

1 A Seventeen?

2 Q Yes, page 17. Is it 17? Yes, 18. I am sorry,
3 my copy is blurry.

4 A Yes, ma'am.

5 Q Do you see your signature?

6 A Yes, ma'am.

7 Q Did you write it?

8 A Yes, ma'am.

9 Q And the date under it, did you put that date
10 there?

11 A Yes.

12 Q What is Exhibit 34? Go back to the first page of
13 it.

14 A Thirty-four?

15 Q Yes, ma'am. Go back to the first page.

16 A It's a statement, a statement -- '92.

17 Q Okay. Did you know what was going to be done
18 with Exhibit 34? This document? Did you know what was
19 going to be done with it?

20 A It was going to be sent to you all.

21 Q And did you have a chance to review it before you
22 signed it?

23 A Yes, ma'am.

24 Q Are the statements contained in Exhibit 34 the
25 true statements?

- 1 A Yes, ma'am.
- 2 Q Go to Exhibit 49. Look at page three of
- 3 Exhibit 49, Mrs. Sumpter, please. You might look at page
- 4 two and three.
- 5 A Okay.
- 6 Q Do you recognize this document?
- 7 A Yes.
- 8 Q What is it?
- 9 A It's an application for a station, a mobile
- 10 station.
- 11 Q Whose application is it?
- 12 A It's Melissa's.
- 13 Q Have you seen it before? Have you seen this
- 14 document before?
- 15 A Yes, ma'am.
- 16 Q When was the first time you saw it?
- 17 A When Mr. McVeigh got them in 1999, copies from
- 18 the FCC.
- 19 Q Okay. Look on page three of --
- 20 A Three?
- 21 Q Yes, ma'am. The next page.
- 22 A Okay.
- 23 Q Are you familiar with the signature of Melissa
- 24 Sumpter?
- 25 A Yes.

1 Q You have seen her signature before?

2 A Yes.

3 Q Is the signature contained at the bottom of page
4 three, is that Melissa Sumpter's signature?

5 A No.

6 Q You are familiar with her handwriting, aside from
7 her signature?

8 A Yes, ma'am.

9 Q Is the date that is contained at the bottom of
10 page three of this exhibit, does that appear to you to be
11 Melissa's handwriting?

12 A No.

13 Q Did you write Melissa's name to this application?
14 Did you sign her name?

15 A No.

16 Q Did you put the date on this application?

17 A No.

18 Q Do you know who did?

19 A No.

20 Q Go to Exhibit 54, and look at page two and three.
21 Do you recognize this document, Mrs. Sumpter?

22 A Yes.

23 Q What is it?

24 A It is an application.

25 Q Whose name is it in?

1 A Jennifer Hill's.

2 Q Look on page three of the exhibit. Do you see
3 Jennifer Hill's signature in block 42, at the bottom of the
4 page?

5 A Yes, ma'am.

6 Q Are you familiar with Jennifer Hill's signature?

7 A Yes.

8 Q Are you familiar with her handwriting in general?

9 A Yes.

10 Q Does that appear to be the signature of Jennifer
11 Hill?

12 A No.

13 Q Does -- the handwritten date next to the
14 signature, do you see that?

15 A Yes.

16 Q Does that appear to be written in Jennifer Hill's
17 handwriting?

18 A No.

19 Q Look in Exhibit 19, which is the other big book.

20 JUDGE STEINBERG: Were you finished with Exhibit
21 54, page three?

22 MS. LANCASTER: Yes, sir.

23 JUDGE STEINBERG: Did you want to ask the witness
24 whether she signed this with someone else's name?

25 MS. LANCASTER: Oh, I am sorry. Yes, I do. I am

1 sorry.

2 JUDGE STEINBERG: So before we get to the big
3 book --

4 MS. LANCASTER: I am sorry, Your Honor.

5 BY MS. LANCASTER:

6 Q Mrs. Sumpter, did you sign Jennifer Hill's name
7 to this document?

8 A No.

9 Q Did you put the date on this document?

10 A No.

11 Q Do you know who did?

12 A No.

13 Q Okay.

14 MS. LANCASTER: I am sorry. Thank you, Your
15 Honor, for reminding me.

16 BY MS. LANCASTER:

17 Q Go to Exhibit 19, page 393. Actually, 391, 392,
18 and 393.

19 (Pause.)

