

1 A Yes.

2 Q But outside counsel has never generally evaluated  
3 Alee's procedures. Would that be a correct assumption?

4 JUDGE STEINBERG: What procedures?

5 MS. LANCASTER: Operating procedures -- how they  
6 handle documents. How they do their job generally.

7 BY MS. LANCASTER:

8 Q When you report matters to the FCC, you know, just  
9 generally, have they given you any general advice on how you  
10 should operate so that you are always in compliance with FCC  
11 rules and regulations.

12 A I mean, we've been dealing with them for 11 years  
13 or more --

14 Q I'm sorry. You have to speak up a little bit.

15 A I'm sorry. We're dealing with them for 11 years.  
16 We have conversations. Was there a specific meeting when  
17 procedures were discussed, I can't recall any such meeting,  
18 but in these conversations if things come up, that some type  
19 of form needs to be filed, that's when we have a discussion.  
20 But no there wasn't a separate meeting where, you know, we  
21 were told do A, B, C.

22 Q How do you determine when a form needs to be  
23 *filed*?

24 A With counsel. They're representing us before the  
25 FCC, and when something needs to be done, we're contacted by

1 them.

2 Q I'll give you an example. It's my understanding  
3 that ownership percentages of the various partners changed  
4 after almost every capital call due to --

5 JUDGE STEINBERG: Uhm, plaintiffs.

6 MR. HILL: That is a mischaracterization of what  
7 we heard.

8 BY MS. LANCASTER:

9 Q After some capital calls, let's put it that way,  
10 due to some partners not making payments and other partners  
11 paying on their behalf or making up the difference, is that  
12 correct?

13 A Yes.

14 Q As a result, no percentage of ownership changes  
15 that occurred, is that correct?

16 A Yes.

17 Q How did you determine when you were going to  
18 report those to the FCC?

19 A I mean, these were discussed over time with  
20 counsel, and these were really very small changes, I mean --

21 Q That doesn't answer my question. After the first  
22 capital call in which there was an ownership change because  
23 a partner or partners *did not pay their percentage* --

24 A Yes.

25 Q -- that they were supposed to pay, there would

1 have been a change in the ownership, theoretically anyway.

2 A Yes.

3 Q According to the management agreement or the  
4 partnership agreement, is that correct, partnership  
5 agreement.

6 A Yes, that is correct.

7 Q How did you determine after that first capital  
8 call where that occurred whether or not you should report  
9 those changes to the FCC?

10 A I don't recall when we had discussions with  
11 counsel, but we did have discussions with counsel about the  
12 dilution of members' interest.

13 Q Did you contact counsel after that first capital  
14 call when that first occurred?

15 A I personally, no.

16 Q To your knowledge, did anyone on the executive  
17 committee contact counsel when that first occurred?

18 A I don't know when we spoke with counsel, whether  
19 it was after the first one or the second one. I don't -- I  
20 really don't know.

21 Q Well, Alee would have had to initiate the contact  
22 regarding that issue, wouldn't you?

23 A We were in touch with counsel very frequently.  
24 These would -- discussions would come up at different times  
25 about different matters. This dilution to me didn't strike

1 me as we've got to rush to counsel. I know we discussed  
2 that these things were occurring because we knew as we went  
3 forward there was going to be dilution, but I don't **remember**  
4 when the discussions took place.

5 Q Well, do you know that discussions on that issue  
6 did take place?

7 A I know that we discussed with counsel that there  
8 were like two-tenths, three-tenths people -- there had been  
9 a minuscule change, a minor change in people's interest.

10 Q When you said that these minor changes didn't  
11 strike you as being important, basically, is that kind of  
12 what you said?

13 A Yes.

14 Q What was the basis for your thinking that?

15 A That there was no change in voting control. I  
16 mean, people's interest change by like five-tenths of a  
17 percent. There's nothing really changed -- it was all  
18 within the partnership.

