
10 weekday people knew their shifts. Making sure weekends were
11 covered, that was about it, because, as I said, it was a
12 crucial time for us in changing formats at WRBR and I had no
13 time to spend in worrying about BYT.

14 Q Was there a replacement for Mr. Britten with
15 respect to WBYT eventually hired?

16 A Yes.

17 Q And when was that?

18 A That was March of '95; about the same time as we
19 changed our format.

20 Q Who was that individual?

21 A Ralph Cherry was his name.

22 Q After Mr. Cherry was hired, did you any longer
23 have any responsibility with respect to WBYT?

24 A No.

25 Q And has that changed at any point since then?

1 A No, sir.

2 Q When you became assistant program director and
3 then ultimately program director, did the amount of
4 interaction that you had with Mr. Hicks change at all?

5 A From assistant program --

6 Q Well, from the time you were on-air personality we
7 established that you didn't much contact.

8 A Right, right.

9 Q I guess as time when on when you were taking in
10 more programming responsibility --

11 A Um-hmm.

12 Q -- did the amount of interaction change?

13 A Yes, drastically.

14 Q Can you describe that?

15 A Well, as pointed out before, we were changing the
16 format, and being Hicks radio station he, of course, would
17 have the final say in any changes that we would make with
18 the station with respect to format or whatever. So at that
19 point when I was the program director, I had far more
20 contact with Mr. Hicks.

21 Q After the format change was implemented, and we'll
22 get back to some of the details about the format change in
23 awhile, did you continue to have contact with Mr. Hicks,
24 regular contact?

25 A Oh, yes, sir.

1 Q How was that contact, by what means? Face to
2 fact? Telephone?

3 A Mostly telephone or e-mail; once in awhile face to
4 face. His schedule and mine sometimes don't clash. So a
5 lot of work gets done through e-mail.

6 Q How frequently in a given week are you exchanging
7 e-mail or telephone calls with Mr. Hicks?

8 A I'd say a couple of times a week.

9 Q What sorts of issues do you discuss with him?

10 A Various issues. Anything from I'm looking to
11 replace a part-time person with a new person to promotions.
12 We have a new drive coming up, for example, this weekend.
13 I'll let him know about that just to make sure he knows
14 what's going on with the radio station.

15 If we want to do a large promotion, a cash give
16 away or a car give away or a trip or whatever, I need to
17 bring him into it so he knows what's going on, and he can
18 say yes, go ahead and give away, you know, \$1,000, or, no,
19 we can't do it, or whatever.

20 Q Who is the general manager at WRBR?

21 A Steve Kline.

22 Q Has that been the case since you've been working
23 at the station?

24 A Yes, sir.

25 Q Do you have to go through Mr. Kline when you want

1 to get information to and from Mr. Hicks?

2 A Not necessarily. I usually can just e-mail or
3 call Mr. Hicks.

4 Q Do you know a gentleman named John Dille?

5 A Yes, sir.

6 Q And who is he?

7 A He's the owner of WBYT.

8 Q Since you've become the program director at WRBR,
9 have you had any interactions with Mr. Dille regarding WRBR?

10 A No, sir.

11 Q Have you ever discussed programming matters of
12 WRBR with Mr. Dille since you became program director?

13 A No, sir.

14 Q To your knowledge, does Mr. Dille have any role or
15 input into the programming at WRBR?

16 A No, sir.

17 Q Who makes the programming decisions for WRBR?

18 A I do.

19 Q Who else is involved?

20 A If it's a major programming decision, as I
21 mentioned earlier, for example, a large promotion, a large
22 cash give-away promotion, I'll have to speak with Mr. Kline
23 and Mr. Hicks.

24 Q How about issues like format, whether contemplated
25 or actual format change, who makes that decision?

1 A Again, that would be myself. However, I do
2 maintain constant touch with our consultant, Mr. Tim Moore,
3 who gives me a lot of good insight as to what's going on in
4 the radio world, what some of his other client stations that
5 he works with, what kinds of successes they are having with
6 particular promotions, ideas.

7 Q As far as making the final decision on whether to
8 change the format -- how many times has it happened since
9 you've been at the station?