20 Q Do you see on page 391 it says "client copy?"

21 A Yes, ma'am.

22 Q Okay. Do you recognize this document as a copy
23 of an application?

24 A Yes, ma'am.

25 Q On page 393, do you see Melissa Sumpter's name?

1 A Yes.

2 Q Does that appear to be the signature of Melissa
3 Sumpster?

4 A It looks similar.

5 Q Okay. Did you write that signature there?

6 A No, ma'am.

7 Q The handwriting in the, next to the signature,
8 where it has a date, 6/22/96?

9 A Yes.

10 Q Does that appear to be in Melissa Sumpster's
11 handwriting?

12 A No.

13 Q Did you write that date?

14 A No.

15 Q Were you ever present when Melissa Sumpster would
16 have signed this document?

17 A No.

18 Q Okay. Go to --

19 JUDGE STEINBERG: Now, when asked about Melissa's
20 signature in here, you said that it looked similar.

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: In your opinion, is it her
23 signature?

24 THE WITNESS: No.

25 JUDGE STEINBERG: What makes you think that?

1 THE WITNESS: Because I think it has been
2 transposed or traced.

3 JUDGE STEINBERG: From another document?

4 THE WITNESS: From another document.

5 JUDGE STEINBERG: And what makes you think that?

6 THE WITNESS: I just believe it has. Because the
7 first place, we never went over there and signed these
8 documents.

9 JUDGE STEINBERG: Well, if you did not know
10 anything about this document and you saw that signature,
11 what would you think?

12 THE WITNESS: What would I think?

13 JUDGE STEINBERG: Correct. Forget about
14 everything you know about what anybody else said about this
15 document. If you saw that signature just as it is presented
16 to you on page 393, what would you think?

17 THE WITNESS: There's a possibility that she
18 could have signed it.

19 MR. ROMNEY: I do not hear that, Your Honor.

20 JUDGE STEINBERG: Okay, the answer was there is a
21 possibility --

22 THE WITNESS: She could have signed it.

23 JUDGE STEINBERG: -- that she could have signed
24 it.

25 BY MS. LANCASTER:

1 Q Did she sign any documents like this in your
2 presence?

3 A No, ma'am.

4 Q On 6/22/96?

5 A No, ma'am.

6 JUDGE STEINBERG: How about any other date? Or,
7 you could ask -- it is up to you.

8 BY MS. LANCASTER:

9 Q Has Melissa ever signed any type of application
10 in your presence?

11 A She signed the first application in my presence.

12 Q And when was that?

13 A In the early -- late eighties, early nineties.

14 Q That is the only one?

15 A That's the only one that I've ever seen her sign.

16 Q Turn in that same book to page 443. Actually,
17 you may want to look at 441. Do you see on page 441, it
18 says "client's copy?"

19 A Yes.

20 Q Turn to 442. Do you recognize this document as
21 an application?

22 A Yes.

23 Q Turn to 443.

24 A Okay.

25 Q Do you see a signature that says "Jennifer Hill?"

- 1 A Yes.
- 2 Q Are you familiar with Jennifer's signature?
- 3 A Yes.
- 4 Q Does that look like her signature?
- 5 A Yes, it looks similar.
- 6 Q Do you see -- you are familiar with Jennifer's
7 handwriting?
- 8 A Yes.
- 9 Q You see the handwritten date next to the
10 signature?
- 11 A Yes.
- 12 Q Does that look like Jennifer's handwriting?
- 13 A No.
- 14 Q Did you sign Jennifer Hill's name to this
15 document?
- 16 A No.
- 17 Q Did you put the handwritten date on this
18 document?
- 19 A No.
- 20 Q Do you know who did?
- 21 A No.
- 22 Q Has Jennifer Hill ever signed an application in
23 your presence?
- 24 A No.
- 25 Q I hate to do it to you, but go back to the other

1 book -- we should have done him first -- and look at
2 Exhibit 35, please. Page three and four, will you look at
3 those pages?

