

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

In re)
)
FAMILY BROADCASTING, INC.)
)
Order to Show Cause Why the Licenses for)
Stations WSTX(AM) and WSTX-FM,)
Christiansted, U.S. Virgin Islands,)
Should Not Be Revoked)

EB Docket No. 01-39

RECEIVED

MAY - 8 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief Administrative Law Judge
Richard L. Sippel

ENFORCEMENT BUREAU'S
MOTION TO ENLARGE THE ISSUES

1. The Enforcement Bureau ("Bureau"), pursuant to Section 1.229 of the Commission's rules, requests that the issues in this proceeding be enlarged to include the following:

To determine the current ownership of Family Broadcasting, Inc.; and

To determine, based on the evidence adduced, whether Family Broadcasting, Inc.'s most recent ownership report and amendments to applications for transfer of control certifications regarding its current and proposed ownership misrepresent facts and/or lack candor.

In support its request, the Bureau submits the following information.

2. By *Memorandum Opinion and Order and Hearing Designation Order*,¹ the Commission concluded that a hearing was needed to determine whether applications to transfer control of Family Broadcasting, Inc. ("Family") from Gerard Luz James to his four adult children should be granted. The *HDO* specifies nine factual issues and one conclusory issue. The *HDO* also provides that issues can be added following review by the [Mass] Media Bureau, if that

¹ *Family Broadcasting, Inc.*, FCC 02-91, released March 28, 2002 ("*HDO*"). No. of Copies rec'd 016
List: ABCDE

Bureau's processing staff determines that additional issues are warranted.

3. Following review by the Media Bureau's processing staff, the Enforcement Bureau, on April 12, 2002, filed a request for additional information. Specifically, the Bureau asked that Family reduce to writing the oral agreement that proposed the giving of Family's stock from Gerard Luz James and his wife to their children.² In addition, the Bureau asked Family to identify the holders of Family's shares, other than Mr. and Mrs. James. Family responded by a filing received April 23, 2002. Family submitted the requested agreement. However, with regard to the second request, Family's counsel states: "Unfortunately, the transferees do not know the identify of the persons holding the remaining 7%, and have not been able to get that information from Luz James who, apparently, kept few records. The transferees can, however, certify that none of these persons have attributable interests, because they have been informed and believe that no individual has more than 5% of the company's stock. Also, none are officers or directors of the company."³

4. Piecing together various representations regarding Family's ownership produces the following scenario. Family certifies through its representatives, Barbara James-Petersen and Gerard Luz James, that 2771 of its shares are outstanding and that Mr. Luz James owns 51% of its stock and that his wife Asta owns 42%. The remaining 7% of Family's stock is owned by 42 "various other persons" whose identity Mrs. James-Petersen is currently trying to ascertain.⁴

² Attachment 1.

³ Attachment 2.

⁴ Attachment 3 (2002 Ownership Report), Attachment 4 (Transfer of control application), and Attachment 5 (May 3, 2002, letter from Family's counsel).

Nearly one year earlier, at her May 10, 2001, deposition, Mrs. James-Petersen testified that: the 7% was likely owned her father's friends and family members; and she had asked her father about their identity but he had not yet told her.⁵ Confusing matters further, Family reported in its 1995 ownership report, that Mr. James owned 60% of Family, his wife owned 25% and Mrs. James-Petersen owned 15%.⁶ At her deposition, however, Mrs. James-Petersen had no idea whether the 1995 ownership information was accurate, and she denied having knowledge of ever owning 15% of Family.⁷ Finally, in responding to the Bureau's request for documents relating to its ownership, Mrs. James-Petersen testified at her deposition that she could not find any stock certificates or a stock register or ledger.⁸

5. In view of the foregoing, the Bureau submits that Family has not responded adequately to the processing staff's request. Simply put, Mrs. James-Petersen does not know the identities of the missing 7% of Family's owners, and her father, in whose house she continues to reside, is not telling her or the Commission. More significantly, given her father's inability or unwillingness to keep or produce records, Mrs. James-Petersen cannot possibly know whether the missing persons' interests are in fact limited to the 7% reported, and, conversely, whether her father and mother hold the other 93% supposedly attributable to them. In addition, Mrs. James-

⁵ Attachment 6 (May 10, 2001, deposition of Barbara James-Petersen at p. 18, l. 21- 20, l. 12).

⁶ Attachment 7 (1995 ownership report).

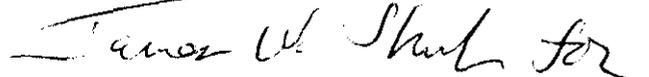
⁷ Attachment 8 (May 10, 2001, deposition of Barbara James-Petersen at p. 20, l.13 – p. 24, l. 14).

⁸ Attachment 9 (May 10, 2001, deposition of Barbara James-Petersen at p. 15, l. 14 – p. 16, l. 7). Moreover, so far as the Bureau has been able to ascertain, Family filed no ownership reports between 1995 and 2001.

Petersen cannot know that no person, other than her parents, holds less than five percent of Family. Thus, the Commission has no basis for believing that Family's reported ownership information is reliable or that Family's related certifications are accurate.

6. Accordingly, the Bureau requests that the hearing be enlarged to include the issues specified above. Moreover, because Family already has the burdens of proceeding and proof on the other specified issues, the Bureau requests that the burdens of proceeding and proof relative to the requested issues be placed on Family.

Respectfully submitted,


Charles W. Kelley
Chief, Investigations and Hearings Division


James W. Shook
Attorney


Kathryn S. Berthot
Attorney

Federal Communications Commission
445 12th Street, S.W., Room 3-A463
Washington, D.C. 20554
(202) 418-1430

May 8, 2002

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 8th day of May, 2002, sent by first class United States mail, facsimile or by hand copies of the foregoing "Enforcement Bureau's Motion to Enlarge the Issues" to:

Lauren A. Colby, Esquire (by facsimile and first class mail)
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Daniel A. Huber, Esquire (by facsimile and first class mail)
560 N Street, S.W., Suite 501
Washington, D.C. 20024

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C749
Washington, D.C. 20054


Karen Richardson

ATTACHMENT 1

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

In re)
)
Family Broadcasting, Inc.) **EB Docket No. 01-39**
)
Order to Show Cause Why the Licenses for)
Stations WSTX(AM) and WSTX-FM,)
Christiansted, U.S. Virgin Islands,)
Should Not Be Revoked)

To: Administrative Law Judge
Richard L. Sippel

**ENFORCEMENT BUREAU'S REQUEST FOR ADDITIONAL INFORMATION
CONCERNING FAMILY BROADCASTING, INC.'S
TRANSFER OF CONTROL APPLICATIONS**

1. By *Memorandum Opinion and Order and Hearing Designation Order*, FCC 02-91, released March 28, 2002 (“*HDO*”), the Commission consolidated for hearing with the captioned revocation proceeding applications to transfer of control of Family Broadcasting, Inc. (“Family”) (File Nos. BTC-20010315AAJ and BTCH-20010315AAK). In so doing, the Commission noted that the then Mass Media Bureau (now Media Bureau) had not yet processed the applications. The Commission therefore suggested that Media Bureau “avail itself of the opportunity to have the Enforcement Bureau formally request that the ALJ add any further issues deemed appropriate by its processing staff.” *HDO* at ¶ 34.

