Commission was able to address and resolve all of the outstanding basic qualifications issues raised in the competing applicant's petition to deny. Thus, we indicated that "where the pendency of a transfer application overlaps with the renewal period of one of the stations involved in a multiple-station transfer, we shall employ [this procedure] so long as there remain no basic qualifications issues against the transferor and transferee that cannot be resolved in acting on the transfer . . . ." 11 FCC Rcd at 3750.

Petitioner has raised serious basic qualifications issues against the parties involved with this application, and has presented a plethora of documentation in support of these allegations. SBH claims that although Astroline represented that it qualified as a minority-controlled entity, control of the company actually rested with its non-minority principals, in contravention of the minority distress sale policy, and provides documentation to support these claims, including copies of reports by Astroline to the Internal Revenue Service indicating that the supposed controlling minority principal actually owned less than 1% of the company in 1985, 1986 and 1987.[10] Serious character questions also remain regarding the assignee, Parker/TIBS. For example, in one instance an administrative law judge disqualified an applicant in a comparative hearing for a new television station after finding Parker to be an undisclosed principal in that applicant. *See Religious Broadcasting Network*, 2 FCC Rcd 6561, 6566-67 (I.D. 1987). The Review Board upheld the disqualification, characterizing the application as a "travesty and a hoax," 3 FCC Rcd 4085, 4090 (Rev. Bd. 1988), and the applicant as a "transpicuous sham" which had "attempted fraud" upon the Commission. *Id.* at 4091.

Moreover, although *the assignee* presented us with the January 1997 contracts between it and the transmitter site lessor's successor, giving it the right to use space on a transmission tower, and conveying to it the television transmission antenna, none of the parties to the application have refuted the allegation that *the assignor* held nothing more than a bare license at the time it filed the instant assignment application in 1993. Nor has the Trustee provided an inventory of its assets sufficient to demonstrate that it possesses the technical ability to operate WHCT-TV. Indeed, except for periodically filing requests for extension of time to remain dark, since 1993 the Trustee has remained completely silent regarding the fate of WHCT-TV and, to our knowledge, has never attempted to return the station to the air, despite the fact that the station's license will expire in February, 1997 should he not do so. Under Section 309 of the Communications Act, 47 U.S.C. §309(d)(2)-(e), if a substantial and material question of fact is presented to the Commission, the application shall be designated for hearing. In this instance, we believe that the numerous allegations against the parties involved in this assignment raise substantial and material questions of fact which cannot be resolved in acting on the assignment without a hearing, as requested by TIBS.

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including trustee or conservator).

[10] The fact that the case went to the Supreme Court in order to address the constitutionality of the minority distress sale policy, does not prevent the Commission from investigating allegations concerning the veracity of Astroline's representations regarding its compliance with the minority-controlled entity criteria.

On January 21, 1997, SBH filed a response which alleged, *inter alia*, that a prohibited *ex parte* communication took place between a member of the Mass Media Bureau staff and the Trustee. A copy of the response was served on the Managing Director who has referred this matter to the Commission for evaluation in connection with the pleading of which it is a party. In its response, however, SBH has provided no evidence in support of that allegation. To the extent that such evidence may exist, it should be submitted to the Office of the Managing Director. *See* 47 C.F.R. §1.1214.

Finally, we note that our decision today will not adversely affect the viewing public in the Hartford area since WHCT-TV has not provided service for over five years. Nor does our action prevent the Trustee from taking measures to resume service on WHCT-TV prior to February 9, 1997. Consequently, having considered all the materials before us in this matter, the request for emergency relief, filed by Two If By Sea IS DENIED.

This letter was adopted by the Commission on January 30, 1997.

BY DIRECTION OF THE COMMISSION

William F. Caton
Acting Secretary

EXHIBIT C

Federal Communications Commission
Washington, D.C. 20554

MAY 22 1997

CORRECTED

Alan C. Campbell, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue N.W.
Suite 200
Washington, D.C. 20036-3101

Re: WHRC(TV), Norwell, MA
FCC File No. BALCT-961007IA

Dear Mr. Campbell:

This letter is in reference to the application for consent to assign the license of station WHRC(TV), Norwell, Massachusetts, from Massachusetts Redevelopment Limited Liability Company ("MRLLC") to Channel 46 of Boston, Inc. ("Channel 46").