4 Q Do you recognize this document?

5 A Yes.

6 Q What is it?

7 A It's an application.

8 Q Whose name is it in?

9 A Jim's.

10 Q Have you ever seen it before?

11 A Yes.

12 Q When was the first time you saw it?

13 A When Mr. McVeigh got it for us in 1999, from the
14 FCC.

15 Q Okay, look on page four of this document. Do you
16 see Jim Sumpter's name at the bottom?

17 A Yes.

18 Q Are you familiar with Jim Sumpter's signature?

19 A Yes.

20 Q Is that his signature?

21 A No.

22 Q Do you see in block 42 that there is a
23 handwritten date of 6/18/96?

24 A Yes.

25 Q Are you familiar with Jim Sumpter's handwriting

1 generally?

2 A Yes.

3 Q Did he write that date?

4 A No.

5 Q Do you see in block 43 there is another date of
6 6/18/96 that is handwritten?

7 A Yes.

8 Q Did he write that date?

9 A No.

10 Q Did you write Jim's name to this application?

11 A No.

12 Q Did you put in either of the dates that are on
13 this application?

14 A No.

15 Q Do you know who provided that signature and those
16 dates?

17 A No.

18 Q Do you ever write Jim's name to documents without
19 his consent?

20 A No.

21 Q Do you ever write Jim's name to documents at all?

22 A Yes.

23 JUDGE STEINBERG: Do you want to say write Jim's
24 name, or write Jim's signature?

25 MS. LANCASTER: The signature, I am sorry.

1 JUDGE STEINBERG: So why don't you reask it?

2 MS. LANCASTER: Okay.

3 BY MS. LANCASTER:

4 Q Do you ever sign Jim's signature?

5 A Yes.

6 Q When?

7 A I signed it on Christmas cards, I signed it on
8 checks. And I may have signed it on the compilation letter,
9 I'm not sure about that. Possibility.

10 Q Okay, when you say you signed it on checks.

11 A Okay.

12 Q Where did you sign it on the checks?

13 A On the back. For deposit only, his name, and the
14 account number.

15 Q An endorsement on the back?

16 A Yes.

17 Q Have you ever signed it on the front, so that it
18 looks like he is actually writing a check?

19 A No, ma'am.

20 Q When you signed it on a compilation letter, do
21 you just sign his name?

22 A Yes.

23 Q Do you put any indication that it is not him
24 signing it?

25 A No.

1 JUDGE STEINBERG: When you signed his name, does
2 it, would a person believe that he, himself, had signed it?

3 THE WITNESS: I don't know. It's a letter that
4 is sent with the accounting records every month, and I do
5 the bookkeeping. Like we did all the bookkeeping, it's just
6 a form letter, that's all it is.

7 JUDGE STEINBERG: It does --

8 THE WITNESS: It's a form letter.

9 BY MS. LANCASTER:

10 Q When you sign his name to compilation letters, do
11 you try to make the signature look like his?

12 A No.

13 Q Have you ever signed his name where you would try
14 to make it look like his signature?

15 A No, ma'am.

16 Q Have you ever signed his name without his
17 permission to do so?

18 A No.

19 Q Have you ever signed his name without getting his
20 permission to do so before you signed the name?

21 A Yes.

22 Q In what instances has that happened?

23 A Well, if we had a check that came in, I would
24 sign it and put it in the bank.

25 Q When you put it in the bank, what account did you

1 put it into?

2 A The account that we had at the time. At first it
3 was made out in his name.

4 Q So you put his check in his bank account?

5 A Mm-hmm. In Jim's, yes.

6 JUDGE STEINBERG: Did you ever tell anybody that
7 you can sign Jim's name better than he can sign it?

8 THE WITNESS: No.

9 JUDGE STEINBERG: Or something similar to that?

10 THE WITNESS: No.

11 BY MS. LANCASTER:

12 Q Can you sign Jim's name better or as well as Jim
13 can sign it?

14 A No. Have you ever seen his signature?

15 (Laughter.)