2. Media Bureau processing personnel have informed Enforcement Bureau counsel that, after reviewing Family’s applications, they would have requested two amendments. The first request would be to have Family amend its applications by reducing to writing the oral agreement which proposes to give the shares owned by Gerard A. Luz James and Asta James, his wife, which represent 83 percent of Family’s voting shares, to their four adult children. The second request would be to have Family amend its applications by

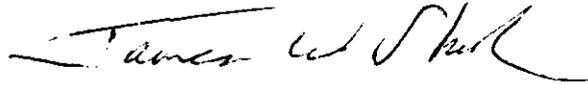
identifying the holders of the remaining 17 percent of Family's voting shares. Currently, the applications do not reveal the identities of those persons or entities.

3. Accordingly, the Bureau does not propose the addition of any new issues at this time. However, the Bureau does request that Family be ordered to submit within 30 days of the issuance of an appropriate order the amendments specified above.

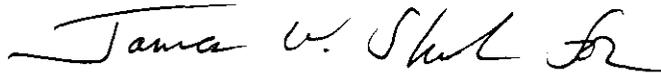
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau



James W. Shook
Attorney



Kathryn Berthot
Attorney

Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554
(202) 418-1420

April 12, 2002

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 12th day of April, 2002, sent by facsimile, first class mail, or by hand copies of the foregoing "Enforcement Bureau's Request for Additional Information Concerning Family Broadcasting, Inc.'s Transfer of Control Applications" to:

Lauren A. Colby, Esquire (by facsimile)
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Daniel A. Huber, Esquire (by first class mail)¹
560 N Street, S.W., Suite 501
Washington, D.C. 20024

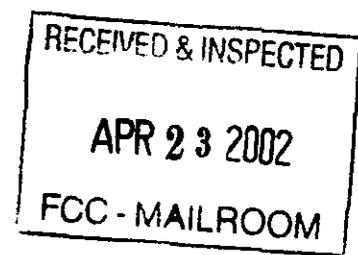
Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C864
Washington, D.C. 20054


Karen Richardson

¹ The Bureau acknowledges that by Order, FCC 02M-23, released April 1, 2002, the Presiding Judge directed that courtesy copies of pleadings that do not exceed 15 pages are to be faxed. It is the Bureau's understanding that Mr. Huber does not have a fax machine. If Mr. Huber does have a fax machine, the Bureau will also send copies of any pleadings to Mr. Huber by facsimile.

ATTACHMENT 2

LAUREN A. COLBY
ATTORNEY AT LAW
POST OFFICE BOX 113
FREDERICK, MARYLAND 21705-0113



10 EAST FOURTH STREET
FREDERICK, MARYLAND 21701-5257

April 22, 2002

TELEPHONE
301-663-1086
FACSIMILE
301-695-8734
E-MAIL
lac@lcolby.com

VIA FACSIMILE/FEDERAL EXPRESS

James Shook, Esq.
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Suite 3B-443
Washington, D.C. 20554

Re: EB Docket No. 01-39, Family Broadcasting, Inc.

Dear Mr. Shook:

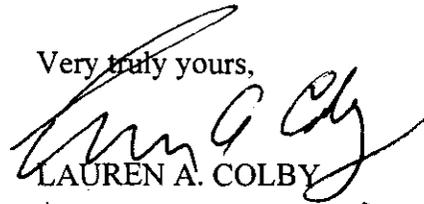
Pursuant to the Bureau's discovery requests, I am sending you herewith by facsimile a copy of a Gift and Conveyance of Stock, executed by Gerard Luz A James and his wife, Asta K. James, formally conveying all of their stock in Family Broadcasting, Inc. to their children subject to prior FCC consent to such conveyance. This document is this date being uploaded as an amendment to the application for transfer of control.

The Bureau indicates that the Mass Media Bureau desires to know the identity of the persons who hold 17% of Family's voting shares. This request evidently stems from an error made by this office when the application was electronically filed. Only 7% of the company's stock is owned by outsiders and this 7% is divided amongst several persons. Somehow, a mistake was made in uploading the percentages of stock to be owned by the four proposed transferees. That mistake has been corrected by a further amendment this date. Unfortunately, the transferees do not know the identity of the persons holding the remaining 7%, and have not been able to get that information from Luz James who, apparently, kept few records. The transferees can, however, certify that none of these persons have attributable interests, because they have been informed and believe that no individual has more than 5% of the company's stock. Also, none are officers or directors of the company. The application is being amended this date to provide this certification.

Mr. Shook
April 22, 2002
page 2

The Bureau has also requested copies of the letters written by counsel on December 19, 2001, requesting STA's for WSTX AM and FM. Copies of those letters are transmitted herewith.

Very truly yours,



LAUREN A. COLBY
Attorney

LAC/tdm

Enclosures

cc: ALJ Richard Sippel
Mrs. Barbara James-Petersen
Daniel Huber, Esq.

ATTACHMENT 3

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0010 (September 2000)	FOR FCC USE ONLY
FCC 323		
OWNERSHIP REPORT FOR COMMERCIAL BROADCAST STATIONS		FOR COMMISSION USE ONLY FILE NO. - 20011001ACT
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Licensee/Permittee FAMILY BROADCASTING, INC.		
	Mailing Address P.O. BOX 3279		
	City CHRISTIANSTED, ST. CROIX	State or Country (if foreign address) VI	ZIP Code 00822 -
	Telephone Number (include area code) 3407730390	E-Mail Address (if available)	
		Facility ID Number 20589	Call Sign WSTX
2.	Contact Representative (if other than Licensee/Permittee) LAUREN A. COLBY, ESQ.		Firm or Company Name LAW OFFICE OF LAUREN A. COLBY
	Telephone Number (include area code) 3016631086		E-Mail Address (if available) LAC@LCOLBY.COM
3.	Name of entity, if other than licensee or permittee, for which report is filed		
	Mailing Address		
	City	State or Country (if foreign address)	ZIP Code
	Telephone Number (include area code)	E-Mail Address (if available)	
4.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Fee-exempt Report <input type="radio"/> Other		

Section II - Ownership Information

5. a. <input checked="" type="radio"/> Biennial	b. <input type="radio"/> Transfer of Control or Assignment of License/Permit	c. <input type="radio"/> Other
for the following stations:		

[Enter Station Information]

Station List

This Report is filed for the following stations:

Call Letters	Facility ID Number	Location (City/State)	Class of service
WSTX	20589	CHRISTIANSTED VI	AM

Call Letters	Facility ID Number	Location (City/State)	Class of service
WSTX-FM	20601	CHRISTIANSTED VI	FM

All of the information furnished in this Report is accurate as of 10/1/2001 (Date must comply with 47 C.F.R. Section 73.3615(a), i.e., information must be current within 60 days of filing of this report, when 5(a) below is checked.)

