

1 MS. LANCASTER: Okay. And so -- hold on one  
2 second.

3 BY MS. LANCASTER:

4 Q Do you have any type of fax confirmation showing  
5 that this document was in fact sent and received by PCIA?

6 JUDGE STEINBERG: It wasn't sent by them.

7 BY MS. LANCASTER:

8 Q Or sent to and received by PCIA?

9 A Our fax machine may have made it; it may not. I  
10 don't remember at that time, but I don't have anything --  
11 papers to support it.

12 Q Okay. There is nothing on here that indicates it  
13 was faxed, is that correct?

14 A It wouldn't be. It would be a little sheet of  
15 paper behind that says it would be sent and received by that  
16 number. It wouldn't show on the documentation itself.

17 Q Okay. And you don't have that little sheet of  
18 paper --

19 A No.

20 Q -- the fax confirmation, is that correct?

21 A And our machine may not have made it at that  
22 period of time. I don't know what our machine did. I can't  
23 remember that thing.

24 But at the same time the letter was sent first  
25 class, and it was not returned.

1 Q Okay. And you suspect -- you estimate that your  
2 phone call would have -- would it have been more than a week  
3 before you sent this letter?

4 A It -- when I called and got the coordination  
5 number, and then they told me who to write the letter to.

6 Q Right, but how much time --

7 A Maybe --

8 Q -- do you think took place between the phone call  
9 and the date that you wrote the letter?

10 A It could be three or four days; maybe a week. I  
11 am not sure, Judy.

12 Q Not much more than a week you wouldn't think?

13 A It could be. It could have been. But I don't  
14 know July 30, '96, was. That could have been Monday or it  
15 could have been a Friday. I don't know. I would have to  
16 reach for the calendar and think about it again, because I  
17 do know there was a time lapse between the time this was  
18 dated and sent, and the time that they told me they could  
19 cancel it.

20 Q Okay. How close can you estimate that time?

21 A It would be just a guess, Judy.

22 Q Well, this was important to you, right?

23 A Everything is important to me, Judy.

24 Q Well, some things are more important than others  
25 though, aren't they?

1           A     Yeah.  But if I can't remember what they are, you  
2     don't want to guess.  Do you want me to say yes or no, or do  
3     you want me to tell you I don't -- I don't know?

4           Q     Okay.  Do you recall whether or not you actively  
5     pursued this matter?  I mean, you didn't just let it -- did  
6     you let it just sit for awhile or did you try to follow up  
7     promptly on it?

8           A     No, I tried to follow up promptly.

9           Q     Okay.

10          A     And it could have been a few days before that or  
11     even more than that because you don't always get a party, a  
12     live party at PCIA.  I have never been able to reach them on  
13     the first call, and today you can't do the same thing today.

14          Q     When did you find out that the license had not  
15     been cancelled, or the application had not been cancelled  
16     and a license had been issued by the FCC in the name of Ruth  
17     I. Bearden?

18          A     Whenever the Sumpters answered back their  
19     declaration, they said they had received part of Ruth's  
20     license and they didn't know why behind theirs, and that's  
21     when I had an indication that that license was went through,  
22     but we had never seen a card, a PCIA card, never seen a  
23     license, and I do not -- I know I never seen a cancellation  
24     notice.

25          Q     The address, 224 Molina Drive, whose address is

1 that?

2 A That's mine.

3 Q Okay. But it's your testimony that you never  
4 received anything in the mail whatsoever regarding Ruth I.  
5 Bearden's application or the status of her license at 224,  
6 you never received it at 224 Molina Drive?

7 A That's correct.

8 Q Did you ever call the FCC?

9 A No, honestly, I didn't because I didn't know what  
10 to really refer to because all I had was the PCIA reference  
11 number.

12 Q I would like for you to turn to Exhibit 21. Let  
13 me see what page. Hold on.

14 (Pause.)

15 MS. LANCASTER: Your Honor, I've got to find the  
16 correct --

17 (Pause.)

18 BY MS. LANCASTER:

19 Q Do you recognize Exhibit 21?

20 A It's a large stack of stuff. Did you want me to  
21 read that or what do you mean, do I recognize it, Judy?

22 Q It was submitted by your attorneys to the FCC. Do  
23 you recognize it?

24 A I'll start reading it now.

25 Q Okay.

1           A     If that's what you're asking.

2           Q     Sure, if that's what you need to do.

3           JUDGE STEINBERG:  Okay, let's just review it  
4 without -- let's not have the comments going back and forth.

5           THE WITNESS:  All right.

6           (Witness reviews document.)