Michael L. Parker is the majority member of MRLLC and is also the major principal in Two If By Sea Broadcasting Corporation ("TIBS"). TIBS is the proposed assignee of WHCT-TV, Hartford Connecticut. In 1993, Shurberg Broadcasting of Hartford, Inc. ("Shurberg") filed a petition to deny the Hartford assignment application alleging, *inter alia,* that Parker misrepresented facts and lacked candor in connection with various Commission filings over a number of years. In a By Direction Letter to *Howard Topel and Harry F. Cole*, FCC 97-25, dated January 30, 1997, the Commission determined that there were substantial questions of material fact with respect to Parker's qualifications to be the licensee of the Hartford facility. *See also Memorandum and Opinion and Order & Hearing Designation Order*, ("HDO"), MM Docket 97-128, FCC 97-146, released April 28, 1997. Since the HDO designated for hearing the renewal application of the proposed assignor, specification of issues with respect to TIBS' qualifications was not necessary at that time. HDO at n. 1. Here, no allegations have been raised by any party in connection with the assignment of station WHRC(TV) and the misconduct alleged in the Hartford proceeding does not appear to have involved the day-to-day operation of the Norwell station. *See Straus Communications Inc.*, 64 RR 2d 556 (1987) citing *Grayson Enterprises, Inc.*, 47 RR 2d 1515 (1980), *modified* 53 RR 2d 126 (1983). Further, neither the HDO nor the Commission's By Direction Letter limited the transferability of any stations commonly held by Parker. *See James S. Rivers,* 48 FR 8585, 8586 (March 1, 1983). *See also Character Qualifications,* 102 FCC 2d 1179, 1223-1225 (1985), *recon. denied,* 1 FCC Rcd 421 (1986). Thus, based on the circumstances of this case, we do not find that the outstanding matter relating to Mr. Parker is an impediment to a grant of the subject license assignment application. This action is without prejudice to whatever ultimate resolution of Shurberg's allegations may be called for in connection with the proposed assignment of WHCT-TV.

Accordingly, having found the assignee fully qualified to become a Commission licensee, the application to assign the license of station WHRC(TV) from Massachusetts Redevelopment Limited Liability Company to Channel 46 of Boston, Inc. (BALCT-961007IA) IS GRANTED.

Sincerely,

Barbara A. Kreisman
Chief Video Services Division
Mass Media Bureau

cc: Howard A. Topel, Esq.

EXHIBIT D

REC'D 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of DESERT 31 TELEVISION, INC., Assignor and PEORIA BROADCASTING SERVICES, INC., Assignee For consent to the assignment of construction permit of Station KVMD(TV), Twentynine Palms, California	)	File No. BAPCT-971003IA
TWO IF BY SEA BROADCASTING CORPORATION, Assignor and PEORIA BROADCASTING SERVICES, INC., Assignee For consent to the assignment of the license of International Broadcast Station KAIJ, Dallas, Texas	)	File No. BALIB-970912VT

TO: The Commission

PETITION TO DENY OR DISMISS APPLICATIONS

1. Alan Shurberg, d/b/a Shurberg Broadcasting of Hartford ("Shurberg") hereby petitions to deny or dismiss the above-captioned applications. In each of the applications, the proposed Assignor is owned and controlled by Micheal Parker. Not disclosed in either application is the fact that, in January, 1997, the full Commission had occasion to consider the

11/18/97

qualifications of Mr. Parker and Two If By Sea Broadcasting Corporation ("TIBS"), one of Mr. Parker's corporations and also one of the proposed assignors herein. The Commission concluded as follows:

> Serious character questions also remain regarding the assignee, Parker/TIBS. For example, in one instance an administrative law judge disqualified an applicant in a comparative hearing for a new television station after finding Parker to be an undisclosed principal in that applicant. See Religious Broadcasting Network, 2 FCC Rcd 6561, 6566-67 (I.D. 1987). The Review Board upheld the disqualification, characterizing the application as a "travesty and a hoax", 3 FCC Rcd 4085, 5090 (Rev. Bd. 1988), and the applicant as a "transpicuous sham" which had "attempted fraud" upon the Commission. Id. at 4091.

