

FEDERAL MAIL ROOM

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FCC 00M-58  
00271

2000 OCT 27 FRI 1:24

In the Matter of

) EB DOCKET NO. 00-156

**Ronald Brasher**

)  
)  
) Licensee of Private Land Mobile Stations  
) WPLQ202, KCG967, WPLD495, WPKH771,  
) WPKI739, WPKI733, WPKI707, WIL990,  
) WPLQ475, WPLY658, WPKY903, WPKY901,  
) WPLZ533, WPKI762, and WPDU262  
) Dallas/Fort Worth, Texas  
)

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**Patricia Brasher**

)  
) Licensee of Private Land Mobile Stations  
) WPJI362, WPKY900, and WPLD570  
) Dallas/Fort Worth, Texas  
)

**David Brasher**

)  
) Licensee of Private Land Mobile Stations  
) WPBU651, and WPJR757  
) Dallas/Fort Worth, Texas  
)

**D. L. Brasher**

)  
) Licensee of Private Land Mobile Station WPJR750  
) Dallas/Fort Worth, Texas  
)

**Carolyn S. Lutz**

)  
) Licensee of Private Land Mobile Station WPJR763  
) Dallas/Fort Worth, Texas  
)

**O. C. Brasher**

)  
) Licensee of Private Land Mobile Station WPJR761  
) Dallas/Fort Worth, Texas  
)

**Jim Sumpter**

)  
) Licensee of Private Land Mobile Station WPJR725  
) Dallas/Fort Worth, Texas  
)

**Norma Sumpter**

)  
) Licensee of Private Land Mobile Station WPJR739  
) Dallas/Fort Worth, Texas  
)

**Melissa Sumpter**

)  
) Licensee of Private Land Mobile Station WPJS437  
) Dallas/Fort Worth, Texas  
)

<b>Jennifer Hill</b>	)	
Licensee of Private Land Mobile Station WPJR740	)	
Dallas/Fort Worth, Texas	)	
	)	
<b>Metroplex Two-Way Radio Service</b>	)	
Licensee of Private Land Mobile Stations	)	
WPHS735, WPKP673, WPKM797, WPLZ841,	)	
and WPJR754	)	
Dallas/Fort Worth, Texas	)	
	)	
<b>DLB Enterprises, Inc.</b>	)	
Licensee of Private Land Mobile Stations	)	
WPKM796, WPKL830, WPJY510, WPLU490,	)	
WPBH830, WPKP667, WPLY713, WPMH354,	)	
WPMH477, and WPKY978,	)	
Dallas/Fort Worth, Texas	)	
WNAH223	)	
Cleora, Oklahoma	)	
	)	
<b>DLB Enterprises, Inc.,</b>	)	
Applicant for Conventional Industrial/Business	)	File Nos. AO17774,
Private Land Mobile Licenses	)	AO20241 and AO19157
Dallas, Texas	)	
	)	
Applicant for Conventional Industrial/Business	)	File No. AO18555
Private Land Mobile Licenses	)	
Crowley, Texas	)	
	)	
Applicant for Trunked Industrial/Business	)	File No. AO20755
Private Land Mobile Licenses	)	
Crowley, Texas	)	
	)	
Applicant for Assignment of Private Land Mobile	)	File No. D110637
Station WPJR740 from Jennifer Hill	)	
Dallas, Texas	)	
	)	
Applicant for Assignment of Private Land Mobile	)	File No. D113240
Stations from Ronald Brasher (WPKI707,	)	
WPKI739, WPKI733, and WPLQ475), Norma	)	
Sumpter (WPJR739), D. L. Brasher (WPJR750),	)	
David Brasher (WPJR757), Jim Sumpter	)	
(WPJR725), Jennifer Hill (WPJR740),	)	
Metroplex Two-Way Radio Service (WPJR754),	)	
O. C. Brasher (WPJR761), Melissa Sumpter	)	
(WPS437) Dallas, Texas	)	
	)	
Applicant for Assignment of Private Land Mobile	)	File No. D113242
Station	)	
	)	

Applicant for Modification of Private Land Mobile ) File No. D113241  
Stations WPKM796, and WPKL830, and )  
Assignment of Private Land Mobile )  
Stations WPKI733, WPLQ475, WPKI707, )  
and WPKI739 from Ronald Brasher )  
and Assignment of Private Land )  
Mobile Station WPKM797 from Metroplex )  
Dallas, Texas )

MEMORANDUM OPINION AND ORDER

Issued: October 24, 2000 ; Released: October 26, 2000

1. Under consideration are a letter addressed to the Commission, dated September 29, 2000, from Carolyn S. Lutz (“Ms. Lutz”),<sup>1</sup> and a Joint Statement Pursuant to § 1.92 of the Rules, filed on October 6, 2000, by Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill (“Petitioners”).