7           MS. LANCASTER:  Your Honor, I would like to move  
8 that Exhibit 21 be admitted into evidence.

9           MR. ROMNEY:  No objection, Your Honor.

10          MR. PEDIGO:  No objection.

11          JUDGE STEINBERG:  Okay, Exhibit 21 is received.

12                                 (The document referred to,  
13                                 previously identified as  
14                                 Enforcement Bureau Exhibit No.  
15                                 21, was received in evidence.)

16          JUDGE STEINBERG:  Did you still want Mr. Brasher  
17 to look at it?

18          MS. LANCASTER:  Mm-hmm.  If he's not -- you know,  
19 if he doesn't recognize these responses.

20          THE WITNESS:  Yeah, I recognize pages in there,  
21 Judy.  Any certain thing -- okay.

22          JUDGE STEINBERG:  No, you just -- when you are  
23 finished reviewing it, let us know.

24          THE WITNESS:  All right.

25          JUDGE STEINBERG:  If you need more time, take all

1 the time.

2 THE WITNESS: Just a few minutes.

3 JUDGE STEINBERG: Sure.

4 (Witness reviews document.)

5 THE WITNESS: All right, Judy.

6 BY MS. LANCASTER:

7 Q Okay, I'd like to direct your attention to page 25  
8 of that exhibit.

9 A Yes, ma'am.

10 Q Actually, page 24, question six says, "Describe  
11 any assistance and/or supervision that you provided in the  
12 preparation and/or filing of Ruth I. Bearden's application  
13 for mobile radio service authorization, FCC Form 600, FCC  
14 File No. 9607D044977, filed July 16, 1996, that resulted in  
15 the issuance of the license for Station WPJR762." And at  
16 the time of page 25 there is a paragraph which you submitted  
17 to the FCC as your explanation of your participation in the  
18 filing of the application in Ruth's name.

19 Now, you have stated here today that you were  
20 specifically asked to put the license in the name of Ruth I.  
21 Bearden, and that because you were asked to put it in the  
22 name of Ruth I Bearden by Ed Bearden, you --

23 JUDGE STEINBERG: Wait, wait. Mr. Brasher is  
24 reading.

25 MS. LANCASTER: Okay.

1 JUDGE STEINBERG: I'm sorry. I should have  
2 stopped you earlier.

3 You tell me when you are finished.

4 THE WITNESS: All right, sir.

5 JUDGE STEINBERG: And when you are ready to answer  
6 questions.

7 (Witness reviews document.)

8 THE WITNESS: All right, Judy.

9 BY MS. LANCASTER:

10 Q You stated earlier in your testimony that you --  
11 that Ed Bearden specifically requested that you put -- you  
12 get a license in the name of Ruth I. Bearden. But in  
13 answering the Commission's inquiry in Exhibit 21 as to how  
14 the -- the extent of your participation in acquiring that  
15 license, you don't say anything about Ed Bearden. You don't  
16 say anything about being asked to put the license in the  
17 name of Ruth Bearden. You specifically imply that it was a  
18 mistake on the part of Spectrum, that they put it in the  
19 wrong name.

20 You also have indicated that you never received a  
21 copy of Ruth Bearden's license, didn't know it had been  
22 issued up until the Sumpters, in responding to inquiries  
23 regarding this matter from the FCC, indicated in their  
24 response that they had received part of the correspondence  
25 from the FCC relating to Ruth Bearden's license.

1           But in Exhibit 21, on page 25, you indicate that  
2 you contacted the frequency coordinator and that subsequent  
3 to this request cancelled the application. Let's see, to  
4 halt the processing of the application, the license was  
5 issued and that you immediately contacted the Commission by  
6 telephone and requested that the license then be cancelled.

7           Were you telling the truth when you wrote your  
8 response to 21? Are you telling the truth today, Mr.  
9 Brasher?

10           MR. ROMNEY: Objection, Your Honor. The question  
11 misstates the content of this paragraph.

12           JUDGE STEINBERG: Why don't you rephrase it or  
13 just break it down because it was an awfully long question?  
14 Or you could just let the document speak for itself?

15           MS. LANCASTER: I will let the document speak for  
16 itself, Your Honor.

17           JUDGE STEINBERG: Okay. Talk to me, not to each  
18 other.

19           MR. WILSON: Sorry. Sorry, Judge.

20           JUDGE STEINBERG: Now, if you want to talk to him,  
21 you can run around and talk to him and get some exercise.  
22 Okay, so you withdrew the question?

23           MS. LANCASTER: I'll withdraw the question. The  
24 document speaks for itself, Your Honor.

25           JUDGE STEINBERG: Okay, look at page 26. Is that

1 your signature on page 26 at the top?

2 THE WITNESS: That is my signature.

3 (Multiple voices.)