12 FCC Rcd at 2257.

2. Shurberg has previously directed the Commission's attention to the obvious problems with Mr. Parker's qualifications to be or to remain a licensee. See, Shurberg's Reply, filed January 26, 1994, in File No. BALCT-930922KE (i.e., the proposed assignment of the license of Station WHCT-TV, Hartford, to TIBS); Shurberg's Formal Opposition to, and Motion to Strike, Letter Request Seeking Emergency Relief, filed December 27, 1996 in connection with the same application. Indeed, Shurberg understands that it was at least in part a result of Shurberg's efforts in this regard that the Commission reached its January, 1997 conclusions adverse to Mr. Parker and TIBS.

3. Since the Commission has now plainly stated its concurrence with Shurberg's view that serious questions concerning the qualifications of Mr. Parker (and, by extension,

the corporate entities controlled by Mr. Parker), Shurberg submits that the Commission should take no actions which could be construed as indicating that Mr. Parker (or his corporations) are qualified to become or remain Commission licensees. In support thereof, Shurberg incorporates by reference herein the arguments he has previously presented to the Commission on this point.

4. Shurberg also hereby supplements those previous arguments with the following observations. First, to the extent that the Commission's records demonstrate that Mr. Parker has historically established a pattern of less than honest and forthright disclosure to the Commission, the above-captioned applications demonstrate that that pattern is alive and well. While the descriptions of Mr. Parker's previous scrapes with the Commission are arguably a little more detailed in the captioned applications (for example, they now include the full, formal citation of the decisions released in those matters, as opposed to the less-readily-available "FCC Document Number" which Mr. Parker previously cited), those descriptions still fall far short of full and forthright.

5. For example, in their discussion of the Religious Broadcasting decision, neither of the applications reveals that the applicant in which Mr. Parker was involved was found to be disqualified. See 2 FCC Rcd 6561 at ¶60. Nor does their discussion of Doylan Forney reveal that, in a prescient aside, the Review Board commented on the fact that the similarities between Mr. Parker's conduct in Doylan Forney and Religious

Broadcasting suggested a "modus operandi". Nor does their discussion of the Mt. Baker decision disclose that the Commission there found that the facts of that case "clearly indicate[d] an effort to deceive the Commission" by Mr. Parker's entity.

6. Perhaps the most egregious omission by the captioned applicants is any reference to the Commission's January, 1997 letter, which unequivocally addressed the substantial and material questions surrounding the basic qualifications of TIBS and Mr. Parker.

7. The captioned applications, then, merely serve to reconfirm the validity of the arguments which Shurberg has been advancing for more than three years already. On the basis of those arguments, as strengthened by the most recent demonstrations of Mr. Parker's less than candid modus operandi, Shurberg submits that neither of the two captioned applications can be granted.

Respectfully submitted,

/s/ Harry F. Cole
Harry F. Cole

Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Alan Shurberg d/b/a
Shurberg Broadcasting of Hartford

November 17, 1997

CERTIFICATE OF SERVICE

I hereby certify that, on this 17th day of November, 1997, I caused copies of the foregoing "Petition to Deny or Dimiss Applications" to be placed in the U.S. Postal Service, first class postage prepaid, or hand delivered (as indicated below), addressed to the following:

Desert 31 Television, Inc.
Two If By Sea Broadcasting Corporation
22720 S.E. 410th Street
Enumclaw, Washington 98022

Peoria Broadcasting Services, Inc.
124 Monterey Road - #304
South Pasadena, California 91030

Howard A. Topel, Esquire
Fleischman and Walsh, L.L.P.
1400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036
Counsel for Two If By Sea
Broadcasting Corporation

/s/ Harry F. Cole
Harry F. Cole

RECD 1 19 Hrf
COPY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of	)	
	)	
DESERT 31 TELEVISION, INC., Assignor	)	
	)	
and	)	File No. BAPCT-971003IA
	)	
PEORIA BROADCASTING SERVICES, INC., Assignee	)	
	)	
For consent to the assignment of construction permit of Station KVMD(TV), Twentynine Palms, California	)	
	)	
TWO IF BY SEA BROADCASTING CORPORATION, Assignor	)	
	)	
and	)	File No. BALIB-970912VT
	)	
PEORIA BROADCASTING SERVICES, INC., Assignee	)	
	)	
For consent to the assignment the license of International Broadcast Station KAIJ, Dallas, Texas	)	

TO: The Commission

PETITION TO DENY, DISMISS OR HOLD IN ABEYANCE

1. Adams Communications Corporation ("Adams") petitions the Commission to deny, dismiss or hold in abeyance the above-captioned applications of (a) Desert 31 Television, Inc. ("Desert") to assign the permit of Station KVMD(TV), Twentynine Palms,

11/18/97

California, and (b) Two If By Sea Broadcasting Corporation ("TIBS") to assign the license of International Broadcast Station KAIJ, Dallas, Texas. Substantial and material questions concerning Desert's qualifications to remain a licensee exist and must be resolved before further action can be taken on these applications.