10 A I terms of changing the format?

11 Q Yes.

12 A That would -- that would be Mr. Hicks. He would
13 have the final say on anything of that nature.

14 Q And who else would -- well, let's talk about the
15 one time, or actually let's stop back.

16 How many times has the format actually changed at
17 WRBR since you've been there?

18 A Just the one time.

19 Q And that was in March of '96, approximately?

20 A Correct.

21 Q What did it change -- well, we know it changed
22 from oldies. What did it change to?

23 A It changed to what we call active rock.

24 Q Can you describe what active rock means?

25 A Active rock is a station -- I'm sorry -- a format

1 that relies more on the newer rock music that's coming out
2 today or the last few years as opposed to say classic rock
3 stations which, of course, usually play the '60s, '70s, a
4 little bit of the '80s. Active rock will play just the
5 opposite. It will do more of the '90s, and little touches
6 of classic rock for flavor.

7 Q Is that still the format that the station has
8 today?

9 A Yes, although we've leaned a little more to what
10 we call mainstream rock, which just includes more broad-
11 based rock bands, rock acts.

12 Q What was the impetus for changing the format?

13 A We had felt that -- well, actually, I'm sorry, two
14 things. Number one, we felt that it would be a good
15 opportunity, since we had -- we had made ourselves the
16 number one rock station in South Bend, we felt that there
17 may be more audience to go after.

18 Q My question was probably a little unclear.

19 In making the decision to go to rock, what was the
20 impetus for that decision?

21 A Oh, okay. That was a series of events. Most
22 notably the acquisition of the Bob and Tom Show as a new
23 morning show for WRBR.

24 Q What is the Bob and Tom Show?

25 A Bob and Tom is a syndicated show out of --

1 originating out of Indianapolis. It's basically a talk-
2 formatted type of program, a little bit of blue humor. They
3 kind of step to the line but don't go over kind of thing;
4 parity songs, parity skits, commercials. It's a quite
5 humorous program.

6 Q Were you aware of the Bob and Tom Show before it
7 was acquired by WRBR?

8 A Oh, yes.

9 Q How long have you know of it?

10 A Since I've been in radio. Bob and Tom has been
11 quite popular in Indianapolis, and over the past few years,
12 maybe three years now, they've decided to broaden their base
13 and syndicate it.

14 Q Had it been broadcast in the South Bend, Indiana
15 area before it came to WRBR?

16 A Yes.

17 Q What station had broadcast it before?

18 A WNDU-AM.

19 Q So when had they stopped broadcasting it?

20 A It would have been about December of '95.

21 Q What was your reaction when Bob and Tom went off
22 the air at WNDU-AM?

23 A I was kind of shocked because it's a very good
24 show, and --

25 Q You were doing the mornings at that time, weren't

1 you, at WRBR?

2 A Yes, but I have to admit even I would listen when
3 I wouldn't be doing my show because they are that good, and
4 being people who have been in the business for a number of
5 years, I'd respect what they have done for the industry, and
6 I just felt that somebody was going to try and get that show
7 because it is such a good show. And being that it
8 originates in Indianapolis, and has been there since the
9 early eighties, I believe, a lot of South Bend residents who
10 attended Ball State University, which is in that area of
11 Indianapolis, Indiana University, they were familiar with
12 the show, and those are your college graduates who you'd
13 love to have listen to your station in the morning.

14 So it just seemed to me -- they know who Bob and
15 Tom are -- if we had the opportunity or somebody had the
16 opportunity to put them on a better radio station, it could
17 be very, very advantageous.

18 Q Did you discuss that with anyone at WRBR?

19 A I had mentioned it to Mr. Kline.

20 Q And what was that conversation?

21 A In speaking with him, I said, first of all, that a
22 lot of people were shocked that Bob and Tom was dropped from
23 that station, and I remember a conversation. In candor I
24 said to him, "I'm shooting myself in the foot when I suggest
25 it, but has anyone thought of maybe, you know WRBR going

1 after the show?" And I can't recall what his response was
2 at the time, but as I said, to me, I felt somebody was going
3 to try and get hold of it.

4 Q Were you involved at all in the process by which
5 WRBR acquired the Bob and Tom rights?

6 A No, sir.

7 Q Okay, we had started talking about the Bob and Tom
8 acquisition in the context of the format change.

9 How did the acquisition of Bob and Tom lead to the
10 format change?

11 A Well, it was felt that Bob and Tom being a very
12 active type of morning show, I almost want to say outrageous
13 to an extent, we felt that it just didn't mix with an oldies
14 format, which is light and, you know, I can't think of a
15 word to describe it, very passive. You know, it can be a
16 station that you can leave on all day and hear these songs
17 that you've heard a hundred times, so it's just very
18 passive. And we just felt that the two would not be a good
19 gel.