4 JUDGE STEINBERG: Let me -- Exhibit No. 21 was a  
5 response to Bureau Exhibit 23, 27, 30 and 33. Do you want t  
6 move those four exhibits into evidence now, or do you want  
7 to wait?

8 MS. LANCASTER: Yes, sir, I'll be happy to do  
9 that.

10 JUDGE STEINBERG: Do you need time to look at --

11 MR. ROMNEY: Could you give me the numbers again,  
12 please?

13 JUDGE STEINBERG: Sure. Twenty-three, 27, 30 and  
14 33. One is to Ron, one is to David, one is to Diane, one is  
15 to Patricia. Those are the Commission letters of inquiry.

16 MR. ROMNEY: No objection, Your Honor, to the  
17 admission of those documents.

18 MR. PEDIGO: No objection, Your Honor.

19 JUDGE STEINBERG: Okay. Bureau Exhibit 23 is  
20 received.

21 (The document referred to,  
22 previously identified as  
23 Enforcement Bureau Exhibit No.  
24 23, was received in evidence.)

25 JUDGE STEINBERG: Bureau Exhibit 27 is received.

1 (The document referred to,  
2 previously identified as  
3 Enforcement Bureau Exhibit No.  
4 27, was received in evidence.)

5 JUDGE STEINBERG: Bureau Exhibit 30 is received.

6 (The document referred to,  
7 previously identified as  
8 Enforcement Bureau Exhibit No.  
9 30, was received in evidence.)

10 JUDGE STEINBERG: And Bureau Exhibit 33 is  
11 received.

12 (The document referred to,  
13 previously identified as  
14 Enforcement Bureau Exhibit No.  
15 33, was received in evidence.)

16 MS. LANCASTER: Your Honor, I believe Exhibit 8  
17 and Exhibit 15, which were the same inquiry letters that  
18 were sent to O.C. Brasher and Rick Bearden, although  
19 responded to in Exhibit 21, and I would ask that they also  
20 be included.

21 JUDGE STEINBERG: Okay, what numbers were those?  
22 Eight?

23 MS. LANCASTER: Eight and 15.

24 MR. ROMNEY: Is the statement that these are  
25 copies of what's already been admitted?

1 JUDGE STEINBERG: No. I believe they were --  
2 these were letters of inquiry from the Commission. Number 8  
3 was a letter of inquiry to O.C. Brasher, and Exhibit 15 was  
4 a letter of inquiry to Ruth Bearden.

5 And the point that Ms. Lancaster was making is  
6 that Exhibit 20 would also respond to those two letters of  
7 inquiry.

8 MR. ROMNEY: No objection, Your Honor.

9 MR. PEDIGO: No objection.

10 JUDGE STEINBERG: Okay, Exhibit No. 8 is received.

11 (The document referred to,  
12 previously identified as  
13 Enforcement Bureau Exhibit No.  
14 8, was received in evidence.)

15 JUDGE STEINBERG: And Exhibit No. 15 is received.

16 (The document referred to,  
17 previously identified as  
18 Enforcement Bureau Exhibit No.  
19 15, was received in evidence.)

20 MR. WILSON: While we are on this, Judge, is 18 in  
21 that same category?

22 JUDGE STEINBERG: Eighteen, let me look. Eighteen  
23 is probably another letter that we haven't gotten the answer  
24 to yet. Am I right?

25 MR. WILSON: Right. Twenty-one is supposed to

1 contain the response to --

2 JUDGE STEINBERG: To the one to DLB?

3 MS. LANCASTER: Eighteen is an inquiry letter  
4 dated March 4, 1999.

5 MR. WILSON: I was just looking at the exhibit --

6 MR. PEDIGO: The response to that is Exhibit 19.

7 MS. LANCASTER: Right.

8 MR. WILSON: Okay.

9 MS. LANCASTER: The inquiry letters to which  
10 Exhibit 21 responds were all dated 10-13-99.

11 (Pause.)

12 BY MS. LANCASTER:

13 Q Mr. Brasher, you had received a copy of a petition  
14 for order to show because that had been filed with the FCC  
15 back on November 7, 1997. Do you recall receiving a copy of  
16 that?

17 A Yes.

18 Q That would be Exhibit 1. Would you look at that?

19 A Yes, ma'am.

20 MS. LANCASTER: And I would ask that Exhibit 1 be  
21 admitted, Your Honor.

22 MR. ROMNEY: No objection.

23 JUDGE STEINBERG: Mr. Pedigo?

24 MR. PEDIGO: No objection.

25 JUDGE STEINBERG: Okay, Exhibit 1 is received.

1 (The document referred to,  
2 previously identified as  
3 Enforcement Bureau Exhibit No.  
4 1, was received in evidence.)