This Report is filed for (check one)

6. Respondent is:

Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other

If "Other", describe nature of the respondent in an Exhibit. [Exhibit 1]

7. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Capitalization Information]

Capitalization

Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
COMMON	VOTING	100000	2771		97229

9. (a.) List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable

interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

[Enter Owner Information]

Owner Information

List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and address of respondent and each party to the respondent holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the respondent first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.
2. Gender (male or female).
3. Ethnicity (check one).
4. Race (select one or more).
5. Citizenship.
6. Positional interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.
7. Percentage of votes.
8. Percentage of total assets (equity debt plus).

1. Name and Address	GERARD LUZ A. JAMES, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	NA
7. Percentage of votes	51
8. Percentage of total assets (equity debt plus)	51

1. Name and Address	ASTA K. JAMES, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino

4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	NA
7. Percentage of votes	42
8. Percentage of total assets (equity debt plus)	42
1. Name and Address	BARBARA JAMES-PETERSEN, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	PRESIDENT/DIRECTOR
7. Percentage of votes	0
8. Percentage of total assets (equity debt plus)	0
1. Name and Address	GERARD LUZ A. JAMES, II, 7H CATHERINE'S REST, CHRISTIANSTED, ST. CROIX, USVI 00820
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	0
8. Percentage of total assets (equity debt plus)	0
1. Name and Address	EMMETH C. JAMES, 540 E. 169TH STREET, APT. 14K, BRONX, NY 10456

2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	0
8. Percentage of total assets (equity debt plus)	0

1. Name and Address	KELSEY G. JAMES, 1539 DEBATTISTA PLACE, NEW ORLEANS, LA 70131
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	0
8. Percentage of total assets (equity debt plus)	0

(b) Respondent certifies that equity and financial interests not set forth in response to Question 9 (a) are non-attributable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 2]
(c) Is the respondent or any party holding an attributable interest in the respondent also the holder of an attributable interest in any other broadcast station or in any cable or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Sections 73.3555 and 76.501? If "Yes", submit an Exhibit identifying the holder of that other attributable interest, listing the call signs, locations and facilities identifiers of such other broadcast stations, and describing the nature and size of the ownership interest and the positions held in the other broadcast, cable or newspaper entities.	<input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 3]
(d) Are any of the individuals listed in response to Question 9(a) related as parent-child, husband-wife, brothers and sisters?	<input checked="" type="radio"/> Yes <input type="radio"/> No

CDBS Print

Page 6 of 7

If "Yes", submit an Exhibit setting forth full information as to the family relationship	[Exhibit 4]
(e) Is respondent seeking an attribution exemption for any officer or director with duties unrelated to the licensee or permittee?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If "Yes", submit an Exhibit identifying that individual by name and title, fully describing that individual's duties and responsibilities, and explaining why that individual should not be attributed an interest.	[Exhibit 5]

SECTION III - CERTIFICATION

I certify that I am PRESIDENT

(Official Title)

of FAMILY BROADCASTING, INC.

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 5, Section II and in no event prior to that date.)

Signature BARBARA JAMES-PETERSEN	Date 10/1/2001
Telephone Number of Respondent (Include area code) 3407730390	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits**Exhibit 2****Description:** OWNERSHIP AND CAVEAT

SEVEN PERCENT OF THE STOCK OF FAMILY BROADCASTING, INC., IS HELD BY 42 VARIOUS OTHER PERSONS.

CAVEAT

THIS REPORT HAS BEEN PREPARED AT THE DIRECTION OF THE COMPANY'S PRESIDENT, BARBARA JAMES-PETERSEN, ON THE BASIS OF INFORMATION PROVIDED BY HER FATHER, THE FORMER PRESIDENT, LUZ JAMES. IT IS BELIEVED TO BE SUBSTANTIALLY ACCURATE BUT, BECAUSE OF THE POOR CONDITION OF CERTAIN RECORDS, IT MAY NOT BE COMPLETELY ACCURATE. IT DOES, HOWEVER, REPRESENT THE BEST INFORMATION AVAILABLE TO MRS. JAMES-PETERSEN.

Exhibit 4**Description:** FAMILY RELATIONSHIPS

GERARD LUZ A. JAMES AND ASTA K. JAMES ARE HUSBAND AND WIFE AND THE PARENTS OF BARBARA

<http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdb/forms/prod/cdbsmenu.hts?context=25&l>. 10/1/2001

CDBS Print

Page 7 of 7

JAMES-PETERSEN, GERARD LUZ A. JAMES, II, EMMETH C. JAMES AND KELSEY G. JAMES, BROTHERS AND
SISTER.

ATTACHMENT 4

Federal Communications Commission Washington, D.C. 20554 <p style="text-align: center;">FCC 315</p>	Approved by OMB 3060-0032 (April 2001) FOR FCC USE ONLY
<p>APPLICATION FOR CONSENT TO TRANSFER CONTROL OF ENTITY HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE</p> <p>Read INSTRUCTIONS Before Filling Out Form</p>	FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1. Legal Name of the Licensee/Permittee FAMILY BROADCASTING, INC.		
Mailing Address P.O. BOX 3279		
City CHRISTIANSTED, ST. CROIX	State or Country (if foreign address) VI	Zip Code 00822 -
Telephone Number (include area code) 3407730390	E-Mail Address (if available)	
	Call Sign WSTX	Facility ID Number 20589
2. Contact Representative (if other than licensee/permittee) LAUREN A. COLBY, ESQ.		Firm or Company Name LAW OFFICE OF LAUREN A. COLBY
Mailing Address 10 E. FOURTH STREET P.O. BOX 113		
City FREDERICK	State or Country (if foreign address) MD	ZIP Code 21705 - 0113
Telephone Number (include area code) 3016631086	E-Mail Address (if available) LAC@LCOLBY.COM	
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input checked="" type="radio"/> Other AMENDMENT		
4. Purpose of Application: <input type="radio"/> Transfer of control of licensee <input type="radio"/> Transfer of control of permittee <input checked="" type="radio"/> Amendment to pending application File number of pending application: BTC-20010315AAJ If an amendment, submit as an Exhibit a listing by Section and Question [Exhibit 1] Number of the portions of the pending application that are being revised.		
5. Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5001)? If yes, list pertinent authorizations in an Exhibit.		<input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 2]
6. a. Were any of the authorizations that are the subject of this application obtained through the Commission's point system for reserved channel noncommercial educational stations (see 47 C.F.R. Sections 73.7001 and 73.7003)?		<input type="radio"/> Yes <input checked="" type="radio"/> No
b. If yes to 6(a), have all such stations operated for at least 4 years with a minimum operating schedule since grant pursuant to the point system?		<input type="radio"/> Yes <input checked="" type="radio"/> No