2. By *Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing*, FCC 00-314, released August 29, 2000 (“*HDO*”), this proceeding was designated for hearing. The issues include inquiry into: whether any of the above-captioned licensees made misrepresentations to, and/or lacked candor before, the Commission in applications and/or responses to Commission inquiries (Issue (a)); whether any of these licensees were undisclosed real parties-in-interest or willfully and/or repeatedly violated Section 310(d) of the Communications Act by engaging in unauthorized transfers of control involving their respective stations (Issue (b)); whether any of the captioned parties abused the Commission’s processes in connection with the filing of certain specified applications (Issue (c)); whether the captioned licensees are basically qualified to be and/or remain Commission licensees (Issue (d)); whether any or all of the above-captioned licenses should be revoked (Issue (e)); and whether any or all of the captioned applications should be granted (Issue (f)). *HDO* at para. 11. In addition, the *HDO* directed that it be determined whether an Order of Forfeiture shall be issued against any or each of the parties to this proceeding for having willfully and/or repeatedly violated Section 310(d) of the Act, and specified \$82,500 as the maximum potential forfeiture liability for each of the parties. *Id.* at para. 12. In order avail themselves of the opportunity to be heard and the right to present evidence, the *HDO* further provided that each of the parties shall file a written appearance stating that it will appear at the hearing and present evidence. *Id.* at para 14.

3. In her September 29, 2000, letter, Ms. Lutz, an individual named as a party in the *HDO*, specifically waived her right to a hearing. Ms. Lutz also requested, *inter alia*, that she be “deleted from further direct involvement in [this] proceeding[ ],” and that her “license be revoked, given to someone else or cancelled.” (Underlining omitted.) Ms. Lutz also submitted to the Commission a letter dated September 21, 2000, in which she related her version of some of the events in question.<sup>2</sup>

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<sup>1</sup> The September 29<sup>th</sup> letter bears an October 5, 2000, “Received” stamp from the Commission’s Mail Room.

<sup>2</sup> The September 21<sup>st</sup> letter was “Received” by the Mail Room on October 2, 2000. It is noted that neither the September 21 nor September 29, 2000, letter was served on the other parties to this proceeding as required by Section 1.211 of the Rules. However, at the October 23, 2000, prehearing conference, counsel for the Enforcement Bureau distributed copies of the letters to opposing counsel, and the Presiding Judge’s office has mailed copies to Petitioners’ counsel (who did not attend the prehearing conference). These two letters are hereby incorporated into, and made a part of, the record in this proceeding.

4. Similarly, in their Joint Statement, the Petitioners, who were named as parties in the *HDO*, recited their renditions of some of the events under consideration, and expressly waived their rights to a hearing. The Petitioners also requested, *inter alia*, that they be severed from this proceeding, that their licenses be cancelled, and that this matter be certified to the Commission.

5. The requests of Ms. Lutz and the Petitioners will be granted to the extent indicated below. Section 1.92(a)(3) of the Commission's Rules provides that a hearing may be waived by the filing of "a written statement expressly waiving [a party's] rights to a hearing." Ms. Lutz's September 29, 2000, letter and the Petitioners' Joint Statement fully comport with this requirement. Consequently, pursuant to Section 1.92(c) of the Rules, Ms. Lutz and the Petitioners will be severed from this proceeding, the hearing as it relates to them will be terminated, and this matter, as it pertains to those individuals, will be certified to the Commission. The Presiding Judge, however, has no authority at this juncture to revoke or cancel the licenses issued in the names of Ms. Lutz and the Petitioners. Therefore, this aspect of their requests must be denied.

Accordingly, IT IS ORDERED that the requests of Carolyn S. Lutz contained in her September 29, 2000, letter to the Commission ARE GRANTED to the extent indicated above and ARE DENIED in all other respects.

IT IS FURTHER ORDERED that the requests of Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill contained in their Joint Statement Pursuant to § 1.92 of the Rules, filed on October 6, 2000, ARE GRANTED to the extent indicated above and ARE DENIED in all other respects.

IT IS FURTHER ORDERED that Carolyn S. Lutz, Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill ARE SEVERED from this proceeding, that this proceeding IS TERMINATED with respect to Carolyn S. Lutz, Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill, and that the names of Carolyn S. Lutz, Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill SHALL BE REMOVED from the caption of this proceeding.

IT IS FURTHER ORDERED that this proceeding, as it relates to Carolyn S. Lutz, Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Jennifer Hill IS CERTIFIED to the Commission.

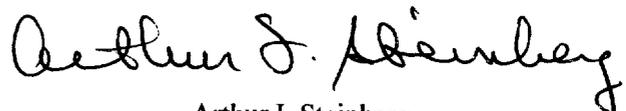
IT IS FURTHER ORDERED that a copy of this Memorandum Opinion and Order SHALL BE MAILED by Certified Mail, Return Receipt Requested, to the following:

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2508 Valley Forge  
Richardson, TX 75080

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Washington, DC 20005

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg  
Administrative Law Judge