5 MS. LANCASTER: And in response to that petition  
6 you filed on your behalf and on behalf of all the parties in  
7 this case an opposition, which was a response basically to  
8 that petition filed by Net Wave that was filed, and that  
9 would be Exhibit 2. And I will ask that that also be  
10 admitted.

11 JUDGE STEINBERG: Well, let the witness -- I mean,  
12 was there a pending question?

13 MS. LANCASTER: I'm going to ask him, but no. I'm  
14 going to ask him a question.

15 JUDGE STEINBERG: Okay. Is there any objection to  
16 Exhibit 2?

17 MR. ROMNEY: None, Your Honor, from me.

18 MR. PEDIGO: No, Your Honor.

19 JUDGE STEINBERG: Then Exhibit 2 is received.

20 (The document referred to,  
21 previously identified as  
22 Enforcement Bureau Exhibit No.  
23 2, was received in evidence.)

24 BY MS. LANCASTER:

25 Q Do you recognize Exhibit 2?

1 A Yes, ma'am.

2 Q On page 7 of Exhibit 2 is an affidavit swearing  
3 under penalty of perjury that the foregoing opposition is  
4 true and correct, and it has what appears to be your  
5 signature. Did you sign that?

6 A Yes, I did.

7 Q Okay. And on the first page of Exhibit 2 is a  
8 stamp where it was received by the FCC on November 25, 1997,  
9 is that correct? Do you see that?

10 A Yes.

11 Q Okay. Now, Exhibit 21, which you were just  
12 looking at, was dated -- the letters are dated October 13,  
13 1999, and your response, all the response letters are dated  
14 October 13, 1999, and page 1 of Exhibit 21 indicates that  
15 they were actually received at the Commission on October 14,  
16 1999.

17 That is what, two years after your opposition was  
18 filed in this case? Pretty close, almost two years after  
19 that opposition was filed, right?

20 A Yes.

21 Q And yet Exhibit 21 is the first time that notice  
22 was given to the FCC that Ruth Bearden and O.C. Brasher were  
23 deceased, wasn't it?

24 A I don't know that. I assume it would be. Between  
25 these two here, I don't know what happened in between that,

1 in the letters in between there, you know. But I do know  
2 that one of the letters went after one of the declarations  
3 after the November 25, 1997, which clearly stated that Ruth  
4 Bearden's license was not a managed station.

5 Q But you didn't say Ruth Bearden was dead?

6 A Well, we did say it wasn't managed. No, we did  
7 not.

8 Q And you said O.C.'s license was a managed station,  
9 didn't you?

10 A It is. We did.

11 Q And you didn't say O.C. was dead, did you?

12 A No, but I put on there, O.C. Brasher/Ruth -- I  
13 mean, Ronald Brasher on the application -- on the  
14 instructions.

15 Q Is the license issued in the name of O.C.  
16 Brasher/Ronald Brasher?

17 A No. It's O.C. Brasher.

18 Q Okay. And were the applications and all the  
19 documents that were sent back to the FCC which pertained to  
20 the license in the name of O.C. Brasher, did they say O.C.  
21 Brasher/Ronald Brasher?

22 A Yes, some of them did.

23 Q Which one?

24 A The 800A.

25 (Pause.)

1 MS. LANCASTER: We're going to --

2 BY MS. LANCASTER:

3 Q Do you ever recall -- I'll look for that, Mr.  
4 Brasher, but do you ever recall any specific document filed  
5 with the FCC prior to October 13, 1999, which told the FCC  
6 that Ruth Bearden and O.C. Brasher were deceased?

7 A With Ruth Brasher, with the cancellation which I  
8 requested on her, I did not believe there was a need to say  
9 that this license was issued when she was dead since the  
10 license had been cancelled. Well, the application had been  
11 cancelled.

12 JUDGE STEINBERG: So the answer is no?

13 THE WITNESS: The answer is no. Now, O.C. Brasher  
14 -- I'm sorry.

15 JUDGE STEINBERG: There is no pending question.

16 THE WITNESS: Yeah.

17 JUDGE STEINBERG: So it's better not to answer.

18 THE WITNESS: Yes, sir.

19 JUDGE STEINBERG: Not to volunteer anything.

20 BY MS. LANCASTER:

21 Q Would you look at Exhibit 13, please? Have you  
22 found it?

23 A Yes.

24 Q Okay. Look at page 5 of Exhibit 13. Page 5 is an  
25 assignment authorization of a license whose call sign is

1 KCG967 in the name of Ruth I. Bearden, where Ruth Bearden is  
2 purportedly assigning that authorization to Ronald D.  
3 Brasher.