16 Q I do not know if I have or not. Evidently not.

17 A It's scribble.

18 Q Mrs. Sumpster, what was your reaction when you got
19 the Net Wave petition?

20 A What was my reaction?

21 Q Yes, ma'am. What did you think?

22 A I thought we could possibly be in some kind of
23 trouble.

24 Q Did you know what they were talking about in that
25 petition?

1 A Well, that we had a license. That's about all I
2 understood, is that there was a license, and the name.

3 THE REPORTER: She is not nearly close enough to
4 the microphone.

5 THE WITNESS: I understood that there was a
6 license in our name.

7 BY MS. LANCASTER:

8 Q Prior to receiving the Net Wave petition, had you
9 known that there was a license in your name?

10 A No.

11 Q And was this the first time you had ever heard
12 that?

13 A Yes.

14 Q Did that concern you?

15 A What, that there was a license? Yes.

16 Q When you -- with respect to the license that was
17 discussed in the Net Wave petition, did you know where that
18 license was located?

19 A No.

20 Q The station was located?

21 A No.

22 JUDGE STEINBERG: There were a lot of licenses
23 mentioned in the Net Wave petition.

24 MS. LANCASTER: Okay.

25 JUDGE STEINBERG: And I think we ought to narrow

1 it down to her license.

2 MS. LANCASTER: Okay.

3 BY MS. LANCASTER:

4 Q Did you understand from the Net Wave petition
5 that there was a license in your name?

6 A Yes.

7 Q And did you understand that the call sign for
8 that was WPJR739?

9 A Yes.

10 Q So when I ask you these questions, I am talking
11 about that station, okay?

12 A Yes.

13 Q Did you know where that station was located?

14 A No.

15 Q Had you ever been to that station?

16 A No.

17 Q Did you know whether that station was in
18 operation?

19 A No.

20 Q If it was in operation, did you have any idea
21 whether it was trunked or conventional?

22 A No.

23 Q Do you know what trunked means?

24 A No.

25 Q Do you know what conventional means in --

1 A No.

2 Q Okay. Did you know if there were any customers
3 that used that station?

4 A No.

5 Q Did you know if there were any monies collected
6 by anyone as a result of the operation of that station?

7 A No.

8 Q Were you ever consulted about anything about that
9 station?

10 A No.

11 Q Do you know what construction of a station is?

12 A No.

13 Q Do you know what site rent is?

14 A No.

15 Q Do you know what expenses would be involved, what
16 types of expenses there would be to operate a radio station,
17 two-way radio station?

18 A No.

19 Q Did you ever risk any money to get a station?

20 A No.

21 Q Did you ever request, you personally request,
22 that you get a license?

23 A No.

24 Q Did you ever authorize DLB or anyone else to put
25 in, to get a license for you? Other than -- let me strike

1 that, let me rephrase that.

2 In 1995 or any time after 1995, did you ever
3 authorize anyone to request a license on your behalf?

4 A No.

5 Q Were you ever given any kind of compensation of
6 any sort for obtaining a license?

7 A No.

8 Q How about for signing that assignment form that
9 you stated you signed?

10 A No.

11 Q Anything offered to you for signing that
12 assignment form?

13 A No.

14 Q Ever told you would get a free radio for as long
15 as you wanted one?

16 A No.

17 Q I will ask this question two ways, in two parts.
18 I want to ask you these series of questions, and I want it
19 to relate back to when you did get, sign an application
20 first, okay?

21 A Okay.

22 Q So now we are talking back in the late eighties,
23 early nineties. Do you recall you testified you signed some
24 applications back in that, during that time period?

25 A Yes.

1 Q Prior to signing the application or applications
2 that you signed, were you ever explained what the duties of
3 a commissioned licensee are?

4 A No.

5 Q Do you know what the duties, even now, of a
6 commissioned licensee?

7 A No.

8 Q Were you ever told that you would have to be
9 willing to fulfill the duties of a commissioned licensee?

10 A No.

11 Q Were you ever told that you would have to be
12 willing to participate in the funding of the construction of
13 a station?

