

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

In re Applications of )  
 )  
READING BROADCASTING, INC. )  
 )  
For Renewal of License of Station )  
WTVE(TV), Channel 51, )  
Reading, Pennsylvania )  
 )  
and )  
 )  
ADAMS COMMUNICATIONS )  
CORPORATION )  
 )  
For Construction Permit for a )  
New Television Station On )  
Channel 51, Reading, )  
Pennsylvania )

MM Docket No. 99-153,  
File No. BRCT-940407KF

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OCT 27 2000 **ORIGINAL**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

File No. BPCT-940630KG

To: **Administrative Law Judge Richard L. Sippel**

**STATEMENT FOR THE RECORD**

Reading Broadcasting, Inc. ("Reading"), by its counsel, hereby supplements the record in this proceeding with pleadings from the KVMD(TV), Twentynine Palms, California assignment proceeding pending before the Commission. In support, the following is shown:

In its November 2, 1999 "Motion to Dismiss Adams' Application, Or In the Alternative, To Enlarge Issues (Abuse of Process)", Reading requested that Adams' pattern of asserting meritless claims for improper purposes be considered in the

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proceeding. The Presiding Officer rejected that request when he designated the abuse of process issue against Adams. Memorandum Opinion and Order, FCC 00M-19 (released March 6, 2000).

Adams has now extended its pattern of asserting baseless claims to an unrelated proceeding involving the sale of the assets of KVMD(TV) from Desert 31 Television, Inc. (owned by Micheal Parker) to KVMD Acquisition Corp. Copies of the relevant pleadings are attached as Exhibits 1-3.<sup>1</sup> Reading submits these pleadings to be included in the record on appeal. As shown in Exhibit 2, Adams did not and does not have standing to object to the KVMD application. See, e.g., Straus Communications, Inc., 2 FCC Rcd 7469 (1987); McClatchy Newspapers, 73 FCC 2d 171 (1979); KFSA-TV, Inc., 40 FCC 2d 528 (1973). In its initial Petition and in its Reply pleading, Adams did not present any contrary holding or distinguish the line of cases holding that a party in Adams' position lacks standing to file a petition to deny. Reading submits that Adams' filing of its petition to deny, dismiss or hold in abeyance filed against the KVMB application is directly relevant to Adams' qualifications because Adams' motivation appears to be to exert pressure on Reading to settle this proceeding. See Radio Carrollton, 69 FCC 2d 1139 (1978), clarified, 69 FCC 2d 424 (1978), recon. denied, 72 FCC 2d 264 (1979), aff'd sub nom.

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<sup>1</sup> Reading would have submitted these pleadings previously, but counsel was focused on preparing its initial brief and its reply brief in this case.

Faulkner Radio, Inc. v. FCC, No. 79-1749 (D.C. Cir. 1980), cert. denied, 450 U.S.  
1041 (1981).

Respectfully submitted,

READING BROADCASTING, INC.

By: Thomas J. Hutton  
Thomas J. Hutton  
C. Dennis Southard IV  
Its Attorneys

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October 27, 2000



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JUL 25 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of )  
)  
DESERT 31 TELEVISION, INC., )  
Assignor )  
)  
and )  
)  
KVMD ACQUISITION CORPORATION )  
Assignee )  
)  
For consent to the assignment )  
of license of Station KVMD(TV), )  
Twentynine Palms, California )

File No. BALCT-20000607ACT

TO: The Commission

PETITION TO DENY, DISMISS,  
DESIGNATE FOR HEARING, OR HOLD IN ABEYANCE

1. Adams Communications Corporation ("Adams") petitions the Commission to deny, dismiss, designate for hearing, or hold in abeyance the above-captioned application of Desert 31 Television, Inc. ("Desert") to assign the license of Station KVMD(TV), Twentynine Palms, California. Substantial and material questions concerning Desert's qualifications to remain a licensee exist and must be resolved before further action can be taken on this application. <sup>1/</sup>

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

<sup>1/</sup> Acceptance of the captioned application was reflected on a public notice, Broadcast Applications, Report No. 24763, released June 26, 2000. Therefore, Adams's petition is timely.

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Broadcasting, Inc. ("RBI"). The dominant principal of RBI is Micheal L. Parker, who is also an officer, the sole director and the sole shareholder of Desert. 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 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 I-2 to the assignor's portion of application, Desert provides information concerning other broadcast interests held by Mr. Parker and other broadcast-related matters in which Mr. Parker has been involved before the Commission.<sup>2/</sup> Those matters include the Reading comparative renewal proceeding to which Adams is a party. In that proceeding, as Desert acknowledges in its application, an issue has been added to determine whether Mr. Parker engaged in misrepresentation or lack of candor before the Commission. *See Reading Broadcasting, Inc.*, FCC 99M-61, released October 15, 1999.<sup>3/</sup>

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<sup>2/</sup> For the Commission's ease of reference, a copy of that Exhibit I-2 is included as Attachment A hereto.