4 Do you see the signature that says "Ruth J," it  
5 looks like a "J" Bearden.

6 JUDGE STEINBERG: Are you saying something? I  
7 don't think the microphone picked it up with respect to the  
8 "J".

9 THE WITNESS: It looked like a "J" to me.

10 BY MS. LANCASTER:

11 Q Did you sign Ruth Bearden's name there?

12 A It looks -- I'm not sure. It looks like mine, but  
13 I don't believe so. But it could be, Judy.

14 Q Do you recall this at all?

15 A Only -- that license went to --

16 Q If you look on page 2 of the exhibit, there is a  
17 copy of the license in the name of Ruth Bearden, Ruth I.  
18 Bearden, d/b/a B&B Delivery Services. Do you remember the  
19 transfer of the -- having that license transferred into your  
20 name?

21 (Witness reviews document.)

22 THE WITNESS: I need -- I do know that a period of  
23 time in there whenever this was -- I thought this was under,  
24 this license was under Custom Sales, or Custom Service, I  
25 know they --

1 BY MS. LANCASTER:

2 Q You thought what license was?

3 A This license here.

4 Q KCG967?

5 A This is -- this is our license right here now.

6 JUDGE STEINBERG: Okay, when you say "this is our  
7 license," you were referring to page 1?

8 THE WITNESS: Page 1.

9 JUDGE STEINBERG: Of Exhibit 13?

10 THE WITNESS: Yes, sir. Page --

11 BY MS. LANCASTER:

12 Q Well, do you see from page 5 that that license was  
13 assigned to you from Ruth Bearden?

14 A In '94, yes, I see that. And see, the license was  
15 KTVT tower. Yes, ma'am.

16 Q Well, Ruth Bearden's -- the date next to the  
17 assignment on page 5, it's typed in, 10-18-94. Would you  
18 have prepared these documents?

19 A No.

20 Q Who would have prepared them?

21 A I have no idea who prepared this document unless  
22 it was John Black.

23 Q Would you have directed John Black in -- provided  
24 the information to him that he would use to prepare the  
25 documents?

1           A     Again, like I said, Judy, I thought this license  
2 was from Custom Sales to us, not from Ruth Bearden to us.

3           Q     So are you saying you don't recognize the  
4 assignment? Is that what your testimony is?

5           A     But it's -- it's got her name and the date in  
6 there which would fall under -- if it fell under -- I don't,  
7 I don't know. If I had the --

8           Q     If you look at --

9           A     -- checks and everything else, I could tell.

10          Q     I'm sorry. If you look at page 1 of Exhibit 13,  
11 the license was issued in your name on June 27th of '1995.

12          A     Correct.

13          Q     See that?

14          A     Yes, ma'am.

15          Q     Page 2 of the exhibit indicates that the license  
16 was issued in Ruth Bearden's name, d/b/a B&B Delivery  
17 Services on June 20, 1990.

18          A     Correct.

19          Q     When was Ruth Bearden, on June 20th of 1990, where  
20 was she residing?

21          A     We had -- we had her -- she was at the -- our  
22 address, 224 Molina. In 1990 --

23          Q     In fact, she was in the nursing home, wasn't she?

24          A     Yeah, she was in the nursing home.

25          Q     And it was highly likely she was in a coma in

1 1990, isn't it? Let's see, she died --

2 A In '91.

3 Q -- in '91.

4 A I believe it's some time in '91.

5 JUDGE STEINBERG: April.

6 THE WITNESS: April of '91.

7 BY MS. LANCASTER:

8 Q So this is less than a year prior to her death  
9 when this license was issued in her name.

10 A And I'm trying to figure out if this is something  
11 that through our estate that we -- it was done, and I'm  
12 trying to remember if O.C. authorized this or what. I would  
13 have to look at that and see.

14 Q Through the estate? What estate?

15 A He had the right to her property and everything  
16 else that was handed over to her, O.C. Brasher did.

17 Q Did you have -- were you executor of her estate?

18 A Yes.

19 JUDGE STEINBERG: Wait. Is this after she passed  
20 away or before?

21 THE WITNESS: Before.

22 BY MS. LANCASTER:

23 Q But the license was issued prior to her death.

24 A Correct, 1990.

25 Q So it couldn't have been issued as a result of

1 anything out of her estate.

2 JUDGE STEINBERG: Mr. Brasher is not a lawyer, so  
3 estate means something to lawyers, but it might mean  
4 something else to Mr. Brasher, so can you explain what you  
5 mean when you say it was in her estate?