20 Q When you mentioned "we," who was it that was
21 involved after the Bob and Tom acquisition in deciding,
22 contemplating the format change?

23 A It had been Mr. Kline, Mr. Hicks, Mr. Moore and
24 myself.

25 Q You've mentioned Mr. Moore a couple of times. Why

1 don't you tell us a little bit about who you understand Mr.
2 Moore to be?

3 A He is our station consultant, as a programming
4 consultant, and as such, he gives us ideas, gives us some
5 direction. As I pointed out earlier, he has several other
6 clients and has a good finger on the pulse of radio, what's
7 going on in the industry today, what's new and what isn't,
8 what's working today that maybe yesterday wasn't working.

9 And so as a result, he -- he gives us a lot of
10 great insight into what we could do, what we can do with our
11 station.

12 Q How frequently are you in touch -- as program
13 director, how frequently are you in touch with Mr. Moore on
14 significant issues like format changes or more regular
15 communications?

16 A I would say it's a more regular communication.
17 Once or twice a month. It really all depends. If we -- if
18 we're approaching say a ratings period, I might want to get
19 in touch with him more regularly and get some ideas from him
20 what would be some good ideas to do in this next ratings
21 period, what's happening in the industry that might be
22 something we might want to incorporate into what we were
23 doing.

24 Q What was his role in the format change?

25 A As I pointed out, he's got a good finger on the

1 pulse of radio, and I know that he and Mr. Hicks had been
2 friends a long time. So he was looked upon as an ideas
3 person. We were going to change the format of WRBR with the
4 acquisition of the Bob and Tom. What were some
5 possibilities?

6 Q Did he analyze or assist you in analyzing the sort
7 of formats that were weakest in the geographic area?

8 A Yes, sir. He had analyzed several of the major
9 players, shall we call them, in the market, and gave us an
10 idea who was strong and who wasn't, who might be prime for a
11 fall should we change our format and become more aggressive,
12 more competitive.

13 Q Do you recall what sorts of conclusions he was
14 suggesting?

15 A He was suggesting that the rock stations in South
16 Bend were kind of underserving the rock base. As does every
17 style of music, it changes. The rock music had changed
18 drastically in the early to mid nineties, and it was -- it
19 was his research that pointed out that our competitors, our
20 rock stations in South Bend weren't doing as good a job
21 serving the today rock audience as could be done.

22 Q What was Hicks' role in the format change
23 discussion?

24 A As I said, being the owner of the radio station,
25 it was -- it was his final stamp of approval that would lead

1 to any change.

2 Q Was he involved in any meetings that you attended
3 prior to the ultimate decisions?

4 A Yes, we had a few meetings, conference calls and
5 the like in discussing different ideas, different options:
6 Should we do this kind of rock, that kind of rock? What
7 should our target audience be? Who should we focus on
8 trying to attain as our primary audience?

9 Q Was there any thought of doing a country format?

10 A No, we never discussed that.

11 Q Why not?

12 A We felt that the country station in the market, as
13 I recall at the time, there were two, and we felt that
14 country was being served quite well in the market, and we
15 felt that it wasn't a good -- a good move to make.

16 Q Who else at the station was aware of the format
17 change consideration before it occurred?

18 A We kept it very quiet. We wanted to surprise
19 everyone. The only people who would have known were
20 myself, Mr. Hicks, Mr. Moore, Mr. Kline and our sales
21 manager, Brad Williams, although as I recall, he was brought
22 in a little bit later, as the day -- the date that we had
23 targeted change started to approach, that's when he was
24 brought into it. But initial conversations and strategic
25 plans, strategic sessions, he was not involved in.

1 Q When did the format change actually hit the air?

2 A The afternoon of March 15, '96.

3 Q Was the Bob and Tom Show already on the air at
4 that time?

5 A No. We decided we would wait. It was a Friday
6 afternoon as I recall. We decided to wait till then. We
7 felt that our competitors would be going home for the
8 weekend, wouldn't see it coming, and we would surprise them
9 totally. We didn't put Bob and Tom on the air. Their first
10 broadcast was the following Monday. Although the market
11 knew that we had acquired it and it was coming, they just
12 didn't know when.