2. Adams is an applicant for a construction permit for a new television station in Reading, Pennsylvania. Adams's application is mutually exclusive with that of Reading Broadcasting, Inc. ("RBI"). A dominant principal of RBI is Micheal L. Parker, who is also an officer, the sole director and the sole shareholder of both Desert and TIBS. Mr. Parker's previous activities over a long period of time in matters before the Commission raise serious questions concerning his basic qualifications to be a licensee. Since Adams's right to raise and argue those questions in connection with the RBI comparative renewal proceeding could, *arguendo*, be substantially compromised by any Commission action arguably resolving, explicitly or otherwise, those issues, Adams has standing to bring these matters to the Commission's attention at this time, in order to prevent the premature foreclosure of such issues.

3. In Exhibit 2 to their respective applications, Desert and TIBS provide information concerning other broadcast interests held by Mr. Parker and other broadcast-related matters in which Mr. Parker has been involved before the Commission. In so doing, they fail to advise the Commission of the Commission's letter, dated January 30, 1997, to, *inter alia*, TIBS. In the Commission's letter, which is reported at 12 FCC Rcd 2254 (1997), the full Commission stated that

> Serious character questions also remain regarding the assignee, Parker/TIBS. For example, in one instance an administrative law judge disqualified an

> applicant in a comparative hearing for a new television station after finding Parker to be an undisclosed principal in that applicant. *See Religious Broadcasting Network*, 2 FCC Rcd 6561, 6566-67 (I.D. 1987). The Review Board upheld the disqualification, characterizing the application as a "travesty and a hoax", 3 FCC Rcd 4085, 5090 (Rev. Bd. 1988), and the applicant as a "transpicuous sham" which had "attempted fraud" upon the Commission. *Id.* at 4091.

12 FCC Rcd at 2257. Thus, the Commission has clearly, and recently, concluded that "serious character questions" exist concerning Mr. Parker -- and yet, Desert and TIBS failed to disclose that decision in their applications.

4. While the captioned applications make no mention whatsoever of the January 30, 1997, letter, they do mention the *Religious Broadcasting* decision cited in that letter. But they do not mention that the applicant with which Mr. Parker was affiliated in the *Religious Broadcasting* proceeding was disqualified, or that the Review Board singled out Mr. Parker as the "true kingpin", 3 FCC Rcd at 4090, behind that applicant's fraudulent efforts.

5. In their applications, Desert and TIBS also advise the Commission that Mr. Parker was a principal in the permittee of a television station in Anacortes, Washington. According to the applications,

> The permittee [Mt. Baker Broadcasting Company, Inc.] lost its construction permit because the facilities which it constructed and with which it commenced operation . . . were substantially less than those authorized in the construction permit. After the FCC inspected the station, it ordered it to cease operations, and denied reinstatement of the construction permit -- which had expired -- by a *Memorandum Opinion and Order, Mt. Baker Broadcasting Co.*, 3 FCC Rcd 4777; 1988 FCC LEXIS 1467; 65 Rad. Reg. 2d (P&F)(1988).

Desert Application, Exhibit 2, page 2; TIBS Application, Exhibit 2, page 2.

6. This gloss of the Commission's *Mt. Baker* decision radically recasts and

understates that decision, which involved considerably more than the mere denial of a construction permit extension as the Desert application suggests. Rather, in *Mt. Baker*, Parker's company had allowed its permit to lapse without construction, and the Mass Media Bureau denied the permittee's fourth extension request in December, 1986. *Mt. Baker* at ¶2. The permittee sought reconsideration of that denial, asserting that it had in fact constructed the station and was commencing program tests. *Id.* at ¶3. In the light of those representations, the Bureau extended the permit for 30 days (to January 30, 1987) on condition that a license application be submitted within 10 days. *Id.* No such license application was filed (timely or otherwise), and in April, 1987, the Field Operations Bureau inspected the station. *Id.* at ¶4.

