

as far as Luz, Jr. putting any money at all into the  
2 station, he hasn't. I can honestly tell you that. As a  
3 matter of fact, from what I know, Mr. James, Jr. has backed  
4 off -- all right? -- or just decided he'll let his father  
5 and his sister run the station. So Junior has no dealings  
6 with the station at all.

7 Q Do you know what sources of funding there have  
8 been for the radio stations?

9 A The only source of funding that I know, Mr. Shook,  
10 that comes in is the money that we make from our clientele  
11 with our commercials. That's as far as I know.

12 Q Do you know Mr. Emmeth James?

13 A Emmeth? I believe that's -- yes, that's one of  
14 Luz's sons who lives up in the States, I believe.

15 Q Have you ever met him?

16 A On a couple of occasions I met Emmeth James more  
17 likely when he came down for a vacation or something like  
18 that.

19 Q When was the most recent time that he did that?

20 A I would say about four or three months ago I seen  
21 Emrneth.

22 Q He came to the radio stations at that point?

23 A Yes, he did.

24 Q What happened?

25 A He just came to visit.

1 Q How long was he there?

2 A About a half hour, 45 minutes.

3 Q Do you recall discussing with him any aspects of  
4 the radio stations' operations?

5 A I never had no discussion with Mr. Emmeth James in  
6 reference to the radio station because I know he has no  
7 dealings with the station, so for me to discuss anything  
8 about the station would be a waste of time.

9 Q Do you know what it is he does for work?

10 A I think he is a gynecologist.

11 Q You may be confusing him with his brother, Kelsey.

12 A Maybe. maybe. Then, right, I don't know what he  
13 does. I don't know what he does.

14 Q Other than the visit that occurred about three or  
15 four months ago, when --

16 A Mr. Shook, before you say that, you know  
17 something, then? It's Kelsey that I know, not Emmeth. Let  
18 me correct that. Then I don't know Emmeth. I know Kelsey.  
19 And you're right. I did mistake them two. It was Kelsey  
20 that more likely came down for summer vacations or for  
21 vacation. Emmeth, I do not know.

22 Q Very good. That goes back to what we talked about  
13 earlier in terms of your being able to correct something.  
74 So feel free.

25 A Okay. Very good.

1 Q Now, in terms of Dr. James, other than that visit  
2 of three or four months ago, do you recall when it was you  
3 saw him prior to that?

4 A Kelsey or Emrneth?

5 Q Kelsey.

6 A Kelsey.

7 Q Kelsey is the doctor.

8 A Okay. Maybe a year before that.

9 Q Could you describe the circumstances of that  
10 encounter?

11 A I guess just to come down for a vacation.

12 Q He came to the radio stations?

13 A Yeah, just to say hello. That's about it, as far  
14 as I know, maybe pick up somebody, and that's as far as I  
15 know.

16 Q Before that?

17 A I don't remember.

18 Q Do you know Mrs. Asta James?

19 A Mrs. Asta James is married to Mr. Luz James, Sr.  
20 That's his wife.

21 Q Have you met her?

22 A Yes, on many occasions. I know Mrs. James very  
23 well

24 Q Does she come to the radio stations?

25 A Not at all. Not at all.

Q How is it that you met Mrs. James, then?

2 A Because there might have been an occasion maybe I  
3 might have called the home asking for Barbara or Mr. James,  
4 and Mrs. Asta James would pick up, and I would tell her  
5 hello and ask her is Barbara or her husband home.

6 Q So have you ever met her in person?

7 A Oh, yeah. She came to the station at certain  
8 times, but never to do any legality or anything like that.  
9 Mrs. James would just come there maybe just to drop off  
10 somebody, pick up somebody, then that was it.

11 Q When did you last see Mrs. James?

12 A I very seldom see Mrs. James. I don't know.  
13 Maybe about eight, nine, ten months ago.

14 Q She came to the radio stations?

15 A Yeah.

16 Q Do you know what it was that she did when she was  
17 there?

18 A I think just to pick up somebody or drop off  
19 somebody. That's the extent of her visits there at the  
20 radio station. She normally comes up there to drop  
21 something off or pick up somebody, and that's it.

22 Q Who would you say your current immediate  
23 supervisor is?

24 A I would say Barbara James Petersen.

25 Q How long has that been the case?

1           A     Since she took over the operations from her  
2     father.

3           Q     And who would have been the supervisor prior to  
4     Barbara James Petersen?

5           A     Luz James, Sr

6           Q     And would that have been the case dating back to  
7     the beginning of Family's ownership of WSTX **AM** and FM?