6 THE WITNESS: Well, the way I understand it and  
7 the way the documents, all of the property in their wills  
8 that the surviving person that handled the property, which  
9 would be O.C. Brasher.

10 JUDGE STEINBERG: Okay, but she was still alive in  
11 1990.

12 THE WITNESS: But I --

13 JUDGE STEINBERG: So how -- I think Ms. Lancaster  
14 is confused because you referred to the license going into  
15 her estate, but at the time the license was issued there  
16 wasn't any estate because she was -- in the legal sense,  
17 because she was still alive. And I just wanted to know what  
18 you -- how you have used the term.

19 THE WITNESS: Yeah.

20 JUDGE STEINBERG: Because it might be -- well, I'm  
21 sure it's different from the way other people might use the  
22 term. Well, okay, do you want to explain it again or  
23 further or am I confusing you?

24 THE WITNESS: A little.

25 JUDGE STEINBERG: A little. A little.

1 THE WITNESS: Yes.

2 JUDGE STEINBERG: Okay, why don't we drop it, and  
3 go -- well, I'll drop it and you can pick it up. You can be  
4 responsible for the confusion.

5 (Laughter.)

6 BY MS. LANCASTER:

7 Q Mr. Brasher, did you help obtain the license in  
8 the name of Ruth I. Bearden, d/b/a B&B Delivery Services?  
9 Did you have anything to do with obtaining that license?

10 A From somewhere else?

11 Q No. When it was put in your mother's name, did  
12 you have anything to do with getting it put in your mother's  
13 name? Did you help prepare the application, for example?

14 A I may have from wherever it come from before that  
15 with someone in -- Josie or someone like that. I might have  
16 done some application work for that.

17 Q Are you saying that the license for KCG967 was an  
18 assignment from somewhere else?

19 A Yes.

20 Q Okay. And that you helped her acquire that  
21 license in her name?

22 A Or --

23 Q Or you help apply for that license?

24 A -- gave her -- gave her guidance of who to talk to  
25 like Josie at Lynchburg and stuff like that.

1 Q I don't know who Josie at Lynchburg is.

2 A Lynch -- Josie Lynch used to work with -- she had  
3 her home coordinated and a lot of what you will see on the  
4 Sumpsters' first license in the 900, she did the coordination  
5 for that, and she did work for PCIA for awhile, and then  
6 she's on her own.

7 Q Well, isn't it true, Mr. Brasher, that you  
8 couldn't help Ruth because Ruth was in a coma?

9 A On a transfer over to her?

10 Q Yes. Ruth is in a nursing home in a coma, so you  
11 didn't have any conversations with Ruth about getting this  
12 license, did you?

13 A But we -- was this the second -- is this the  
14 extension there? Or is this the last license or the first  
15 license of that? They come in four and five years.

16 (Pause.)

17 THE WITNESS: If you know what I mean. I mean,  
18 Judy, this --

19 BY MS. LANCASTER:

20 Q You're talking about --

21 A -- could be a renewal.

22 Q -- this could be a renewal?

23 A This could be a renewal.

24 Q Do you recall ever getting a license or helping  
25 Ruth get a license -- get this station?

1           A     It could have been before this renewal back with  
2 Josie.

3           Q     Do you have any -- do you have any knowledge that  
4 this is a renewal?

5           A     No, but it --

6           JUDGE STEINBERG: I think what Ms. Lancaster is  
7 talking about is page 2 of Exhibit 13.

8           THE WITNESS: Yes, sir.

9           JUDGE STEINBERG: So why don't you take a look at  
10 that and try to answer. Ms. Lancaster is concerned with  
11 this June 2, 1990, date, which is the date, a license issue  
12 date. Would a renewal, would a renewal say license issue  
13 date or say renewal issue date? Do you know? I mean, I  
14 don't now.

15          THE WITNESS: I don't think they say anything,  
16 just the issue date, and it -- I don't know.

17          JUDGE STEINBERG: Okay.

18          MR. KNOWLES-KELLETT: As far as I know, Your  
19 Honor, you can't tell.

20          JUDGE STEINBERG: Okay, but you can't testify.

21          MR. KNOWLES-KELLETT: Okay.

22          BY MS. LANCASTER:

23          Q     Mr. Brasher, look on page 7 of Exhibit 13, and you  
24 will see a check payable to Spectrum License Consultants for  
25 \$550, purportedly signed by Patricia Brasher.

1 A Correct.

2 Q Hold on.

3 (Pause.)

4 BY MS. LANCASTER:

5 Q That's for payment of the assignment application  
6 which is shown for getting KCG967, isn't it?

7 A I wouldn't -- I wouldn't know that. It just has  
8 the invoice number here. \$550 is a lot to pay for an  
9 assignment.