19 We didn't have a third party coming into the  
20 partnership. We had a partnership agreement. This is what  
21 it called for. That didn't strike me or ring a bell as this  
22 one's interest has been changed by three-tenths of a  
23 percent. This is something that the FCC **requires** or  
24 something like that.

25 Q But in fact, you did have a different party being

changed into the partnership, didn't you? Do you recall  
2 that initially Ernest Grumer was listed as a partner for  
3 Alee?

4 A Eugene Grumer.

5 Q Eugene Grumer, excuse me. Do you recall that he  
6 was initially listed as a partner?

7 A There were errors in the original listing, and I  
8 believe that an amendment was filed setting forth -- Eugene  
9 Grumer never owned that interest, and I believe that it was  
10 at the first -- I don't know. It was early on that he made  
11 it clear that it was his wife Diana Grumer who owned the  
12 interest, and I think there were other mistakes in that  
13 initial listing.

14 JUDGE STEINBERG: Tell me when you get to a  
15 convenient break.

16 MS. LANCASTER: We can break now.

17 JUDGE STEINBERG: Okay. Is this a good time for  
18 you Mr. Bernstein?

19 THE WITNESS: Yes. That would be fine, thank you.

20 JUDGE STEINBERG: Let's go Off the record.

21 (Whereupon, a short recess was taken.)

22 JUDGE STEINBERG: Back on the record.

23 BY MS. LANCASTER:

24 Q Mr. Bernstein, would you also take a look at EB  
25 Exhibit 27 which is another loose exhibit. It says,

1 "Request for Stay" on the front page.

2 A Yes.

3 Q Have you seen that document before?

4 A Yes, I have.

5 Q Can you tell me if you saw it before it was filed?

6 A I don't believe so. I know that it was being  
7 prepared, but I don't know whether --

8 Q Do you know for sure whether you saw it before it  
9 was filed?

10 A I don't believe so, no.

11 Q When did you first see it?

12 A I think after it was filed I think we were sent  
13 copies.

14 Q On page 5, line 17, of your statement

15 A Of my direct testimony?

16 Q Yes. You state that there is an open discussion  
17 and evaluation before executing documents. Was there any  
18 open discussion and evaluation of this document prior to it  
19 being filed with the FCC?

20 JUDGE STEINBERG: This document being?

21 MS. LANCASTER: This document being EB Exhibit 27.

22 THE WITNESS: We didn't evaluate the document, but  
23 *there* was an open *discussion* about that counsel is applying  
24 for a stay.

25 BY MS. LANCASTER:

1 Q Well, as part of this document, there is also  
2 attached to it an application for review. How about that?  
3 Did you see that prior to the application review being filed  
4 in July of 2002?

5 A I see supplement to the application --

6 Q It's on page 8.

7 A Eight.

8 Q Of EB Exhibit 27.

9 A No, I don't believe so.

10 Q So you didn't see an advanced copy of it either?

11 A No.

12 Q Did you have a discussion?

13 A Yes.

14 Q Within the executive committee regarding it?

15 A Yes. We had a discussion and a discussion with  
16 counsel.

17 Q What is your understanding of Alee's position at  
18 this point regarding the New Mexico 3 license?

19 A That the first license has been revoked, and that  
20 there was a renewal of the license that was filed, and that  
21 that license was revoked without a hearing. That's what  
22 the --

23 JUDGE STEINBERG: The second license.

24 THE WITNESS: The second license, yes.

25 BY MS. LANCASTER:

1 Q So it's your opinion that there are two New Mexico  
2 3 licenses that have been issued to Alee.

3 A That's what I've been told.

4 Q By whom?

5 A Counsel.

6 JUDGE STEINBERG: Mr. Lieberman or somebody at  
7 that law firm?

8 THE WITNESS: Yes. Of Mr. Lieberman and Mr. Moss.

9 BY MS. LANCASTER:

10 Q So you consider the renewal to be a separate  
11 license from the license that was a subject of the Algreg  
12 proceeding, is that correct?

13 A As I said, I don't understand fully the things of the FCC, but that's  
14 what I've been told that there was a separate license and that that license is in the  
15 database of the FCC and that if it's going to be removed, it has to  
16 be done so with a hearing.

