

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:)
)
HERBERT L. SCHONBOHM)
for a Station License)
in the Amateur Radio Service)
)
and)
)
HERBERT L. SCHONBOHM)
for a General Class Operator)
License in the Amateur)
Radio Service)

DOCKET FILE COPY ORIGINAL
WT DOCKET No. 01-352
File No. 0900218274

MAY 20 10 52 AM '02
F00-0ALJ R00

Volume: 2
Pages: 80 through 191
Place: Washington, D.C.
Date: May 1, 2002

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ORIGINAL

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

In Re Applications of:)
)
 HERBERT L. SCHOENBOHM)
 for a Station License)
 in the Amateur Radio Service)
) WT DOCKET No. 01-352
 and)
) File No. 0000418274
 HERBERT L. SCHOENBOHM)
 for a General Class Operator)
 License in the Amateur)
 Radio Service)

Room TW-A-363
455 12th Street, S.W.
Washington, D.C.

Tuesday,
May 7, 2002

The parties met, pursuant to notice of the
Commission, at 9:30 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On behalf of Herbert L. Schoenbohm:

HERBERT SCHOENBOHM, Pro Se
V.I. Republican Party
Box 4419
74 Union-Mt. Washington
Kingshill, Virgin Islands 00851
(340) 692-7686

APPEARANCES: (Continued)

On Behalf of Government:

JAMES W. SHOOK, Esquire
DANA E. LEAVITT, Esquire
Federal Communications Commission
Enforcement Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-1420

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Herbert L. Schoenbohm	35	39			
Frank A. Todd, IV	130	133	142		

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Judge's:</u>			
1	28	32	--
<u>Enforcement Bureau's:</u>			
1	86	122	--
2	87	124	--
3	87	125	--

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Bureau Official Notice:</u>			
1	134	146	--
2	135	147	--
<u>Herbert L. Schoenbohm's:</u>			
1	32	148	--
2	32	--	150
3	32	150	--
4	32	151	--
5	32	--	154
6	32	--	154
7	32	--	154
8	32	--	154
9	32	--	154
10	32	--	156
11	32	--	154
12	32	--	154
13	32	157	--
14	32	158	--
15	32	--	159
16	32	--	154
17	32	160	(withdrawn)
18	32	--	154
19	32	--	154

E X H I B I T S

20	32	161	--
21	32	162	--
22	32	132	--
23	32	--	154
24	32	--	154
25	32	--	154
26	32	--	154
27	32	--	154
28	32	--	154
29	32	--	154
30	32	163	--
31	32	163	--
32	32	--	164
33	32	--	154
34	32	--	154
35	32	--	154
36	32	--	154
37	32	--	154
38	32	--	154

E X I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Herbert L. Schoenbohm's:</u>			
39	32	--	154
40	32	--	154
41	32	165	--
42	32	--	166
43	32	167	--
44	32	168	--
45	32	169	--
46	32	170	--
47	32	--	154
48	32	--	154
49	32	--	154
50	32	--	154
51	32	--	154
52	32	171	--
53	32	172	(withdrawn)
54	32	--	154
55	32	--	154
56	32	172	--

Hearing Began: 9:30 a.m. Hearing Ended: 2:25 p.m.

Recess Began: 12:15 a.m. Recess Ended: 1:17 p.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: Let's go on the record now. We
3 are on the record. This is the commencement of the hearing
4 in WT Docket Number 01-352 involving the applications of
5 Herbert L. Schoenbohm for a Station License in the Amateur
6 Radio Service and for a General Class Operator License in
7 the Amateur Radio Service.

8 The issues in this proceeding seek to determine
9 whether Mr. Schoenbohm possesses the requisite character
10 qualifications to be a Commission licensee and whether his
11 two applications should be granted. Let me first take the
12 appearances. For Mr. Schoenbohm?

13 MR. SCHOENBOHM: Myself.

14 JUDGE STEINBERG: Okay. Mr. Schoenbohm is, let
15 the record reflect that Mr. Schoenbohm is representing
16 himself. And for the Chief, Wireless Telecommunications
17 Bureau, or is it Enforcement Bureau?

18 MR. SHOOK: Enforcement Bureau.

19 JUDGE STEINBERG: Okay.

20 MR. SHOOK: James Shook.

21 MS. LEAVITT: Dana Leavitt.

22 JUDGE STEINBERG: Okay. I guess we'll start with
23 Mr. Schoenbohm, but before we start what I have done to make
24 things move along a little more quickly is I prepared a
25 Judge's Exhibit which is essentially Mr. Schoenbohm's

1 listing of his direct case exhibits. So let me give the
2 reporter the original. I have a fax copy. And by the
3 original I mean it just has my pencilled numbering on it and
4 I have circled the numbers on the bottom of the page.

5 It is a six-page document entitled Applicant's
6 Listing of Direct Case Exchange Exhibits and it will be
7 marked for identification as Judge's Exhibit 1.

8 (The document referred to was
9 marked for identification as
10 Judge's Exhibit 1.)