If no, list pertinent authorizations in an Exhibit and include in the Exhibit a showing that the transaction is consistent with the holding period requirements of 47 C.F.R. Section 73.7005 (a).	[Exhibit 3]
---	-------------

Section II - Transferor(s)

1. Certification. Transferor(s) certify that it (they) have answered each question in this application based on its (their) review of the application instructions and worksheets. Transferor (s) further certify that where it (they) have made an affirmative certification below, this certification constitutes its (their) representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No							
2. Legal Name of the Transferor GERARD LUZ A. JAMES AND ASTA K. JAMES								
Mailing Address 83 EST. ANNA'S HOPE								
City ST. CROIX	State or Country (if foreign address) VI	Zip Code 00822 -						
Telephone Number (include area code) (340)7788802	E-Mail Address (if available)							
3. Contact Representative (if other than transferor) LAUREN A. COLBY, ESQ.		Firm or Company Name LAW OFFICE OF LAUREN A. COLBY						
Mailing Address 10 E. FOURTH STREET P.O. BOX 113								
City FREDERICK	State or Country (if foreign address) MD	Zip Code 21705 - 0113						
Telephone Number (include area code) (301)6631086	E-Mail Address (if available) LAC@LCOLBY.COM							
If more than one transferor, submit the information requested in questions 2 and 3 for each transferor.		[Exhibit 4]						
4. Changes in interests as a result of transfer. [Enter Changes in Interests Information]								
Changes in Interests as a Result of Transfer								
(A) NAMES AND ADDRESSES OF ANY PARTY TO APPLICATION HOLDING AN ATTRIBUTABLE INTEREST	(B) CITIZENSHIP	INTEREST HELD						
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">(C) BEFORE TRANSFER OR ASSIGNMENT</th> <th style="width: 50%;">(D) AFTER TRANSFER OR ASSIGNMENT</th> </tr> <tr> <td style="text-align: center; padding: 2px;">(1) Percentage Votes</td> <td style="text-align: center; padding: 2px;">(1) Percentage Votes</td> </tr> <tr> <td style="text-align: center; padding: 2px;">(2) Percentage Total Assets (Equity plus Debt)</td> <td style="text-align: center; padding: 2px;">(2) Percentage Total Assets (Equity plus Debt)</td> </tr> </table>	(C) BEFORE TRANSFER OR ASSIGNMENT	(D) AFTER TRANSFER OR ASSIGNMENT	(1) Percentage Votes	(1) Percentage Votes	(2) Percentage Total Assets (Equity plus Debt)	(2) Percentage Total Assets (Equity plus Debt)
(C) BEFORE TRANSFER OR ASSIGNMENT	(D) AFTER TRANSFER OR ASSIGNMENT							
(1) Percentage Votes	(1) Percentage Votes							
(2) Percentage Total Assets (Equity plus Debt)	(2) Percentage Total Assets (Equity plus Debt)							
or [Exhibit 5]								

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing GERARD LUZ A. JAMES	Typed or Printed Title of Person Signing REPRESENTATIVE OF TRANSFERORS
Signature	Date 04/22/2002

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III - Licensee/Permittee

1.	Certification. Licensee/permittee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No															
2.	<p>Authorizations to be Assigned. List the authorized stations and construction permits to be assigned. Provide the Facility Identification Number and the Call Sign, or the Facility Identification Number and the File Number of the Construction Permit, and the location, for each station to be assigned. Include main stations, FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations.</p> <p>[Enter Station Information]</p> <p>List the authorized stations and construction permits to be transferred. Provide the Facility Identification Number and the Call Sign, or the Facility Identification Number and the File Number of the Construction Permit, and the location, for each station to be transferred. Include main stations, FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations.</p> <table border="1"> <thead> <tr> <th>Facility ID Number</th> <th>Call Sign</th> <th>Or Construction Permit File Number</th> <th>City</th> <th>State</th> </tr> </thead> <tbody> <tr> <td>20589</td> <td>WSTX</td> <td>-</td> <td>CHRISTIANSTED</td> <td>VI</td> </tr> <tr> <td>20601</td> <td>WSTX-FM</td> <td>-</td> <td>CHRISTIANSTED</td> <td>VI</td> </tr> </tbody> </table>	Facility ID Number	Call Sign	Or Construction Permit File Number	City	State	20589	WSTX	-	CHRISTIANSTED	VI	20601	WSTX-FM	-	CHRISTIANSTED	VI	
Facility ID Number	Call Sign	Or Construction Permit File Number	City	State													
20589	WSTX	-	CHRISTIANSTED	VI													
20601	WSTX-FM	-	CHRISTIANSTED	VI													
3.	<p>Agreements to Transfer Control of Station. Licensee/permittee certifies that:</p> <p>a. it has placed in its public inspection file(s) and submitted an exhibit to this item copies of all agreements to transfer control of the station(s);</p> <p>b. these documents embody the complete and final understanding between transferor(s) and transferee(s); and</p> <p>c. these agreements comply fully with the Commission's rules and policies.</p> <p>Exhibit Required</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]															
4.	<p>Other Authorizations. List call signs, locations and facility identifiers of all other broadcast stations in which licensee/permittee or any party to the application has an attributable interest.</p>	<input checked="" type="checkbox"/> N/A [Exhibit 7]															
5.	<p>Character Issues. Licensee/permittee certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with:</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No															

a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or b. any pending broadcast application in which character issues have been raised.	See Explanation in [Exhibit 8]
6. Adverse Findings. Licensee/permittee certifies that, with respect to the licensee/permittee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass mediarelated antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]
7. Local Public Notice. Licensee/permittee certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	<input checked="" type="radio"/> Yes <input type="radio"/> No
8. Auction Authorization. Licensee/permittee certifies that more than five years have passed since the issuance of the construction permit for the station being assigned, where that permit was acquired in an auction through the use of a bidding credit or other special measure.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 10]
9. Anti-Drug Abuse Act Certification. Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing BARBARA JAMES-PETERSEN	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 4/22/2002

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section IV - Transferee(s)