17 Q Well, you're telling me you don't understand.  
18 You're an attorney, and when this was discussed with you,  
19 did you not make an independent evaluation of the merits on  
20 which this pleading was based?

21 A I questioned counsel. I didn't just accept it. I  
22 questioned counsel, and I listened to their arguments and we  
23 discussed it amongst ourselves, amongst the executive  
24 committee. It was also discussed with the partnership.

1 Q Did you come to an independent evaluation of the  
2 issues and a determination that you agree with the  
3 statements contained in these documents particularly the  
4 ones that are contained in EB Exhibit 27?

5 A I made a determination that we had been denied a  
6 hearing on the second license based upon what I was advised  
7 by counsel. When you say "independent," I don't know FCC  
8 law, but at least at this point I am questioning things and  
9 I'm asking for reasons from counsel as opposed to the way I  
10 acted prior to 1990.

11 Did I make an independent -- you know, when you  
12 say independent -- I did make a decision. I did vote in  
13 favor of this, but I didn't make -- I have no knowledge of  
14 what the license, the second license, the first license --  
15 and this is what counsel advised. I questioned him.

16 JUDGE STEINBERG: Let me just make an observation.  
17 When Mr. Bernstein referred to "this," he was gesturing  
18 toward your Exhibit 27, is that correct? That's what your  
19 answer referred to? I think you said you voted for this.

20 THE WITNESS: Yes. The application for review or  
21 reconsideration.

22 BY MS. LANCASTER:

23 Q Well, *it's* my understanding that when Mr. Franklin  
24 was Alee's attorney, you relied upon Mr. Franklin's advice  
25 as to FCC matters, is that correct?

1           A     I didn't question Mr. Franklin. When Mr. Franklin  
2     said this was taken care of, it's not a problem anymore, I  
3     was satisfied. This is an investment, and I just let it go.  
4     Now, this -- we talked about this, this application for  
5     review, and --

6           Q     Let me interrupt.

7           JUDGE STEINBERG: Let him finish his answer. It's  
8     an important answer.

9           THE WITNESS: And I questioned counsel: a second  
10    license, I don't understand. And why would we have the  
11    right to review it? It's over. It's been revoked. And  
12    counsel explained to me, you know, you've been held to FCC  
13    rules. The FCC has had -- this is the license that's on  
14    their database, and I'm told that the database is -- I don't  
15    know. I don't **know** what to say, sacrosanct, that this is  
16    where licenses are listed.

17           If there's a license, that's where it's listed and  
18    that there was a time for revocation and it had been passed.  
19    I questioned the period because it seemed unusual to me, and  
20    I had never questioned Franklin like that.

21           BY MS. LANCASTER:

22           Q     But the bottom line is, you relied on Mr. Franklin  
23    initially at least with regard to the legality of *the* risk  
24    sharing agreement, didn't you?

25           A     Yes, I did

1 Q And you've relied on outside counsel in regard to  
2 the appropriateness and legality of other filings that Alee  
3 has filed since that time.

4 A Yes, most definitely.

5 Q When you had these questions about whether or not  
6 a renewal constituted a second new license, did you go look  
7 up any rules or regulations to try to satisfy in your mind  
8 that you were getting correct advice from your counsel?

9 A I did not do independent research.

10 Q Okay.

11 A No.

12 Q Did you have discussions with Ms. Clark and Mr.  
13 Jones regarding the questions that were in your mind?

14 A Oh, yes.

15 Q Did you tell them that you weren't sure that this  
16 was a correct assessment of --

17 JUDGE STEINBERG: There's no foundation that --

18 MS. LANCASTER: -- what you were being told?

19 JUDGE STEINBERG: Mr. Bernstein thought it was an  
20 incorrect assessment.

21 MS. LANCASTER: Well he said, Your Honor, that he  
22 questioned it. It didn't sound right to him.

23 JUDGE STEINBERG: Well, he questioned it and  
24 counsel told him this, and --

25 MS. LANCASTER: Right.

1 JUDGE STEINBERG: -- counsel gave him advice, and  
2 he took the advice.

3 MS. LANCASTER: Right, and I'm ask --

4 JUDGE STEINBERG: I think that is absolutely clear  
5 on the record, and --

6 JUDGE STEINBERG: And I'm asking him if he  
7 discussed with the other executive committee members his  
8 hesitations or initial doubts about what he was being told  
9 by outside counsel.