11 And let me, I've got copies for everybody else.
12 Mr. Schoenbohm, so that we are all working from the same
13 thing.

14 MR. SCHOENBOHM: May I approach?

15 JUDGE STEINBERG: You don't have to ask if you can
16 approach. If you can't I'll shoot you.

17 MR. SCHOENBOHM: All right.

18 JUDGE STEINBERG: Mr. Shook.

19 MR. SCHOENBOHM: You asked for a binder with tabs.

20 JUDGE STEINBERG: Yes, but it is kind of too late
21 because I've already got -- you want to give it to me?

22 MR. SCHOENBOHM: Yes, I do.

23 JUDGE STEINBERG: That is fine. Thank you.

24 MR. SCHOENBOHM: I'll give you one, too. Would
25 you like a binder with tabs too?

1 MS. LEAVITT: Sure.

2 JUDGE STEINBERG: No, that's, you know, that's
3 okay because --

4 MS. LEAVITT: As long as you brought it up, that's
5 fine. Thank you.

6 JUDGE STEINBERG: Because I work with the ones you
7 faxed to me. The ones you mailed never got here or it's
8 taking a month.

9 Okay, let me explain what we're going to --
10 Judge's Exhibit 1 is, let me see, I did identify it, didn't
11 I? Yes. Did I?

12 MR. SHOOK: You did.

13 MS. LEAVITT: Yes.

14 JUDGE STEINBERG: Okay. Basically rather than
15 going through every exhibit, exhibit by exhibit, and
16 identifying it and marking it for identification Judge's
17 Exhibit 1 essentially identifies all of Mr. Schoenbohm's
18 exhibits. So let me just say that the exhibits listed in
19 Judge's Exhibit 1 are identified as Schoenbohm Exhibits 1
20 through 56. So that way we don't have to go through --

21 MR. SCHOENBOHM: One by one.

22 JUDGE STEINBERG: -- one by one. But I have some
23 sort of modifications because when I checked it some of it
24 didn't have all the information. So let me just say
25 Exhibits 11, 30, 43, 44, 47, 52 and 53 are one-page

1 exhibits. And Exhibit --

2 MR. SCHOENBOHM: Fifty-two and 53?

3 JUDGE STEINBERG: Yes. They're one-page exhibits.

4 MR. SCHOENBOHM: Yes.

5 JUDGE STEINBERG: And Exhibit 45 is a two-page
6 exhibit. And then there are a couple other things I want to
7 say about several of the exhibits.

8 Schoenbohm Exhibit 3 is a letter which is signed
9 by Lilliana Belardo de O'Neal and Holland Redfield.

10 Exhibit 4 is a letter from Marc, M-A-R-C, Biggs,
11 B-I-G-G-S.

12 In the identification of Exhibit 5 you will see
13 the name Earl Cunningham and then K6SE and there is an "N"
14 there. And I don't think the "N" should be there. But
15 that's okay, but I just thought I would point it out.

16 Exhibit 7 I would like the record to reflect that
17 the letter was also signed by Patricia Drake.

18 Exhibit 10, the copies that I got are illegible.
19 Let me see, the one in the binder is a legible copy. So,
20 Mr. Schoenbohm, you have the original and --

21 MR. SCHOENBOHM: Yes, I have more.

22 JUDGE STEINBERG: -- copies for the reporter?

23 Well, we will do that in a minute.

24 MR. SCHOENBOHM: Okay.

25 JUDGE STEINBERG: Okay, so that takes care of the

1 problem with Exhibit 10.

2 Let's see, a couple more. Exhibit 20 you will see
3 on the second line of the Judge's Exhibit you will see
4 Kowalski 2. And after 2 should be Lilliana Belardo de
5 O'Neal. Of course it's a letter written from the judge to
6 her. And that is not clear from the identification.

7 Schoenbohm Exhibit 41 is a memo from Marc A.
8 Biggs.

9 Exhibit 44, Schoenbohm Exhibit 44 is also from
10 Marc Biggs.

11 Exhibit 45 is also from Marc Biggs.

12 Exhibit 46 after Republican National Committee
13 Chairman the name is Jim Nicholson. I guess he is the one
14 that signed the letter.

15 And Exhibit 56 is a letter from Raymon, R-A-Y-M-O-
16 N, Davila, D-A-V-I-L-A. I should also say that when I
17 checked over the information in Judge's Exhibit 1, I didn't
18 check whether, for instance in Exhibit 5, Kasick S.E. was
19 accurate, or I just was looking for a letter and the name of
20 the author or the name of the recipient. So if that stuff
21 is incorrect I am not worried about it. I didn't check it.
22 Okay, Mr. Schoenbohm, why don't you give the reporter an
23 original and one copy of each of your exhibits.

24 MR. SCHOENBOHM: The original?

25 JUDGE STEINBERG: Yes. Okay, and they are all

1 marked for identification and you've got numbers on all of
2 them?

3 MR. SCHOENBOHM: Yes.

4 JUDGE STEINBERG: Okay. And they are all marked
5 for identification as they are numbered in Judge's Exhibit
6 1. And that just saved about an hour.

7 (The documents referred to
8 were marked for identification
9 as Schoenbohm Exhibits 1
10 through 56.)

11 MR. SCHOENBOHM: Do I have to ask you to accept
12 them as marked?

13 JUDGE STEINBERG: Yes. We will get to that later.

14 MR. SCHOENBOHM: Okay.

15 JUDGE STEINBERG: But, yes, of course we are going
16 to have to take objections to each one individually, if
17 there are objections. And I think the Bureau has indicated
18 that there were. Let me also in my own motion receive
19 Judge's Exhibit 1

20 (The document referred to,
21 previously marked for
22 identification as Judge's
23 Exhibit 1, was received in
24 evidence.)

25 It is one of the perks of being a Judge, you get