7. The inspection revealed that the facilities which had been constructed were substantially different from those which had been authorized. As the Commission concluded,

> [the permittee's] improper construction did not occur through error or inadvertence; ***the facts clearly indicate an effort to deceive the Commission***. . . . [T]he ***deception*** was not uncovered until the Field Operations Bureau inspection. Even then, Mt. Baker took no steps toward remedying the situation.

Id. at ¶8 (emphasis added). In the *Mt. Baker* case the Commission found that Parker's company had affirmatively sought to "deceive" the Commission. [1/] The "disclosures" of the *Mt. Baker* case now offered by Desert and TIBS make no reference whatsoever to this important aspect of that case.

8. In the captioned applications, then, the Commission is faced with an applicant,

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[1/] Nothing indicates that Mt. Baker sought reconsideration or judicial review of the Commission's decision.

Mr. Parker, in his various corporate embodiments, who has on multiple occasions acted duplicitously before the Commission. This duplicity resulted in the Commission and the Review Board invoking the harshest conceivable language: "effort to deceive", "deception", "transpicuous sham", "a travesty and a hoax", "attempted fraud". [2/] Moreover, as noted above, once again the disclosure of these matters in Mr. Parker's pending applications fails to recount history accurately. And, as noted, the two captioned applications fail to mention at all the Commission's January, 1997 letter decision concluding that substantial questions exist concerning Micheal Parker's character.

9. Micheal Parker did not commit an isolated transgression involving only one station. No, Micheal Parker has engaged in deceptive conduct in multiple contexts over a period of years; he has established a pattern of misconduct. Even today, in the captioned applications, he is either unwilling or unable to be completely forthright and candid before the Commission. Is he congenitally unable to be straightforward?

10. In *Character Qualifications in Broadcast Licensing*, 59 R.R.2d 801, 831

[2/] *See also Doylan Forney*, 3 FCC Rcd 6330, 6338 at n.1 (Rev. Bd. 1988), where the Review Board noted that one "Mike Parker" had been involved as a consultant to an applicant whose supposedly controlling principal was found to be "unknowledgeable, confused and ineffective", 3 FCC Rcd at 6332:

> The reference to Mike Parker and Associates brings to mind *Religious Broadcasting Network*, *supra*, 3 FCC Rcd at 4090, where the Board affirmed the presiding ALJ's finding that [an applicant], whose real-party-in-interest was a Michael Parker, was entitled to no integration credit, the Board characterizing the application as a "travesty and a hoax." It is not clear from the record whether the Michael Parker in *Religious Broadcasting Network* is the same Mike Parker here, but we note that the *modus operandi* is similar.

The Desert application makes clear that the two Messrs. Parker were in fact one and the same.

(1986), the Commission addressed the question of assessing the misconduct of a multiple-station owner. According to the general policy enunciated there, misconduct at one station will ***not*** necessarily affect the transferability of other commonly-owned or -controlled station licenses not involved in the misconduct. *Id.* This policy comes into play when the misconduct is first designated for hearing. At that time, the Commission announces whether the matters at issue are "serious enough to possibly affect the transferability" of more than one of the owner's stations. According to the Commission, "unless the licenses are designated [for hearing], they are freely transferable without condition". *Id.*

11. The instant situation, however, falls outside this general rule. While the Commission has clearly stated (in the January 30, 1997 letter) that substantial and material questions exist regarding Mr. Parker's qualifications, the Commission has thus far not had occasion to designate Mr. Parker for hearing anywhere. As a result, we know that questions exist. But, absent designation of some, but not all, of Mr. Parker's interests, we do not know exactly which stations may or may not be transferable.

12. Under these circumstances, it is appropriate to assume that ***none*** of Mr. Parker's interests are transferable. This is especially so in light of the fact that the apparent misconduct has been repeated in a number of different contexts before the Commission over more than a decade. That is, this is not simply a one-shot mistake made at one station. Rather, it is repeated, egregious conduct -- a "*modus operandi*", in the Review Board's words, 3 FCC Rcd at 6338, n.1 -- which appears to be uncorrected and uncorrectable. He knew the rules. He chose to scoff at them.