10 BY MS. LANCASTER:

11 Q Did you have a discussion with them and voice your  
12 opinion that that just didn't sound right to you?

13 A I did. We had a discussion, and then we also had  
14 a discussion with counsel like in a conference call. This  
15 wasn't just one discussion.

16 Q Were there any executive committee meetings? Do  
17 you take minutes at executive committee meetings?

18 A No, usually not. We -- I don't know -- I'm trying  
19 to think. I never have. Sometimes Becky Jo makes notes to  
20 herself, but no. There is not a formal procedure usually  
21 for taking minutes.

22 Q Is there any documentation that you're aware of  
23 regarding the discussions about this matter that went on  
24 between the executive committee members?

25 A Not that I recall, no.

1 Q I think originally before we took the short break  
2 I had asked you as to how particular questions go to outside  
3 counsel when you had a question about something. We were  
4 talking about or I think I asked you, for example, about the  
5 percentage change, the ownership changes, that would have  
6 occurred after some of the capital calls.

7 A Yes.

8 Q I'm not sure I got a final answer on that in that  
9 it's my understanding that if you had a question about that,  
10 you would have had to have brought it to the attention of  
11 outside counsel, is that correct?

12 A Yes. This came up in discussions with outside  
13 counsel. They wouldn't know about it unless we told them  
14 about it.

15 Q Okay, and my question was how do you make a  
16 determination about matters that you need to talk to outside  
17 counsel about? Who makes that determination that you need  
18 to check with outside counsel?

19 A Again, it's the three of us. This is something we  
20 don't understand or we don't know about. We need to speak  
21 to Howard Lieberman or we need to speak with John Bankston  
22 and ask him about this.

23 Q So anytime anybody has a question about this,  
24 anyone can call outside counsel or do you talk about it  
25 first before you decide to call outside counsel?

1 A Anyone can call outside counsel. When I say  
2 anyone, it's usually one of the three of us. The partners  
3 could, but I don't know that they ever did.

4 Q Of the three of you, of the executive committee  
5 members, is there any one person who is primarily the  
6 liaison with outside counsel?

7 A No. It really has varied depending upon the  
8 issues. Terry Jones has been in touch with them a lot. I  
9 have been in touch, Becky Jo. You know, it's --

10 Q Would it depend in part on the nature of the  
11 question as to who would call outside counsel?

12 A A lot of times -- it wasn't a lot of times when we  
13 might say Becky Jo, you contact counsel on this issue.  
14 She's the --

15 Q In your statement that I referred you to earlier  
16 on page five, again, that sentence where you say the  
17 committee reviews all documents including FCC submissions.  
18 Would that also include documents, letters for example, that  
19 are sent by your outside counsel?

20 A No.

21 Q But any letter or anything that's filed with the  
22 FCC, that would include that, right?

23 A That -- yes.

24 Q Would the review be before it was filed?

25 A Well, in this instance --

JUDGE STEINBERG: "This instance" meaning?

2 THE WITNESS: -- the application for review. We  
3 discussed it. We knew it was going to be filed, but we  
4 didn't see it. At least I didn't see it before hand, not to  
5 my recollection.

6 BY MS. LANCASTER:

7 Q Would there be any reason that some executive  
8 committee members might get copies of documents and others  
9 would not?

10 A There would not be a reason, no.

11 Q I'm going to page 6 of your statement, line 1. **Is**  
12 it your position that Alee has not violated any Commission  
13 rules and regulations within the last 11 years?