1. Certification. Transferee(s) certify that it (they) have answered each question in this application based on its (their) review of the application instructions and worksheets. Transferee(s) further certify that where it (they) have made an affirmative certification below, this certification constitutes its (their) representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No						
2. Legal Name of the Transferee(s) BARBARA JAMES-PETERSEN, ET AL. Mailing Address P.O. BOX 3279 <table border="1" style="width:100%"> <tr> <td data-bbox="219 1661 485 1719"> City CHRISTIANSTED </td> <td data-bbox="490 1661 968 1719"> State or Country (if foreign address) VI </td> <td data-bbox="973 1661 1478 1719"> Zip Code 00822 - </td> </tr> <tr> <td data-bbox="219 1725 728 1810"> Telephone Number (include area code) (340)7730390 </td> <td colspan="2" data-bbox="733 1725 1478 1810"> E-Mail Address (if available) </td> </tr> </table>		City CHRISTIANSTED	State or Country (if foreign address) VI	Zip Code 00822 -	Telephone Number (include area code) (340)7730390	E-Mail Address (if available)	
City CHRISTIANSTED	State or Country (if foreign address) VI	Zip Code 00822 -					
Telephone Number (include area code) (340)7730390	E-Mail Address (if available)						
3. Contact Representative (if other than transferee) LAUREN A. COLBY, ESQ. Mailing Address <table border="1" style="width:100%"> <tr> <td data-bbox="789 1825 1478 1883"> Firm or Company Name LAW OFFICE OF LAUREN A. COLBY </td> </tr> </table>		Firm or Company Name LAW OFFICE OF LAUREN A. COLBY					
Firm or Company Name LAW OFFICE OF LAUREN A. COLBY							

<http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdbforms/prod/cdbsmenu.hts?context=25&l.> 4/22/2002

10 E. FOURTH STREET P.O. BOX 113		
City FREDERICK	State or Country (if foreign address) MD	Zip Code 21705 - 0113
Telephone Number (include area code) (301)6631086	E-Mail Address (if available) LAC@LCOLBY.COM	
If more than one transferee, submit the information requested in questions 2 and 3 for each transferee. [Exhibit 11]		
4. Nature of Applicant. Each transferee is:		
<input checked="" type="radio"/> an individual	<input type="radio"/> a general partnership	<input type="radio"/> a for-profit corporation
<input type="radio"/> a limited partnership	<input type="radio"/> a not-for-profit corporation	<input type="radio"/> a limited liability company (LLC/LC)
<input type="radio"/> other		
a. If "other", describe nature of transferee in an Exhibit. [Exhibit 12]		
5. Agreements to Transfer Control of Station. Transferee certifies that:		
a. the written agreements in the licensee/permittee's public inspection file and submitted to the Commission embody the complete and final agreement to transfer control of the station(s) specified in Section III, question 2; and		<input checked="" type="radio"/> Yes <input type="radio"/> No
b. these agreements comply fully with the Commission's rules and policies.		[Exhibit 13]
6. Parties to the Application.		
a. List each transferee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in any transferee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.		
(1) Name and address of the transferee and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the transferee first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.	(2) Citizenship.	(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.
	(4) Percentage of votes.	(5) Percentage of total assets (equity plus debt).
[Enter Parties/Owners Information]		
6a. Parties to the Application		
List each transferee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in any transferee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity.		
(1) Name and address of the transferee and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the transferee first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.		
(2) Citizenship.		
(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.		
(4) Percentage of votes.		
(5) Percentage of total assets (equity plus debt).		

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets (equity plus debt).
BARBARA JAMES-PETERSEN, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822	US	PRESIDENT/DIRECTOR	23	23
EMMETH C. JAMES, 540 E. 169TH STREET, APT. 14K, BRONX, NY 10456	US	TREASURER/DIRECTOR	23	23
GERARD LUZ A. JAMES, II, 7HCATHERINE'S REST, CHRISTIANSTED, ST. CROIX, USVI 00820	US	VICE PRESIDENT/DIRECTOR	23	23
KELSEY G. JAMES, M.D., 1539 DEBATTISTA PLACE, NEW ORLEANS, LA 70131	US	SECRETARY/DIRECTOR	23	23

b. Applicant certifies that equity interests not set forth above are non-attributable.		<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 15]
7.	Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which transferee or any party to the application has an attributable interest.	<input checked="" type="checkbox"/> N/A [Exhibit 16]
8. Multiple Ownership. a. Transferee certifies that the proposed transfer:		<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 17]
1. complies with the Commission's multiple and cross-ownership rules; 2. does not present an issue under the Commission's policies relating to media interests of immediate family members; 3. complies with the Commission's policies relating to future ownership interests; and 4. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.		
b. Radio Applicants Only. If the transfer of control of the station would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission.		<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 18]

9.	Character Issues. Transferee certifies that neither transferee nor any party to the application has or has had any interest in, or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 19]
10.	Adverse Findings. Transferee certifies that, with respect to the transferee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass mediarelated antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 20]
11.	Alien Ownership and Control. Transferee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 21]
12.	Financial Qualifications. Transferee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 22]
13.	Program Service Certification. Transferee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input checked="" type="radio"/> Yes <input type="radio"/> No
14.	Auction Authorization. Transferee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 23]
15.	Anti-Drug Abuse Act Certification. Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
16.	EEO. Does the applicant propose to employ five or more full-time employees? If the answer is Yes, the applicant must include an EEO program called for in the separate Model EEO Program Report (FCC Form 396-A)	<input type="radio"/> Yes <input checked="" type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing BARBARA JAMES-PETERSEN	Typed or Printed Title of Person Signing REPRESENTATIVE OF TRANSFEREES
Signature	Date 4/22/2002

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 1

Description: RESPONSE TO SECTION I, #4

SECTION III, #3, EXHIBIT 6
 SECTION IV, #5, EXHIBIT 13
 SECTION IV, #6A IS BEING REVISED AND EXHIBIT 14 IS BEING REVISED.

Attachment 1

Exhibit 4

Description: TRANSFERORS

GERARD LUZ A. JAMES, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822

ASTA K. JAMES, EST. 83 ANNA'S HOPE, CHRISTIANSTED, ST. CROIX, USVI 00822

Attachment 4

Exhibit 6

Description: AGREEMENTS

THE COMMISSION HAS ISSUED AN ORDER TO SHOW CAUSE, DIRECTING FAMILY BROADCASTING, INC., TO SHOW CAUSE WHY THE LICENSES FOR AM BROADCAST STATION WSTX AND FM BROADCAST STATION WSTX-FM SHOULD NOT BE REVOKED.

HERETOFORE, LUZ JAMES, THE MAJORITY SHAREHOLDER, HAS HANDLED ALL OF THE COMPANY'S AFFAIRS RELATING TO THE FCC. IN A DECLARATION, FILED WITH THE PETITION FOR RECONSIDERATION ON MARCH 14, 2001, MR. JAMES HAS ACKNOWLEDGED THAT CERTAIN STATEMENTS HE MADE TO THE COMMISSION WERE NOT ACCURATE AND THAT THE STATIONS ARE NOT IN FULL COMPLIANCE WITH COMMISSION RULES AND REGULATIONS. TO CORRECT THAT PROBLEM, MR. JAMES HAS ALREADY RESIGNED AS PRESIDENT AND A DIRECTOR OF THE COMPANY. BY THIS APPLICATION, MR. JAMES AND HIS WIFE PROPOSE TO GIFT THEIR STOCK TO THEIR CHILDREN, NONE OF WHOM WERE INVOLVED IN ANY OF THE ALLEGED WRONGDOING.