14 A No.

15 Q Were you ever told that you would, must be
16 willing to participate in the funding of the cost of
17 operation of any station that was operated as a result of
18 your license application?

19 A No.

20 Q Were you ever told that you must have been
21 willing to accept the risk of failure of any business
22 arising out of the operation of a station in your name?

23 A No.

24 Q Were you told that you must have been, you must
25 have been willing to actively participate in sales and

1 service and equipment to be provided to customers of the
2 station in your name?

3 A No.

4 Q Now, that was back pertaining to those licenses
5 in 1998, 1999.

6 JUDGE STEINBERG: No, no.

7 MS. LANCASTER: I mean, I am sorry.

8 JUDGE STEINBERG: Late eighties.

9 MS. LANCASTER: Nineteen-eighty-nine --

10 MR. ROMNEY: Late eighties, early nineties.

11 BY MS. LANCASTER:

12 Q Late eighties, early nineties, I am sorry. You
13 understood that, right?

14 A Yes.

15 Q Were you ever given any of that information that
16 I just asked you about, told anything about any of those
17 questions or responsibilities, when, in the 1995, 1996 time
18 frame?

19 A No.

20 JUDGE STEINBERG: So if Ms. Lancaster asked you
21 all those questions again concerning the 1995/96 time
22 period, your answers would be the same as they were for the
23 earlier time period.

24 THE WITNESS: They would be the same.

25 BY MS. LANCASTER:

1 Q So as relating to the WPJR739, before you got any
2 kind of, before any application for that station was
3 submitted in your name, were you ever informed of the duties
4 that having a license would require? And about the benefits
5 of ownership of any license?

6 A No.

7 Q Were there ever any talks between you or anyone
8 from DLB, Pat or Ron included, about the financial benefits
9 that might come to you --

10 A No.

11 Q -- or your family as a result of having a
12 license?

13 A No.

14 Q What were your duties for your, while you worked
15 for your husband, back in --

16 JUDGE STEINBERG: Before you switch to that.

17 MS. LANCASTER: Okay, okay.

18 JUDGE STEINBERG: During the 1995/96 time period,
19 did you, did anybody tell you, in connection with your
20 station, that if the station's expenses were greater than
21 the revenues, that the difference would be considered a
22 loan?

23 THE WITNESS: No.

24 JUDGE STEINBERG: And that the loan would be paid
25 off later?

1 THE WITNESS: No.

2 JUDGE STEINBERG: By the licensee?

3 THE WITNESS: No.

4 JUDGE STEINBERG: And now you can switch to
5 whatever.

6 BY MS. LANCASTER:

7 Q In 1995, 1996, 1997, let's go in that time frame.
8 What were your duties at work? What did you do?

9 A I was secretary. I answered the phone. I did
10 bank reconciliations, and what was sent in to me. Just a
11 little bit of everything.

12 Q Did you work on any of the DLB business that came
13 in to the office?

14 A Yes.

15 Q What did you do specifically on the DLB business?

16 A I would reconcile their bank account, make up
17 entries for, put in the computer, for like their
18 compilations.

19 Q I am not going to restrict it to those three
20 years that I talked to you about, but I am going to talk to
21 you about the whole time that you worked on any DLB
22 business, okay?

23 A Okay.

24 Q Did your duties change in regard to the DLB
25 business at any time?

1 A Well, it changed in regard to where we got the
2 information. When we first started doing their bookkeeping,
3 it came off of the invoices. It was added up, the different
4 categories.

5 And then, later on when they got their computers
6 in their office, they started making up these little books,
7 little binders. I don't know what you -- they got those
8 little threads in them. I don't know what you call those.
9 And we got the information from that book, the totals.

10 Q When did you start working on DLB business, do
11 you recall?

12 A I believe their business was started in 1982.

13 Q Okay. And so you personally started working on
14 their business in 1982?

15 A Yes, ma'am.

16 Q And did you do the same thing then that you do,
17 did in '95 through '97? Or were your duties different in
18 some way?