13 Q But the format change hadn't been public
14 knowledge?

15 A No, not at all.

16 Q How has the Bob and Tom Show and format change
17 done? How has it affected WRBR?

18 A Outstanding. I would have to say it actually
19 exceeded my expectations. I knew we would do well, but Bob
20 and Tom, combined with our rock presentation, has been very
21 successful.

22 Q How has the -- and I know thing might be a little
23 painful since you were on the morning show before Bob and
24 Tom, but how was the morning show doing before Bob and Tom
25 came on the air at WRBR?

1 A I'd like to say it was great, but it wasn't doing
2 that well. We were, shall we say, in the middle of the
3 pack. I felt we were doing a good job, but as I said, an
4 oldies format is kind of passive. You might listen to it in
5 the back of your -- you know, in your office all day and not
6 know what station you were listening to because it's just
7 music that's your so familiar with, it's almost second
8 nature.

9 So did that answer your question?

10 Q Yes, thank you.

11 How is the morning show slot doing with Bob and
12 Tom?

13 A It's number one across the board. It's doing very
14 well.

15 Q What do you mean by "across the board"?

16 A Well, as a rock station, our target audience is
17 men 18 to 49, but we find that in all of the rated cells,
18 18 - 34, 18 - 49, 25 - 54, in men, it's number one. In
19 women, it's quite competitive. It's done very, very well
20 for us.

21 Q Let me talk to you briefly about news programming
22 at WRBR. Does RBR broadcast any regular news reports at any
23 point during the days?

24 A Yes, we broadcast in the morning.

25 Q By "the morning," what time frame are you talking

1 about?

2 A Between five and 10 a.m during the Bob and Tom
3 Show.

4 Q How frequently do you the news broadcast get made
5 during that time period?

6 A That's hard to say because the Bob and Tom Show
7 itself deals with news issues. They can go through the
8 whole broadcast day, five to 10 a.m., as I said, talking
9 about nothing but news headlines; sports headlines and the
10 like.

11 Locally, we have two news breaks per hour, and one
12 sports break per hour.

13 Q So actually to cover the news, you get through the
14 syndicated show?

15 A Correct.

16 Q Where do you get the local news from?

17 A Our local news come to us from WTRC.

18 Q Is it customized in any fashion for WRBR?

19 A Yes. We customized the news because, as I pointed
20 out, Bob and Tom talk about the development of national
21 news, so we don't need the WTRC staff to cover, for
22 instance, Mr. Glenn in outer space because Bob and Tom will
23 have already talked about that on their show. So we have
24 them give us more state news and local presentation, and no
25 national news unless, of course, it's something -- something

1 outstanding nationally that's happening in South Bend, of
2 course.

3 Q Whose responsibility is it to discuss with WTRC
4 how you would like the news to go over WRBR?

5 A That would fall under my jurisdiction.

6 Q Is anyone else involved?

7 A Mr. Hicks, to a degree. He keeps tabs on what
8 we're doing, including our news presentation, and to make
9 sure that they are giving us the news that we want.

10 Q How about Mr. Kline, is he involved as well?

11 A To a degree, yes.

12 Q Have there been any specific instances in which
13 you or any people you've mentioned have had that discussion
14 with WPRC about the content of the news with WRBR?

15 A Yes.

16 Q What are some of those examples?

17 A I had a meeting recently, they had hired a new
18 newsperson and sportsperson. I had a meeting to just
19 introduce everyone and let them know this is what we do at
20 WRBR. Prior to that, I remember a meeting that we had
21 involving their news staff. Mr. Hicks and myself -- as I
22 recall, we were approaching the bad weather season for
23 Indiana, and we were concerned with how we would present
24 school closings, road closings, if there was a snow
25 emergency, how we would present that information, and make

1 sure we would get it in a timely fashion so as to get it on
2 the air as soon as possible.

3 Q What sort of local news and sports issues are
4 followed on WRBR with the local context?

5 A South Bend information, what's happening locally.
6 As I pointed out, statewide, especially with elections
7 coming out. We talk about that as well. But for the most
8 part, what's happening in South Bend, the latest news, the
9 things that are affecting our community.

10 Q Where is WTRC located?

11 A They're in Elkhart, Indiana.

12 Q Have you had any discussions with them about
13 making sure that it was more of a South Bend bend, I guess,
14 to the news you get from them?