<sup>3/</sup> The issue as added by the Administrative Law Judge ("ALJ") in the Reading proceeding relates only to Mr. Parker's alleged misrepresentation and lack of candor. The ALJ declined to add an issue concerning Mr. Parker's basic qualifications in light of the findings of his misconduct in the *Mr. Baker* and his disqualification in the *Religious Broadcasting* cases, even though Mr. Parker has made no showing whatsoever that, subsequent to his misconduct in those cases, he has been rehabilitated in any way. Adams believes that the ALJ's refusal to add such an issue was error. The full Commission has held that

an applicant that has been disqualified . . . could show rehabilitation or other post-decision mitigating circumstances, but it could not relitigate the underlying adverse  
(continued...)

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That issue was added with the support of counsel for the Bureau. Desert's description of that issue is limited to a quotation of the language of the issue. Desert fails to mention that the issue was added based on apparently misrepresentative or non-candid statements made by Mr. Parker in, *inter alia*, the application through which he acquired control of Desert. Thus, the legitimacy of Mr. Parker's acquisition of Desert is itself in doubt.

4. In its application, Desert also advises the Commission that Mr. Parker was a principal in the permittee of a television station in Anacortes, Washington. In so doing, Desert acknowledges that, in that proceeding, Mr. Parker was found by *the Commission* to have engaged in deception of the Commission. *Mt. Baker Broadcasting Co., Inc.*, 3 FCC Rcd 4777 (1988).

5. But in its exhibit Desert fails to mention the Commission's letter, dated January 30, 1997, which is reported at *Two If By Sea Broadcasting Corporation*, 12 FCC Rcd 2254 (1997). That letter related, *inter alia*, to an applicant (Two If By Sea Broadcasting Corporation, also referred to as "TIBS") of which Mr. Parker was the sole principal. In its letter, 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

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<sup>2/</sup>(...continued)  
findings.

*Crystal Communications, Inc.*, 12 FCC Rcd 2149, 2150 (1997). *See also RKO General, Inc.*, 5 FCC Rcd 642, 644 (1990) (previously disqualified applicants may acquire additional licenses, they could tender an affirmative "showing of good character"). Thus, the adverse findings against Mr. Parker represent an impediment to any further authorizations unless and until he make an affirmative and satisfactory showing of good character or rehabilitation.

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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 failed to disclose that decision in its application.

6. While the captioned application makes no mention whatsoever of the January 30, 1997, letter, it does mention the *Religious Broadcasting* decision cited in that letter. But it does 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.

7. In the captioned application, then, the Commission is faced with an applicant, Mr. Parker, 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".<sup>4/</sup> Moreover, as noted above, once again the disclosure of these matters

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<sup>4/</sup> 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  
(continued...)

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in Mr. Parker's pending application falls short of a full and accurate recounting of history.

8. 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 application, he is either unwilling or unable to be completely forthright and candid before the Commission.

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

10. The instant situation, however, falls outside this general rule. Here, Mr. Parker was found to be disqualified in the *Religious Broadcasting* proceeding, and no showing of subsequent rehabilitation has been offered. Further, the Commission has clearly stated in the January 30, 1997 letter that substantial and material questions exist regarding

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<sup>4</sup>(...continued)

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.

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Mr. Parker's qualifications. And in the Reading proceeding, an issue relating to Mr. Parker's overall qualifications has been added based, in part, on Mr. Parker's conduct in connection with his initial acquisition of Desert. So Mr. Parker's misconduct has occurred in connection with the station at issue in the captioned application.

11. Under these circumstances, it is appropriate to assume that Desert, wholly-owned by Mr. Parker, cannot freely transfer its license. 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.

12. 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 fraudulent behavior exhibited in multiple contexts, all before the

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Commission. This is fundamental misbehavior, repeated over more than a decade.

13. 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.

14. 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.

15. In any event, Mr. Parker used his non-forthcoming, non-candid, downright misleading *modus operandi* to acquire control of Station KVMD(TV) 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.

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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.

16. Note that the description of the *Mt. Baker* matter was significantly more veiled and innocent-seeming than the description in the above-captioned application. 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 were limited solely to the comparative aspects of the case. And of course, no mention was made of the extremely damning language of either the *Mt. Baker* or the *Religious Broadcasting* opinion.

17. Mr. Parker's aversion to candor is also apparent in an application he filed in 1992 seeking consent to the assignment to TIBS of the license of International Broadcast Station KCBI (since renamed KAIJ). Mr. Parker included in that application descriptions of the *Mt. Baker* and *Religious Broadcasting* decisions essentially identical to those quoted in Paragraph 15, above. But the Commission's processing staff, concerned that those descriptions did not specifically state whether qualifying issues had been sought or added in

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the proceedings identified by Mr. Parker, asked for more information. In response, Mr. Parker advised the Commission that "no character issues had been added or requested against [the applicants identified in the initial Dallas application] when those applications were dismissed." But in *Religious Broadcasting*, a disqualifying character issue *had* been sought, and *had* been added, and *had* been resolved unfavorably to the applicant.