10 (Multiple voices.)

11 (Pause.)

12 Q I think this was not only a straight -- it wasn't  
13 a straight assignment. It was also a modification, isn't  
14 it, if you compare the two licenses, and if you look at the  
15 application on page 4 where the coordinates are?

16 A In fact, the -- I would still say 550 is too high  
17 even to up the quantity because I think that's something  
18 that's right in with the modification, modification with the  
19 assignment.

20 Q Okay, how about page 8?

21 A Okay. Yes, ma'am.

22 Q Do you recognize that as being basically a receipt  
23 for your application?

24 A That's a -- let me look and see.

25 (Witness reviews document.)

1 THE WITNESS: That's a copy of the -- one of the  
2 forms come in from PCIA.

3 BY MS. LANCASTER:

4 Q But your testimony, as I understand it, is that --  
5 I'm not sure what your testimony is regarding this license.  
6 Let me ask you one more time, see if I can get a little  
7 clearer answer. Do you recall helping this license --  
8 helping obtain this license in the name of Ruth I. Bearden?

9 JUDGE STEINBERG: You're still on page 2?

10 MS. LANCASTER: Yes.

11 JUDGE STEINBERG: Of Exhibit 13.

12 MS. LANCASTER: The license on page 2, Ruth I.  
13 Bearden, d/b/a B&B Delivery Service, issued 6-20-1990.

14 THE WITNESS: But this could be a renewal, and I  
15 don't know --

16 BY MS. LANCASTER:

17 Q Well, do you recall renewing it?

18 A We would almost have to renew it.

19 Q Who would? Who is "we"?

20 A Myself, I would assume, you know.

21 JUDGE STEINBERG: But the answer is you don't  
22 remember anything about this?

23 THE WITNESS: I don't remember renewing it, no. I  
24 don't remember renewing it.

25 JUDGE STEINBERG: Do you remember helping to apply

1 for it?

2 THE WITNESS: It could have been, Your Honor,  
3 before 1990, back in '85 or something along through there,  
4 because this could be a renewal, and that's -- I don't  
5 know -- yeah.

6 JUDGE STEINBERG: Take a look at page 6.

7 THE WITNESS: Yes, sir. Yes, sir.

8 JUDGE STEINBERG: Do you recognize -- it's a money  
9 order, do you recognize that? I mean, paid to the order of  
10 the Federal Communications Commission, and it's got your  
11 name, printed name on the bottom.

12 THE WITNESS: My name is printed on there, Your  
13 Honor, but --

14 JUDGE STEINBERG: But you don't know what that is.

15 THE WITNESS: -- we don't use money orders  
16 (phonetic).

17 MS. LANCASTER: Okay.

18 JUDGE STEINBERG: Do you see there is some stuff  
19 scratched out underneath Federal Communications -- there is  
20 Federal Communications Commission, and then a line, it looks  
21 like O-L-E-N hyphen Ervin. And on the right side,  
22 Paragould.

23 THE WITNESS: Paragould, Arkansas.

24 JUDGE STEINBERG: Paragould, Arkansas. Do you  
25 have any idea what that means?

1 THE WITNESS: No, I have nothing to do with  
2 Arkansas.

3 JUDGE STEINBERG: Okay.

4 BY MS. LANCASTER:

5 Q Well, on page 5 of this particular exhibit, the  
6 signature for Ruth J. Bearden, or I. Bearden does appear to  
7 be your handwriting, is that correct?

8 A It has similars to it. It's very -- my "r's" are  
9 made thataway, but a large portion of it is not mine.

10 Q What large portion?

11 A I wouldn't -- the "u", the "t-h". The "b" looks  
12 like mine but the rest of it does not, and I'm sure we have  
13 a handwriting person to -- I don't know if it --

14 Q So you don't know if you wrote it or not, is that  
15 your testimony?

16 A It's similar to hers. I know she didn't write  
17 this because it's in '94. I wish she had, but she didn't do  
18 that.

19 JUDGE STEINBERG: She being Ms. Bearden?

20 THE WITNESS: Bearden, yes, sir.

21 BY MS. LANCASTER:

22 Q And --

23 A But I still -- I thought we got the license from  
24 Spectrum Sales -- not Spectrum Sales, but Commercial Sales.

25 Q Okay.

1           A     And there has got to be some more information  
2 about this in the database.

3                   BY MS. LANCASTER:

4           Q     And you have the license now, is that correct?

5           A     Yes.

6           Q     KCG967?

7           A     Yes, we do.

8                   JUDGE STEINBERG: Let me just -- I am just  
9 speaking about -- let's just speak about page -- is page 5,  
10 is that -- that's the whole assignment application to get  
11 one of these things assigned?