13. The Commission's policy on transferability was itself based on the apparent

assumption that most instances of misconduct would involve just a single station; in such cases, the Commission concluded that other stations not involved in the misconduct should not be affected. But the Commission specifically acknowledged that "some behavior is so fundamental to a licensee's operation that it is relevant to its qualifications to hold any station license." 59 R.R.2d at 831, ¶92. In so stating, the Commission expressed its agreement with the views of two commenting parties who had argued that

> if the licensee engaged in fundamental misbehavior, such as clear misrepresentation to the Commission, that misconduct should be considered to apply to all of the licensee's stations.

59 R.R.2d at 830, ¶87. Mr. Parker's misconduct fits comfortably within this category, since that misconduct consists of basically fraudulent behavior exhibited in multiple different contexts, all before the Commission. This is fundamental misbehavior, repeated over more than a decade.

14. When the Commission addressed Mr. Parker's misconduct in the January 30, 1997, letter, the Commission implicitly concurred with this assessment. If the Commission believed that the effect of the misconduct should be limited to the stations in connection with which the misconduct occurred, then the Commission could have taken the position that, for example, the denial of the San Bernardino application was punishment enough for the *Religious Broadcasting* transgression. If the Commission were taking that narrow position, then the Commission need not have even addressed that transgression in the context of Mr. Parker's attempt to purchase the license of a television station in Hartford, *i.e.*, the context in which the January 30, 1997 letter was issued. But the Commission ***did*** raise that transgression in the Hartford context. There, the Commission deemed it sufficiently serious

to prevent the grant of Mr. Parker's Hartford application absent a hearing.

15. Under these circumstances, the conclusion that the Commission recognizes that the seriousness of Mr. Parker's past conduct can and should affect all of Mr. Parker's interests, including the transferability of the above-captioned station is reasonable.

16. In any event, Mr. Parker used his non-forthcoming, non-candid, downright misleading *modus operandi* to acquire control of ***both*** StationS KVMD(TV) AND KAIJ in the first place. In his 1992 application for consent to the transfer of control of Desert, Mr. Parker stated, *inter alia*, that:

> Mr. Parker also was an officer, director and shareholder of Mt. Baker Broadcasting Co. Mt. Baker Broadcasting Co.'s application for extension of time of its construction permit for KORC(TV), Anacortes, Washington (FCC File No. BMPCT-860701KP) was denied. *See Memorandum Opinion and Order*, FCC 88-234, released August 5, 1988.
>
> Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Mr. Parker's role as a paid independent consultant to San Bernardino Broadcasting Limited Partnership ("SBB"), an applicant for authority to construct a new commercial television station on Channel 30 in San Bernardino, California (MM Docket No. 83-911), was such that the general partner in SBB was held not to be the real-party-in-interest to that applicant and that, for purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. *See Religious Broadcasting Network et. al.*, FCC 88R-38, released July 5, 1988. This proceeding was settled in 1990 and Mr. Parker did not receive an interest of any kind in the [sic] Sandino Telecasters, Inc., the applicant awarded the construction permit. *See Religious Broadcasting Network et. al.*, FCC 90R-101, released October 31, 1990.

See Attachment A hereto.

17. Essentially identical language was included in Mr. Parker's 1992 application to acquire the license of KAIJ. See Attachment B hereto. But more significantly, Mr. Parker amended the KAIJ application in October, 1992. In that amendment, Mr. Parker expressly

represented that

> as part of [the KAIJ assignment application], Two If By Sea listed applications in which its officers, directors and principals had held interests and which were dismissed at the request of the applicant. This will confirm that no character issues had been added or requested against those applicants when those applications were dismissed.

See Attachment C hereto.

18. Note that the description of the *Mt. Baker* matter was even more veiled and innocent-seeming than the description in these above-captioned applications. Note also that Mr. Parker provided no formal citations to published reports, but instead relied on individual document numbers which are less easy to locate and the use of which suggests that the underlying decision was ***not*** formally published. Deception. Note also that, in addressing *Religious Broadcasting*, Mr. Parker made no reference to the disqualification of Mr. Parker's applicant there, and instead suggested that the negative aspects of that decision involved the comparative aspects of the case. And of course, no mention was made of the damning language of either the *Mt. Baker* or the *Religious Broadcasting* opinion. And note finally that, despite the underlying facts, in his amendment to the KAIJ application Mr. Parker specifically and expressly denied that character issues had been added, or even requested.