14 A None to my knowledge, no.

15 Q Okay. Is it your position that if Alee has not  
16 received any kind of citation **or** a complaint hasn't been  
17 filed against it, then that's the equivalent of there being  
18 no violations?

19 A Yes.

20 Q Line 13 on page 6 of your direct testimony.

21 A Yes.

22 Q You state that Alee has paid a very significant  
23 price namely the loss of the New Mexico license, *but you're*  
24 now claiming that Alee hasn't lost the New Mexico license,  
25 aren't you?

1 A The license that we're operating on has been lost,  
2 yes. There's an application for reconsideration on this  
3 second license. In my mind, it's gone.

4 Q Well, the letter that you got terminating the  
5 license was terminating the first license. If you're  
6 differentiating that there are two licenses --

7 A Yes.

8 Q The termination letter goes to the first license  
9 that was the subject of the Algreg proceeding, doesn't it?

10 A That's what I'm told.

11 Q So as far as you're concerned, if there are two  
12 licenses, have you gotten anything that says the second  
13 license is terminated?

14 A There was something that came down from the FCC  
15 about the second license, and that's what the application  
16 for review was about, that the second license has been --

17 JUDGE STEINBERG: Look at page 17 of your Exhibit  
18 27. I do not know if this is the one that you are talking  
19 about, but I think it might be helpful for you to look at  
20 it. Maybe it's not.

21 BY MS. LANCASTER:

22 Q Do you recognize page 17 as EB Exhibit 27?

23 A I recognize it, yes.

24 Q What is it?

25 A This was the revocation of the license.

Q Of which license?

2 A I don't know that it differentiates as to which  
3 license. I revokes the license. I remember we were -- I  
4 don't know that it specifies which license.

5 Q Well, at the end of the first paragraph, it  
6 identifies which license it's revoking, doesn't it?

7 A The call sign.

8 JUDGE STEINBERG: The call sign would be the same  
9 for the first license and the second license. I mean, let  
10 me tell Ms. Lancaster what my confusion was.

11 In your question that you asked Mr. Bernstein, you  
12 said wasn't essentially -- and if I misunderstood I am sure  
13 you will let me know -- essentially that the letter that  
14 Alee received revoking license revoked the first license but  
15 not the second license. Isn't that the premise of your  
16 question?

17 MS. LANCASTER: And I want to know if he said yes  
18 or no. My question to him is what license did he think was  
19 revoked by the letter.

20 JUDGE STEINBERG: But I did not know of any more  
21 than one letter.

22 MS. LANCASTER: I don't either, Your Honor, and  
23 that's why I'm asking the witness his understanding of this  
24 matter.

25 JUDGE STEINBERG: Okay. But page 17 is the letter

1 to which you were referring in your question?

2 MS. LANCASTER: Yes, Sir.

3 JUDGE STEINBERG: Okay. Now, I'm clear.

4 MS. LANCASTER: I'm asking the witness to explain  
5 to me what license he thinks was revoked by the letter. He  
6 claims that there are two licenses.

7 JUDGE STEINBERG: Well, there are, aren't there?  
8 There was one that expired in whenever it was, and then  
9 there was one that was issued as a result of the renewal.

10 MS. LANCASTER: It's a renewal of the same  
11 license, Your Honor.

12 JUDGE STEINBERG: No. Once a license expires,  
13 it's no longer in existence. You get a driver's license, it  
14 expires, you try to drive on it, are you going to tell a cop  
15 this is the same license?

16 MS. LANCASTER: You go renew it.

17 JUDGE STEINBERG: So you renew it and you throw  
18 out the old one. Same thing with this. You go renew it.  
19 You throw out the old one. I know Mr. Evans disagrees with  
20 me, right?