19 A No. Same thing. Didn't change.

20 Q In 1982, did you add up invoices? Or did you get
21 a computer print-out?

22 A Added up invoices.

23 Q Do you recall when it changed from invoices to
24 computer print-outs?

25 A I don't know when. I don't have any idea.

1 Q What was the type of information that DLB sent in
2 to your husband's office?

3 A They sent, they sent copies of the invoices.
4 They sent their bank statements. They sent their bank's,
5 the stubs where the checks were written from. They sent
6 that little booklet that had all the information in it from
7 what they had sold that month. Anything that we needed that
8 pertained to the payroll, or the sales tax, that kind of
9 information. That's what we filled out and sent back to
10 them, after we did the work.

11 Q Okay. And did you work with the invoices?

12 A The invoices?

13 Q Mm-hmm.

14 A No, ma'am.

15 Q You did not --

16 A Not after we got the little books, I did not.

17 Q All right, before you got the little books.

18 A Yes.

19 Q Did you work with, did you do anything with the
20 invoices?

21 A Yes.

22 Q What did you do with them?

23 A We added up the invoices. We broke down
24 different categories. Their invoices were broken down into
25 repeaters, sales, tax, wholesale, parts. And we'd go in the

1 invoices and look at them, and add up the different
2 categories.

3 Q By invoices, were these -- explain what you mean
4 by, what is an invoice? What did it show on it?

5 A The invoice is the one they gave to their
6 customer, what they billed him for.

7 Q Okay. So it is a bill.

8 A Yes.

9 Q Okay. On the bill, did it have any, on these
10 bills did it have any information with which you personally
11 could determine what station, if it is for repeater service,
12 what station --

13 A To my knowledge --

14 Q -- was being billed for?

15 A No. To my knowledge, there wasn't.

16 Q Did you ever look for that?

17 A No, ma'am.

18 Q Did you have any reason to look for that, as far
19 as you knew?

20 A No.

21 Q How about bank statements? What did you do with
22 bank statements?

23 A We reconciled the bank. We went and checked off
24 the checks. What you do when you reconcile a bank.

25 Q You balanced the checkbook.

1 A We balance the checkbook is what we do.

2 Q And what did you do with the check stubs?

3 A We used them to input into our computer. We got
4 the information off the stubs and input it into our
5 computer.

6 Q Check stubs were evidence of their expenses?

7 A Yes.

8 Q Okay.

9 A And who they wrote the check to.

10 Q And when you say you had something to do with
11 equipment sales, what did you have to do with equipment
12 sales?

13 A Well, we got it off the invoices. That was just
14 broken down.

15 Q Okay. So that was just a category of invoice?

16 A Yes, a category. Uh-huh.

17 Q How about, you said payroll information? What
18 kind of information did you get about the payroll?

19 A From the bank. Well, the stubs they wrote the
20 payroll checks. And that would go in the computer. And at
21 the quarter, we had to fill out the payroll 941, things like
22 that. So that would be sent to us first to fill them out
23 for the quarter.

24 Q And you added the expenses up, payroll expenses?

25 A Well, I inputted all the checks in the computer.

1 And it printed out this information.

2 Q And how about sales tax info? What kind of
3 information are you talking about on that?

4 A Well, when I first did the invoices, it came off
5 the bottom of the invoices, tapes, adding machine tapes.
6 And then, when they went to the computer system, there was a
7 sheet in there that had the sales tax, and we just got it
8 off the bottom of it.

9 Then we'd have to fill out a sales tax form every
10 month.

11 Q As far as you know, did you ever receive
12 sufficient information from DLB, on a monthly basis, from
13 which you personally could determine the amount of gross
14 revenues of any particular repeater?

15 A No.

16 Q Did you ever receive sufficient information from
17 DLB, on a monthly basis, from which you could determine the
18 specific operating expenses of your station?

19 A No.

20 Q And when I ask you if you could determine for a
21 repeater, could you determine what the gross revenues were
22 for a repeater that would have been associated with station
23 WPJR739?

24 A No, ma'am.

25 Q Could you determine the expenses that would have