12                   THE WITNESS: Yes, sir. Yes, sir.

13                   MS. LANCASTER: That's the authorization that  
14 assigns it over, yes, sir.

15                   THE WITNESS: But you do have --

16                   JUDGE STEINBERG: Okay, so page 5 was submitted to  
17 the FCC?

18                   THE WITNESS: Page 5, along with an application  
19 have to go in to FCC.

20                   JUDGE STEINBERG: Okay.

21                   MR. SCHWANINGER: Your Honor, a similar kind of  
22 thing that you might see on page 44, which is incomplete.  
23 It's not just a 1046. You also have to file an application.

24                   JUDGE STEINBERG: Okay. So but page 5 would have  
25 been part of that application?

1 MS. LANCASTER: Yes, sir.

2 MR. SCHWANINGER: Right.

3 JUDGE STEINBERG: Okay, now --

4 MR. SCHWANINGER: Presumably that would have been  
5 one sheet of an application to assign the license.

6 JUDGE STEINBERG: Okay. And the FCC wouldn't  
7 assign the license unless page 5 was there somewhere, is  
8 that correct?

9 MS. LANCASTER: Yes, sir.

10 JUDGE STEINBERG: Let me ask the witness.

11 THE WITNESS: Yes. That's the way I understand.

12 JUDGE STEINBERG: And the license was assigned  
13 from Ruth I. Bearden to Ronald Brasher?

14 THE WITNESS: Correct.

15 JUDGE STEINBERG: And was page 5 part of whatever  
16 was submitted to the FCC at your direction to get the  
17 assignment into your name?

18 THE WITNESS: It would have to accomplish -- I  
19 mean, accompany.

20 JUDGE STEINBERG: Okay. And it would have been  
21 done by someone or by you, it would have been done by  
22 someone at your direction or it would have been done by you?

23 THE WITNESS: That would be correct, Your Honor.

24 JUDGE STEINBERG: Okay. Do you remember if you  
25 personally submitted page 5 among the other stuff to the

1 Commission or -- let me stop there.

2 THE WITNESS: It's incomplete because you do not  
3 have a --

4 JUDGE STEINBERG: Well, that's not the question.

5 THE WITNESS: All right, sir.

6 JUDGE STEINBERG: That's not the question because  
7 apparently -- but the page 5 thing, was that part of  
8 something that you submitted to the FCC?

9 THE WITNESS: Or whenever John Black, the way it  
10 looks like, would have submitted it to FCC.

11 JUDGE STEINBERG: But you would have -- John Black  
12 would have been working for you?

13 THE WITNESS: Yes, sir.

14 JUDGE STEINBERG: And you would have told him  
15 "submit this"?

16 THE WITNESS: Yes, sir.

17 JUDGE STEINBERG: Okay.

18 THE WITNESS: But I do not see anything, Your  
19 Honor, with my name on the application, and that's what  
20 is -- I have to --

21 JUDGE STEINBERG: Well, your name is on page 5.

22 THE WITNESS: But that alone, I do not believe,  
23 would have gotten me a license.

24 JUDGE STEINBERG: Well, you have answered the  
25 questions that I had.

1 THE WITNESS: This is not a complete application.

2 JUDGE STEINBERG: Well, yes, I know. I should say  
3 I didn't know before I was told, but now I know.

4 THE WITNESS: The Arkansas thing bothers me. I  
5 don't understand that. But, Judy, on page 6, that's not my  
6 signature on that money order.

7 (Multiple voices.)

8 (Pause.)

9 JUDGE STEINBERG: Is this a good stopping point  
10 for the day?

11 MS. LANCASTER: Your Honor, I think it is,  
12 particularly since --

13 JUDGE STEINBERG: Or do you want to go on another  
14 hour?

15 MS. LANCASTER: -- we are ready to go over the  
16 exhibits, I think it might be a good stopping point.

17 JUDGE STEINBERG: Okay, so we will be in recess  
18 until tomorrow morning at 9:00 a.m.

19 (Whereupon, at 4:18 p.m., the hearing in the  
20 above-entitled matter was recessed, to resume at 9:00 a.m.,  
21 on Tuesday, February 27, 2001.)

22 //

23 //

24 //

25 //

**REPORTER'S CERTIFICATE**

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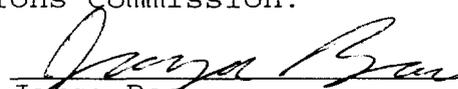
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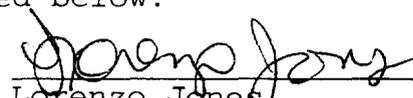
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