15 A Yes, we -- realizing that they are in Elkhart,
16 they have a lot of Elkhart news that they deal with on their
17 own level. But being that we are a South Bend radio
18 station, and the two are not the same town, we ask them to
19 focus on South Bend issues unless, of course, there is
20 something in Elkhart that is a major issue for the entire
21 community to be advised of.

22 Q Do you feel that the local news broadcasting on
23 WRBR is covered more in depth because you have the national
24 news coming from Bob and Tom and other stations?

25 A Yes, I do because it gives us the opportunity to

1 spend time with statewide information and local information,
2 whereas I'm sure our competitors also have to talk about, as
3 I've pointed out the example before, Mr. Glenn in outer
4 space. They're going to spend time with that and with local
5 stuff, local news, and do their music or whatever they're
6 doing.

7 With Bob and Tom, it's a talk formatted kind of
8 program, so they're going to spend a lot of time talking
9 about Mr. Glenn in outer space and the upcoming elections
10 and things of that sort.

11 So when it comes time for our breaks, when we have
12 the chance to do local news, it gives us a more focused
13 presentation on what's going on locally.

14 Q Who has the ultimate control over the content of
15 the news programming at WRBR?

16 A I do.

17 Q Anyone else involved at the station?

18 A Mr. Hicks, to a degree.

19 Q Does WRBR also broadcast public affairs
20 programming?

21 A Yes, sir.

22 Q Where does that come from?

23 A That is produced at WTRC.

24 Q When does that get broadcast at WRBR?

25 A Sunday mornings.

1 Q Who has the ultimate authority to decide what
2 public affairs programming is aired at WRBR?

3 A That would be me.

4 Q Does Mr. Dille have any involvement in news or
5 public affairs programming at WRBR?

6 A No, sir.

7 Q Does he have any involvement at all with the
8 programming at WRBR?

9 A No, sir.

10 Q Do you have any question in your mind as to who
11 runs the station WRBR?

12 A No, sir.

13 Q Who is that?

14 A Mr. Hicks.

15 MR. HALL: I have nothing further, Your Honor.

16 JUDGE CHACKIN: Is there any cross?

17 MR. BOYCE: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. BOYCE:

20 Q My name is Roy Boyce. I represent the FCC's Mass
21 Media Bureau.

22 A Mr. Boyce.

23 Q Starting when you moved from WBYT to WRBR, which I
24 believe you said was, let's see, March of 1995; is that
25 correct?

1 A Yes, that's correct.

2 Q You indicated that you provided an air check and a
3 resume to Steve Kline?

4 A No, sir, to Mr. Britten.

5 Q To Mr. Britten.

6 Do you know whether he in fact passed that on to
7 Mr. Hicks?

8 A I would assume he did because it was very
9 important to my getting the job.

10 Q But you don't know what he did with it?

11 A No, sir.

12 Q What he did when you gave it to him, and did you
13 have an interview with anyone at that time?

14 A I talked to Mr. Britten about the position. He
15 was already familiar with my talent being I had worked for
16 WBYT part time. But WRBR and the morning show there
17 presented a whole new series of challenges, and we had
18 talked about what would be expected of me and what my job
19 requirements would be.

20 Q And that was with Mr. Britten?

21 A Yes.

22 Q Did you talk to Mr. Kline at that time?

23 A I can't recall.

24 Q Did you talk to Mr. Hicks at that time?

25 A No, sir.

1 Q Now, when you went to work with WRBR, did you
2 enter into a written employment agreement?

3 A Could you be more specific? I don't understand.

4 Q In March of 1995, when you began working for WRBR,
5 did you have a written employment agreement of any kind with
6 Hicks Broadcasting?

7 A As I recall, I filled out some papers for benefits
8 and such.

9 Q But other than that you had no written agreement
10 with Hicks Broadcasting?

11 A I can't recall what was on those papers.

12 Q Now, in late 1995, if I understand your testimony,
13 you became the assistant program director for both WBYT and
14 WRBR; is that correct?

15 A Yes, sir.

16 Q Did you apply for that position?

17 A No, sir.

18 Q How did it come about that you received it?

19 A I can't recall exactly how it happened. As I
20 pointed out earlier, there were a lot of things that we
21 wanted to do at WRBR, promotions, functions, and the sort.
22 And we had a lot of great people working there, a lot of
23 great ideas, and nothing was really getting done. And we
24 felt kind of -- kind of stale. You know, we wanted to do
25 some things. We wanted to get out in the community more.