Attachment 6

Description	Type	Conversion	
		Status	File
Agreement	Adobe Acrobat File	not needed	PDF

Exhibit 8

Description: RESPONSE TO SECTION III, #5

INITIALLY, WHEN THIS TRANSFER OF CONTROL APPLICATION WAS FILED, THE LICENSEE/PERMITTEE ACCOMPANIED THE APPLICATION WITH AN EXHIBIT (EXHIBIT 6), STATING THAT THE PURPOSE OF THE APPLICATION WAS, IN SUBSTANCE, TO RESOLVE THE CHARACTER ISSUES SPECIFIED AGAINST THE PERMITTEE IN THE PENDING PROCEEDING IN EB DOCKET NO. 01-39, WHICH IS A PROCEEDING LOOKING TOWARDS THE REVOCATION OF THE LICENSEE'S LICENSES. THE LICENSEE ANSWERED QUESTION 5 PERTAINING TO CHARACTER ISSUES 'YES', MEANING THAT THERE WERE NO UNRESOLVED CHARACTER ISSUES PENDING AGAINST THE LICENSEE IN ANY PROCEEDING, EXCEPT THE ONE FULLY DESCRIBED IN EXHIBIT 6.

<http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdb/forms/prod/cdbsmenu.htm?context=25&l..> 4/22/2002

THE LICENSEE AND ITS COUNSEL HAVE CONSIDERED THIS MATTER AND BELIEVE IT WOULD HAVE BEEN BETTER TO ANSWER QUESTION 5 IN THE NEGATIVE, EXPLAINING THAT CHARACTER ISSUES ARE PENDING AGAINST THE LICENSEE IN EB DOCKET NO. 01-39, BUT THAT THERE ARE NO OTHER SUCH UNRESOLVED ISSUES STEMMING FROM ANY OTHER COMMISSION PROCEEDING IN THE PAST.

Attachment 8

Exhibit 11

Description: TRANSFEREES

BARBARA JAMES-PETERSEN, P.O. BOX 34, CHRISTIANSTED, ST. CROIX, USVI 00821-0034

GERARD LUZ A. JAMES, II, P.O. BOX 4617, CHRISTIANSTED, ST. CROIX, USVI 00822-4617

EMMETH C. JAMES, 540 E. 169TH STREET, APT. 14K, BRONX, NY 10456

KELSEY GERARD JAMES, M.D., 1539 DE BATTISTE PLACE, NEW ORLEANS, LA 70131

Attachment 11

Exhibit 13

Description: AGREEMENTS

SEE EXHIBIT 6

STATEMENT OF TRANSFEREES:

THE TRANSFEREES HEREBY CERTIFY THAT THE ATTACHED GIFT AND CONVEYANCE OF STOCK WAS DULY EXECUTED BY GERARD LUZ A. JAMES AND ASTA K. JAMES ON APRIL 16, 2002.

FOLLOWING CONSUMMATION OF THE TRANSFER ALL BUT 7 PERCENT OF FAMILY BROADCASTING, INC.'S STOCK WILL BE OWNED BY FOUR DESIGNATED TRANSFEREES. THE TRANSFEREES HAVE NOT BEEN ABLE TO IDENTIFY THE HOLDERS OF THAT 7 PERCENT INTEREST, BUT HAVE BEEN INFORMED AND BELIEVE THAT NO ONE PERSON OWNS AS MUCH AS 5 PERCENT. ALSO, NONE OF THE HOLDERS OF THE 7 PERCENT ARE OFFICERS OR DIRECTORS OF THE COMPANY. THEREFORE, THE TRANSFEREES CAN AND DO CERTIFY THAT NONE OF THE HOLDERS OF THE 7 PERCENT HAVE AN ATTRIBUTABLE INTEREST IN FAMILY BROADCASTING, INC. AS DEFINED IN 47 C.F.R. SECTION 73.3555.

Attachment 13

Exhibit 14

Description: PERCENTAGES

THE ACTUAL PERCENTAGES FOR EACH OF THE FOUR TRANSFEREES SHOULD BE 23.25 HOWEVER, THE CHART WOULD NOT ACCOMMODATE THAT FIGURE, SO THE PERCENTAGES SHOWN ON THE CHART WERE ROUNDED DOWN TO 23.

Attachment 14

ATTACHMENT 5

LAUREN A. COLBY
ATTORNEY AT LAW
POST OFFICE BOX 113
FREDERICK, MARYLAND 21705-0113

10 EAST FOURTH STREET
FREDERICK, MARYLAND 21701-5257

May 3, 2002

TELEPHONE
301-663-1086
FACSIMILE
301-695-8734
E-MAIL
lac@lcolby.com

VIA FACSIMILE/FEDERAL EXPRESS

James Shook, Esq.
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Suite 3B-443
Washington, D.C. 20554

Re: EB Docket No. 01-39, Family Broadcasting, Inc.

Dear Mr. Shook:

As promised, I have gone through the discovery documents. There are two documents that I have: Enforcement Bureau's Request for Additional Information Concerning Family Broadcasting, Inc.'s Transfer of Control Applications and Enforcement Bureau's Second Request for Production of Documents.

With respect to the transfer of control, I have reduced the agreement for the gift to writing and filed it as an amendment to the transfer application. Barbara James-Petersen is still attempting to ascertain the identity of the persons who own the 7% of FBI's stock.

With respect to the second request for documents, the items by number are as follows:

Item 1: Please advise what documents we have not yet submitted in connection with your first document request.

Item 2: The tax return for 2001 is late and has not yet been prepared. The accountant should have the returns for 1998 through 1999 but, as I explained to you on the telephone, he has been on the mainland and still has not returned to the Virgin Islands. He is expected back this week.

Item 3: See Item 2.

Mr. Shook
May 3, 2002
page 2

Item 4: I am not aware of any documents concerning the ownership report, other than the ownership report, itself. We prepared the report on the basis of the best information we had, which was supplied orally.

Item 5: There are no debts from Family to Gerard Luz A. James and/or Asta K. James.

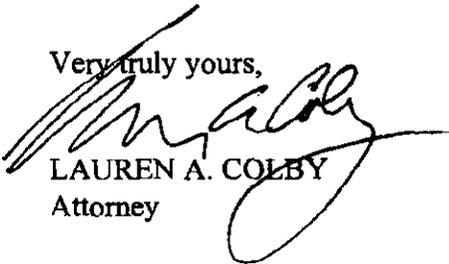
Item 6: We are not aware of any debts owed by Gerard Luz A. James and/or Asta K. James to Family. Consequently, there are not documents.

Item 7: So far as we know, Gerard Luz A. James has not received a salary or any other compensation from Family since March 15, 2001. Therefore, there are no documents concerning that matter.

Item 8. Already supplied.

Item 9: Already supplied.