21 MS. LANCASTER: I disagree with you also, Your  
22 Honor.

23 JUDGE STEINBERG: Okay, but anyway, this is  
24 dictum. I mean, I'm just saying and this is what Mr.  
25 Lieberman is arguing, but --

1 MS. LANCASTER: I understand what Mr. Lieherman's  
2 arguing. I would like to hear the position

3 JUDGE STEINBERG: Okay.

4 MS. LANCASTER: -- of this particular witness as  
5 to what his understanding is.

6 JUDGE STEINBERG: Well, okay. What is your  
7 understanding without reference to what I just said?

8 MS. LANCASTER: Well unfortunately, Your Honor,  
9 it's going to be difficult for him to disregard that, I  
10 think.

11 JUDGE STEINBERG: No it's not. He is an attorney.  
12 He can disregard anything. That's a humorous comment.

13 THE WITNESS: The license was revoked. This  
14 doesn't say which license, but what I'm told is we have a  
15 license, a second license, and that license has not been  
16 revoked.

17 BY MS. LANCASTER:

18 Q Well, if you say the second license has not been  
19 revoked, then is it your interpretation that this letter  
20 refers to what you consider to be the first license?

21 A Let me correct my statement, Ms. Lancaster. There  
22 was a revocation of the New Mexico license that -- I'm told  
23 that there was a renewal and we have asked for a stay saying  
24 that that renewed license has not been revoked according to  
25 the requirements of the FCC.

1 Now, given this order that's in front of me, I  
2 don't know that we would be able to operate unless there is  
3 some resolution of that issue

4 Q Okay, but my question to you *is* under your  
5 independent evaluation of what has occurred, which license  
6 does this letter pertain to?

7 A It definitely at a minimum pertains to the first  
8 license, but I think the affect is the same. It's the  
9 license of Alee in New Mexico.

10 JUDGE STEINBERG: So is your answer that it  
11 applies to both?

12 THE WITNESS: I think so.

13 JUDGE STEINBERG: If, in fact, there are two?

14 THE WITNESS: Yes.

15 BY MS. LANCASTER:

16 Q The second license that you're referring to has  
17 the same call sign as the first license?

18 A I don't know that for a fact. I believe it does,  
19 but I don't know.

20 Q So when you say that Alee has paid a very  
21 significant price, what is the price that Alee has paid in  
22 your opinion?

23 A When I *say* Alee, I *say* Alee and all *the* partners.  
24 My name is in a decision that says that I intentionally lied  
25 to the *FCC* knowingly and willingly. I, an attorney at law,

1 have intentionally lied. I could be disbarred for something  
2 like that.

3 We worked on this for 13 or 14 years. It hasn't  
4 been easy, and coming down the road and trying as hard as we  
5 have. And I know I was stupid. I let things happen. I  
6 enabled it to happen, and so I'm paying the price, but it's  
7 not just the license.

8 My name will always be in that Alqreg case that  
9 Robert Bernstein intentionally deceived the FCC, and I don't  
10 take that lightly. I have worked pretty hard for my  
11 reputation at this stage in my life.

12 I've never had anything like this, and there it  
13 is, my name, and I've gone through the courts, the Circuit  
14 Court of Appeals to the United States Supreme Court, and it  
15 remains, and it will always remain.

16 Q But yet, in the next sentence on page 6 line 14,  
17 you again try to direct the Court's attention to that Alee  
18 voluntarily reported Mr. Sharifan's partnership to the  
19 attention of the FCC. Now, that was an issue that was  
20 directly considered and ruled up in the Alqreg proceeding,  
21 isn't that correct?

22 A Yes.

23 Q In the Alqreg proceeding, *the* Court found that  
24 they were not at all impressed with the voluntariness of  
25 that revelation, were they?

1           A     That's right. They attributed an ulterior  
2 motive --

3           Q     That's right.

4           A     -- to the reporting of it. Well, of the timing of  
5 the reporting.

6           Q     Yes, this says, I think, that you delayed the  
7 reporting of the alien until after the license was issued so  
8 that then there would have to be a revocation proceeding  
9 instead of just an out-and-out dismissal *of* your  
10 application, isn't that basically what they said?