Mr. Parker's Dallas amendment was flatly misrepresentative.

18. 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.*, *Contemporary Media, Inc. v. FCC*, \_\_\_ F.3d \_\_\_, No. 99-1198 (D.C. Cir. June 16, 2000); *Schoenbohm v. FCC*, 204 F.3d 243 (D.C. Cir. 2000); *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.*

19. Here, Mr. Parker has been the subject of not one, not two, not three, not four, but at least five different reported decisions concerning conduct (including disqualifying misconduct) 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; Reading Broadcasting, Inc.* Under these circumstances, the qualifications of

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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 E. Cole~~  
Harry E. Cole

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Counsel for Adam Communications Corporation

July 25, 2000

ATTACHMENT A

**Desert 31 Television, Inc.  
 FCC Form 314 — June 1, 2000  
 Character Issues, Item II-5  
 Exhibit I-2**

**Reading Broadcasting, Inc.** Reading Broadcasting, Inc., in which Micheal L. Parker has an interest (see Exhibit I-1) is presently engaged in a comparative renewal proceeding docketed at the Commission as MM Docket No. 99-153.

The presiding Administrative Law Judge added the following issue against Reading Broadcasting, Inc., by *Memorandum Opinion and Order*, FCC 99M-61, released October 15, 1999:

To determine whether Micheal L. Parker engaged in a pattern of misrepresentation and/or lack of candor in failing to advise the Commission of the actual nature and scope of his previously adjudicated misconduct, and, if so, the effect of such misrepresentation and/or lack of candor on Reading[ Broadcasting, Inc.]' qualifications to remain a licensee.

The aforementioned hearing proceeding is continuing as of the date of this application, and Mr. Parker and RBI are actively litigating this issue.

**Other Broadcast Matters Related to Micheal Parker:** None of the following matters are directly responsive to the Item to which this *Exhibit* applies. Nevertheless, the Applicant includes this information without regard to its relevancy:

- (1) Mr. Parker, through his corporation, Partel, Inc., or its predecessor-in-interest, Mike Parker and Associates, a sole proprietorship, was engaged in the 1980s in providing television station consulting services. Among the clients of Mr. Parker was San Bernardino Broadcasting Limited Partnership, an applicant for construction permit for a new commercial television station to be licensed to San Bernardino, California. Although not an applicant, Mr. Parker was found to have been an undisclosed real-party-in-interest to the application of San Bernardino Broadcasting Limited Partnership. *Religious Broadcasting Network*, 3 FCC Rcd 4085, 1988 FCC LEXIS 1260, 65 Rad. Reg. 2d (P & F) 56 (Review Board, 1988).
- (2) Mike Parker & Associates also served as a consultant to Estrella Communications Limited Partnership, an applicant for a construction permit for a new commercial television station to be licensed to Tolleson, Arizona. That applicant was denied comparative credit for its proposal to integrate a general partner into day-to-day management of the station on the basis that Estrella's putative controlling principal of the applicant had ceded to Mr. Parker control over the budgeting process for the proposed station, and that she had abdicated to her communications attorneys too

**Desert 31 Television, Inc.  
FCC Form 314 -- June 1, 2000  
Exhibit 1-2, Page 2**

much control over the application and preserved for herself too little understanding of the representations she was making to the FCC. *Doyley Forney*, 2 FCC Rcd 6935, 6940, 1987 FCC LEXIS 2636 (Initial Decision, 1987). Neither Mr. Parker nor Mike Parker & Associates was found to be an undisclosed real-party-in-interest to the Estrella application.

- (3) Mr. Parker was president, a director and a shareholder of Mt. Baker Broadcasting Company, Inc., permittee of commercial television station KORC, Anacortes, Washington. The permittee lost its construction permit because the facilities which it constructed and with which it commenced operation pursuant to program test authority 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*. In so doing, the Commission rejected forfeiture as an adequate alternate sanction because of the aggravating circumstances of what it found to be Mr. Parker's deception to the Commission as to the construction of the station. *Mt. Baker Broadcasting Co.*, 3 FCC Rcd 4777; 1988 FCC LEXIS 1467; 65 Rad. Reg. 2d (P&F) (1988).

By a *Memorandum Opinion and Order*, FCC 99M-49, released September 3, 1999, the presiding Administrative Law Judge in the RBI renewal proceeding declined to add any of the foregoing matters as character issues.

CERTIFICATE OF SERVICE

I hereby certify that, on this 25th day of July, 2000, I caused copies of the foregoing "Petition to Deny, Dismiss, Designate for Hearing or Hold in Abeyance" to be placed in the U.S. Postal Service, first class postage prepaid, or hand delivered (as indicated below), addressed to the following:

Mr. Micheal Parker  
Desert 31 Television, Inc.  
Two If By Sea Broadcasting Corporation  
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Enumclaw, Washington 98022

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/s/ Harry B. Cole  
Harry B. Cole