Very truly yours,



LAUREN A. COLBY
Attorney

LAC/tdm

cc: Mrs. Barbara James-Petersen
ALJ Richard Sippel

ATTACHMENT 6

1 Q Have you seen a statement or some documentation
2 relative to whatever that account has in it?

3 A Yes.

4 Q I'd like you to return to Deposition Exhibit 2,
5 and this time page 4, question 11-E. The documentation
6 concerning the account, is that something that you looked
7 at, the account that we just talked about, the one for your
8 mother? Was it your understanding that such information was
9 or was not encompassed by our request 11-E?

10 A I was unaware that you needed that documentation.
11 If you need it, I can provide it.

12 MR. SHOOK: We would request it, yes.

13 MR. COLBY: So you need the savings account, the
14 mother's saving account?

15 MR. SHOOK: Whatever it is that Barbara relied on,
16 whatever it is that she relied on. If there are certain
17 things from a privacy standpoint that you wish to block out,
18 that's acceptable.

19 MR. COLBY: We can probably have that here today.

20 BY MR. SHOOK:

21 Q All right. Now returning to Deposition Exhibit 1,
22 page 2, section 2, question 4, the percentages of ownership
23 that are noted there for your father and your mother, that
24 happens to leave 7 percent unaccounted for, if my math is
25 correct. Would you agree?

1 A Yes, it does.

2 Q Now do you know who it is that owns that other
3 7 percent.

4 A No, I don't, not specifically.

5 Q Generally?

6 A Oh, sorry. Yes.

7 Q I realize that wasn't much of a question. Who
8 might that be?

9 A If I am correct, they may be friends of -- my
10 father's friends and family members.

11 Q So there could be multiple individuals who own the
12 other 7 percent?

13 A To the best of my knowledge.

14 Q And is there any information written anywhere to
15 identify who these people are and what their ownership
16 interest might be?

17 A Not that I am aware of.

18 Q Did you ever ask your father whether such existed?

19 A I did, and he said he would get the information
20 but I haven't got back any information yet.

21 Q How long ago did you ask him?

22 A When we were working on these documents.

23 Q Say a month ago?

24 A About a month, approximately about a month.

25 Q And he hasn't gotten back to yet on that?

1 A Well, he is in the -- no, he hasn't.

2 Q If there was something that you wanted to add by
3 way of explanation, you may do so.

4 A Okay. Well, he is in the process of going through
5 files in his office to provide documentation that we needed
6 to complete these. And as soon as he gets those, then they
7 will be forwarded.

8 Q So you had sent him a copy of the document
9 request?

10 A I was there with him when I came back to him.

11 Q And that happened about a month ago?

12 A Approximately.

13 MR. SHOOK: I'm going to have the next one marked.

14 (The document referred to was
15 marked for identification as
16 Deposition Exhibit No. 3)

17 MR. SHOOK: Now once you have had a chance to take
18 a look at, if you could give me an idea of what you believe
19 the document to be.

20 (Witness examined document)

21 THE WITNESS: This is a copy of the ownership
22 report that was for both WSTX AM and WSTX FM that were
23 completed by my father.

24 BY MR. SHOOK:

25 Q And were filed with the FCC on December 4, 1995?

ATTACHMENT 7

FC 323

FORWELLON DEC 04 1995

OWNERSHIP REPORT

6544

SECTION I - FEE INFORMATION (For Annual Ownership Report File)

1. LICENSEE NAME
FAMILY BROADCASTING, INC.

MAILING ADDRESS (Line 1) (Maximum 35 characters)
P.O. BOX 3279

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY CHRISTIANSTED	STATE OR COUNTRY (if foreign address) ST. CROIX, VIRGIN ISLANDS	ZIP CODE 00822
TELEPHONE NUMBER (include area code) (809) 778-8802	CALL LETTERS WSTX-AM	

FOR MAILING THIS REPORT, SEE GENERAL INSTRUCTION 2.

2. A. Is a fee submitted with this application? Yes No
- B. If No, explain: _____ ; and go to Section II.
- C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the services covered by this report. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M A R		\$ 45.00	
(2)			\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$ 45.00	FOR FCC USE ONLY 45.00

SECTION II - OWNERSHIP INFORMATION (for all filers)

1. All of the information furnished in this Report is accurate as of NOVEMBER 20, 19 95
(Date must comply with Section 73.3615(a), i.e., information must be current within 60 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to instruction (check one)

- 1(a) Annual 1(b) Transfer of Control or Assignment of License 1(c) Other

for the following stations:

Call Letters	Location	Class of service
WSTX-AM	Fort Louise Augusta St. Croix, Virgin Islands	COMMERCIAL

SECTION II - Ownership Information (continued)

2. Name of Licensee or Permittee FAMILY BROADCASTING, INC.		
Mailing Address P.O. BOX 3279		
City CHRISTIANSTED, ST. CROIX	State V.I.	ZIP Code 00822

3. Name of entity, if other than licensee or permittee, for which report is filed (see Instruction 3): N/A		
Mailing Address		
City	State	ZIP Code

4. Respondent is:

- Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other:

If a limited partnership, is certification statement included as in Instruction 2? Yes No

5. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (see Instruction 3):

N/A

6. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

N/A

7. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued

Remarks concerning family relationships, attribution exemptions and certifications: (see Instructions 2, 5 and 6)

SECTION II - Ownership Information (continued)

9. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See Instructions 2, 5 and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

- | | |
|--|---|
| <p>1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.</p> <p>2. Citizenship.</p> <p>3. Office or directorship held.</p> <p>4. Number of shares or nature of partnership interest.</p> <p>5. Number of votes.</p> <p>6. Percentage of votes.</p> | <p>7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.</p> <p>8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.</p> |
|--|---|

1	(a)	(b)	(c)
	GERARD LUZ A. JAMES, ESQ. 83 Est. Anna's Hope P.O. Box 3279 Christiansted, St. Croix U.S. Virgin Islands 00822	ASTA K. JAMES 83 Estate Anna's Hope P.O. Box 3279 Christiansted, St. Croix U.S. Virgin Islands 00822	BARBARA JAMES-PETERSEN 83 Est. Anna's Hope P.O. Box 34 Christiansted, St. Croix U.S. Virgin Islands 00822
2	UNITED STATES	UNITED STATES	UNITED STATES
3	PRESIDENT	VICE-PRESIDENT	SECRETARY/TREASURER
4	60	25	15
5	1	1	1
6	33 1/3	33 1/3	33 1/3
7	WSTX-FM	WSTX-FM	WSTX-FM
8	SAME	SAME	SAME

SECTION III - CERTIFICATION

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am PRESIDENT

(Official title, see instruction 1)

of FAMILY BROADCASTING, INC.

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date):

Signature [Handwritten Signature] Date 11/27/95

Telephone number of respondent (include area code) (809) 778-8802

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT OF 1980

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the report may be returned without action pursuant to the Commission's rules. Your response is required to retain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a (a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Public reporting burden for this collection of information is estimated to average 7.166 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0010), Washington, DC 20503.