11          A     That's what they said, but that wasn't so. We  
12 were dealing with the mutual risk sharing agreement. That's  
13 what this was all about. When counsel came to see us --  
14 we're talking about meetings and things that Franklin had  
15 said and about this mutual risk sharing agreement and had we  
16 seen it, and so on, and it was a long time after counsel had  
17 come in that this came up. It came up as an afterthought.  
18 That was all taken care *of*.

19          Q     Nevertheless, the same --

20                JUDGE STEINBERG: Excuse me. Are you talking  
21 about the alien ownership matter?

22                THE WITNESS: That's right. That wasn't the first  
23 thing that came up when Neil Goldberg came to see us. We  
24 didn't even think about that.

25                BY MS. LANCASTER:

1 Q Nevertheless, that exact argument was made by you  
2 in the Algreg proceeding, is that correct?

3 A Yes, and it was not --

4 Q And there was a specific finding against that  
5 argument, wasn't there?

6 A Yes.

7 Q But yet you put it in here again. Why would you  
8 bring it up when you know that the Algreg proceeding found  
9 it to be false?

10 MR. HILL: Your Honor, that's argumentative. I  
11 object.

12 THE WITNESS: It took --

13 JUDGE STEINBERG: No. Before you answer, I think  
14 it's a fair question inasmuch as the sentence is in here,  
15 and there was an objection to it, and I overruled the  
16 objection, so it certainly fair game to ask about it. So  
17 objection is overruled.

18 THE WITNESS: It's a fact that that's not disputed  
19 that it was Alee after obtaining the advice from lead  
20 counsel brought the existence of the alien to the attention  
21 of the FCC. We told the FCC that we have an alien.

22 MS. LANCASTER: That's right.

23 THE WITNESS: And as a result, we got our heads  
24 chopped off.

25 BY MS. LANCASTER:

1 Q Well, you put this in your statement right now.  
2 I'm assuming, and you correct me if I'm wrong, because you  
3 considered that to be a positive point on behalf of Alee.

4 A Yes. I'm trying to show that as of January of  
5 1990, when we took control of our own partnership that we  
6 tried to be as forthright and candid as possible. That was  
7 the purpose of that. We can't re-litigate Alqreq. It's  
8 over.

9 Q That's right. You can't re-litigate Alqreq, and  
10 you just went through a rather emotional statement about how  
11 upset you are that Alqreq had specific lack of candor --

12 MR. HILL: Your Honor, I object --

13 MS. LANCASTER: -- findings against you --

14 MR. HILL: -- to this characterization.

15 MS. LANCASTER: -- and yet --

16 JUDGE STEINBERG: Well --

17 MS. LANCASTER: -- you bring the subject up again  
18 today in this particular statement so that there's nothing  
19 but us to go back over it again.

20 JUDGE STEINBERG: First of all, I did not  
21 understand the question, and I think it was more a statement  
22 than a question.

23 MS. LANCASTER: Okay.

24 JUDGE STEINBERG: And I will sustain the  
25 objection, and I should state that -- well, anyway, I will

1 just sustain the objection. I have said before we are not  
2 going to re-litigate Alqreg, and I do not really want to re-  
3 litigate Alqreg, and I do not think anybody else does here.

4 Let's just leave the sentence alone. He was put  
5 in there for a specific purpose. The witness stated what  
6 the purpose was, and let's move on from there.

7 MS. LANCASTER: Okay.

8 BY MS. LANCASTER:

9 Q Who picked your new counsel that you hired in  
10 1990?

11 A We chose the counsel. It was recommended to us,  
12 but they came and made a presentation to us, and we voted on  
13 it.

14 Q Who recommended counsel?

15 A Allan Kane originally recommended Hopkins &  
16 Sutter.

17 Q Okay, and when was Hopkins & Sutter retained?

18 A Sometime in 1989. I don't recall exactly when

19 Q They were retained in mid 1989, the end of 1989,  
20 approximately?

21 A Approximately mid to end of 1989, I think.

22 Q How long had they been your counsel prior to you  
23 reporting the alien issue to the commission?

24 MR. HILL: Your Honor, I object to the question to  
25 the extent that Ms. Lancaster seems to be concerned about