19. A fundamental element of the Commission's regulatory process is that parties coming before the Commission must be completely honest, candid and forthright in their representations to the Commission. *E.g., Policy Regarding Character Qualifications in Broadcast Licensing*, 102 F.C.C.2d 1179, 1211 (1986); *FCC v. WOKO*, 329 U.S. 223 (1946); Catoctin Broadcasting Corp. of New York, 2 FCC Rcd 2126 (Rev. Bd. 1987, *aff'd in pertinent part*, 4 FCC Rcd 2553 (1989), *recon. denied*, 4 FCC Rcd 6312 (1989); *Fox*

River Broadcasting, Inc., 93 FCC 2d 127 (1983). The basic requirement of honesty and candor has applied since the Commission came into existence, and it has at all times been deemed to be of overriding importance by the Commission and the Courts. *See, e.g., id.*

20. Here, Mr. Parker has been the subject of not one, not two, not three, but at least four different reported opinions concerning conduct over a span of many years raising serious questions about his honesty and candor. *See Mt. Baker*; *Religious Broadcasting*; *Doylan Forney*; *Two If By Sea Broadcasting*. Under these circumstances, the qualifications of Mr. Parker -- and any entity in which Mr. Parker is a substantial principal -- to acquire, retain or dispose of a license must plainly be in doubt. As a result, the above-captioned application should be denied, dismissed or, at a minimum, held in abeyance pending formal disposition of the obvious issues relating to Mr. Parker's qualifications.

Respectfully submitted,

/s/ Harry F. Cole
Harry F. Cole

Bechtel & Cole, Chartered
1901 L Street, N.W. - Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Adam Communications Corporation

November 17, 1997

ATTACHMENT A

Excerpt from Exhibit 4
to Transferee's Portion of Application
(File No. BTCCT-920603KG)
for consent to the transfer of control
of the licensee of Station KVMD(TV)
to Micheal Parker

Mr. Parker was an Executive Vice President and a Director of West Coast United Broadcasting Co., licensee of KCNS(TV), San Francisco, California. West Coast has pending an application for a new low power television station on Channel 66 at San Francisco, California (FCC File No. BLCT-890926KE).

Mr. Parker has an application pending for a new low power television on Channel 68 at Los Angeles, California (FCC File No. BPTTL-891208ZI).

Mr. Parker held jointly with his wife, Judith Parker, a stock interest in Pacific Rim Broadcasting Co. ("Pacific Rim"), which filed an application to modify its construction permit for KPRR-TV, Channel 14, Honolulu, Hawaii, to operate on Channel 5 (FCC File No. BMPCT-830223KO, MM Docket No. 83-734). The application was dismissed by the Commission with prejudice pursuant to Pacific Rim's request. See Memorandum Opinion and Order, FCC 84M-1202, released March 12, 1984.

Mr. Parker's application for a new commercial television station on Channel 29 at Sacramento, California (FCC File No. BPCT-820824KJ, MM Docket No. 83-66) was dismissed with prejudice pursuant to his request. See Memorandum Opinion and Order, FCC 83M-1594, released May 17, 1983.

Mr. Parker also was an officer, director and shareholder of Mt. Baker Broadcasting Co. Mt. Baker Broadcasting

Co.'s application for extension of time of its construction permit for KORC(TV), Anacortes, Washington (FCC File No. BMPCT-860701KP) was denied. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Mr. Parker's role as a paid independent consultant to San Bernadino Broadcasting Limited Partnership ("SBB"), an applicant for authority to construct a new commercial television station on Channel 30 in San Bernadino, California (MM Docket No. 83-911), was such that the general partner in SBB was held not to be the real-party-in interest to that applicant and that, for purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. See Religious Broadcasting Network et. al., FCC 88R-38, released July 5, 1988. This proceeding was settled in 1990 and Mr. Parker did not receive an interest of any kind in the Sandino Telecasters, Inc., the applicant awarded the construction permit. See Religious Broadcasting Network et. al., FCC 90R-101, released October 31, 1990.

ATTACHMENT B

Excerpt from Exhibit 3
to Assignee's Portion of Application
(File No. BALIB-920810OM)
for consent to the assignment of license
of International Shortwave Station KCBI
(since changed to KAIJ), Dallas, Texas