ATTACHMENT 8

1 A Well, he is in the -- no, he hasn't.

2 Q If there was something that you wanted to add by
3 way of explanation, you may do so.

4 A Okay. Well, he is in the process of going through
5 files in his office to provide documentation that we needed
6 to complete these. And as soon as he gets those, then they
7 will be forwarded.

8 Q So you had sent him a copy of the document
9 request?

10 A I was there with him when I came back to him.

11 Q And that happened about a month ago?

12 A Approximately.

13 MR. SHOOK: I'm going to have the next one marked.

14 (The document referred to was
15 marked for identification as
16 Deposition Exhibit No. 3)

17 MR. SHOOK: Now once you have had a chance to take
18 a look at, if you could give me an idea of what you believe
19 the document to be.

20 (Witness examined document)

21 THE WITNESS: This is a copy of the ownership
22 report that was for both WSTX AM and WSTX FM that were
23 completed by my father.

24 BY MR. SHOOK:

25 Q And were filed with the FCC on December 4, 1995?

1 A '95. Yes, it is.

2 Q Now I'd like to direct your attention to page 3 of
3 that document, and you can check it, but I believe the
4 information that appears on page 7 is identical to that
5 which appears on page 3.

6 A Yes, it is.

7 Q Now you'll note on both pages 3 and 7 -- and to
8 make it easier, we're going to just look at three. You
9 don't have to look at both the same time. If you look at
10 page 3, you will note that according to this document, your
11 father, as of December 4, 1995, owned 60 shares of Family.
12 Your mother owned 25, and you owned 15.

13 Now to the best of your knowledge, is the
14 information that I just gave you accurate? Not in the sense
15 of what is reported on the form. We can both agree that the
16 numbers are 60, 25, and 15. What I am getting at is
17 whether, to the best of your knowledge, those numbers were
18 accurate?

19 A No, I don't believe -- no, I don't.

20 Q And what is the basis of your understanding that
21 these numbers were not accurate?

22 A My father is the one who completed these
23 documents. I have no information as far as this was
24 concerned. So I have no idea whether they are accurate or
25 not.

1 Q Have you ever talked about this information with
2 your father, that is, the 1995 ownership reports?

3 A No, not this one.

4 Q So as of December 4, 1995, would it be your
5 testimony that you did not own 15 shares of Family
6 Broadcasting?

7 A Not unless it was given to me. But I have no
8 direct knowledge.

9 Q Now if you look at the next line in that table,
10 No. 5, it represents number of votes. And according to
11 Deposition Exhibit No. 3, your father, your mother, and you
12 all held one vote as of December 4, 1995. Do you know
13 whether that is accurate or inaccurate?

14 A I have no knowledge.

15 Q Moving on to No. 6 -- well, No. 6 is nothing more
16 than stating that apparently there were three votes total,
17 that each of you had one, representing one-third of the
18 votes. Again, do you have any knowledge as to whether or
19 not that is accurate?

20 A No personal knowledge.

21 Q And is this is something that you have or have not
22 spoken with your father about?

23 A No. I have not spoken to him about this.

24 MR. COLBY: The reporter advises me that he is not
25 able to hear you.

1 THE WITNESS: Oh, I'm sorry.

2 MR. SHOOK: It's just that you happen to be so
3 soft-spoken that --

4 THE WITNESS: Oh, I'm sorry.

5 MR. COLBY: And also, you're speaking in the wrong
6 direction to the microphone. You should continue to --

7 MR. SHOOK: Well, I'll tell you what. Maybe if we
8 angle that a little differently, it will work out better.

9 THE WITNESS: I have a habit of facing the person
10 I'm speaking to.

11 MR. SHOOK: You're extremely polite, and that's
12 the way to do it. But I guess you have to do two things at
13 once.

14 Prior to today, have you ever seen Deposition
15 Exhibit 3 before?

16 THE WITNESS: I do believe I saw a copy of this,
17 this year.

18 BY MR. SHOOK:

19 Q Would that have been in connection with our
20 admissions request that we sent to you in March?

21 A Yes.

22 Q And you had not seen it prior to that time?

23 A Not that I can recall, ever.

24 Q Did your father ever inform you that you were a
25 shareholder of Family?

1 A Well, as far as this amount, no.

2 Q How about any amount?

3 A Well, to the best of my knowledge, it was owned
4 solely by family members. But my father was the one who
5 took charge of everything. So since it was a family
6 business, we just took it for granted it's all within the
7 family. But as far as numbers, specific numbers, I have no
8 personal knowledge of how many shares each person had.

9 Q And directing your attention back to Deposition
10 Exhibit No. 1, page 2, question 4, would it be correct that
11 you filled out these percentages before you became aware of
12 the information that appears on page 3 of Deposition
13 Exhibit 3?

14 A Yes.

15 Q I know I have asked this question or a similar
16 kind of question to it before, but are you aware of any
17 stock records of any kind to show -- or which indicates
18 changes of ownership between September of 1990 and December
19 of 1995?

20 A No, I have not been able to come across any.

21 Q And the reason I picked those dates is because
22 September of 1990 is when Family took over the operations of
23 the stations, and December of 1995 is the date that appears
24 on Deposition Exhibit 3. And you have not been able to
25 locate any records of any kind reflecting changes of

ATTACHMENT 9

1 (The document referred to was
2 marked for identification as
3 Deposition Exhibit No. 2)

4 MR. SHOOK: Just so you know, there are a number
5 of blank pages that are getting thrown into this.

6 MR. COLBY: We have extra copies with us anyway.

7 MR. SHOOK: You do? Okay. Now what has been
8 marked as Deposition Exhibit 2, have you seen this document
9 before?

10 THE WITNESS: Yes, I have.

11 BY MR. SHOOK:

12 Q And did you read through it in its entirety?

13 A Yes, I have.

14 Q Now I'd like to direct your attention to request
15 No. 6 of our document request. Now did you personally
16 conduct a search for documents that fall into category
17 request No. 6?

18 A Yes, I did.

19 Q And did you find any documents relating to the
20 organization of family other than the articles of
21 incorporation and the certificate from the Virgin Islands
22 that was sent to us?

23 A No, I didn't.

24 Q Did you find any documentation or any documents, I
25 should say, relating to the ownership of family?

1 A Just the documents that we have the initial
2 articles of incorporation.

3 Q In other words, your search did not uncover any
4 stock certificates?

5 A No, it did not.

6 Q Stock register or ledger?

7 A No, it did not.

8 Q By-laws?

9 A Not that I can recall.

10 Q Minutes of directors' meetings?

11 A No.

12 Q Corporate resolutions?

13 A No.

14 Q Proxies?

15 A No.

16 Q Now I want to return to Deposition Exhibit No. 1
17 in this case. It would be a section for question 12, which
18 appears on page 6. And that question reads as follows:
19 "Financial qualifications. Transferee certifies that
20 sufficient net liquid assets are on hand or are available
21 from committed sources to consummate the transaction and
22 operate the stations for three months." And the "yes" box
23 is marked.

24 I take it this was a question that you answered?

25 A Yes.