8           A     That's correct.

9           Q     Could you describe your current compensation for  
10    us, please?

11          A     Repeat that, please. What do you mean?

12          Q     well, in terms of your pay and benefits.

13          A     Benefits. Me paying benefits. I think there is  
14    some sort of medical benefit that I pay and, of course,  
15    social security.

16          Q     What I was getting at was -- when I say  
17    "benefits," what I'm asking for are the benefits that the  
18    radio station gives you.

19          A     Uh-huh.

20          Q     That would be your pay, any insurance, any  
21    allowances for transportation, whatever it is that the  
22    stations give you.

23          A     I don't get benefits at WSTX unfortunately. I  
24    know I have no insurance coverage. I have no medical plan  
25    there from what I know. Where I live, you know, I depend on

1 the pay check that I get from WSTX.

2 Q And you don't have to give me an exact figure  
3 here, but could you give me, say a range of what it is that  
4 you do get in terms of salary?

5 A Roughly speaking, year y?

6 Q Right.

7 A About 15 to \$16,000 a year.

8 Q Has that changed at all in the last five years?

9 A No, not really.

10 Q Now, if you were desirous of a change in your  
11 salary, who would you go to?

12 A I would probably discuss it with Barbara James  
13 Petersen.

14 Q Now, have you had such a discussion with her?

15 A Not yet.

16 Q Not yet, Had there been a time when you had such  
17 a discussion with Mr. Luz James?

18 A No, uh-uh, no.

19 Q Your salary has been unchanged for how long?

20 A Well, let me *see*. Maybe about six, seven years.

21 Q When it was last changed, was it changed because  
22 you had some kind of conversation with Mr. Luz James?

23 A No. Never with him, never.

24 Q How did your salary come to change, then?

25 A If you remember, I told you I started off from,

1 you know, just being a radio announcer, and as the years  
2 went on they more likely gave me the position of program  
3 director, and from then I got a little increase in my pay.

4 Q And that occurred because of dealings between  
5 yourself and Mr. Luz James?

6 A No, not with Luz. I would say with Barbara.

7 Q Even at six, seven years ago?

8 A Yeah. You've got to understand, you know, when  
9 they first took over the operations, we were under the  
10 impression at the time that, you know, as years went on, you  
11 know, and the money started coming in that I would get an  
12 increase.

13 Q Now, help me here with the timing because I  
14 understood there was a period of time when Barbara was not  
15 at the radio stations, --

16 A Uh-huh.

17 Q -- and that that period of time would have  
18 coincided with that period of about six or seven years ago.

19 A What happened -- this is what happened. In '89,  
20 when they purchased the station -- all right? -- the whole  
21 family came up there, Barbara, Asta, Luz, and everybody.  
22 All right? They had a big, major meeting at the time. This  
23 is around about '89 when Luz got the station. We were all  
24 under the impression, like I told you before, that Luz was  
25 going to be the general manager, and Barbara was going to be

1 the station manager. All right?

2 As the months went on, I don't know what happened.  
3 All right? All of a sudden, like I told you, I think  
4 Barbara had went back up to the States at the time, and then  
5 that's when Luz had decided to take over the operation. All  
6 right? As the years went on, now, I think Barbara came back  
7 within, I don't know, two or three years' time, and then she  
8 came back, and then she took over the operations from her  
9 father.

10 So, you know, things went on, and we discussed  
11 about, you know, me change to a program or production  
12 manager, you know, and then we discussed, you know, a raise,  
13 and that's how I got my raise. But then, like I said, as  
14 the years went on, you know, I was under the impression  
15 that, you know, as we go on in the years, and the station  
16 started collecting some money and stuff like that, that, you  
17 know, I would get a raise, but I guess the station hasn't  
18 been making as much money as they expected.

19 Q Well, we understand from other information that  
20 Barbard returned to the stations in a working capacity  
21 roughly in the summer of 1998. Does that correspond with  
22 your memory of when she came back to the stations?

23 A I wouldn't know. I couldn't remember it, but I  
24 wouldn't say '98 because that was the same year that Luz  
25 bought the station, like I said.

1 Q No, no, 1998. We're only talking four years ago  
2 now.

3 A I'm sorry. You're absolutely right. You're  
4 absolutely right. Yeah. No, no, no, no. That's right.  
5 Luz purchased the station in '89. In '89 he purchased the  
6 station. I had the doggone dates mixed up. In '89 he had  
7 purchased the station -- all right? -- and then from that  
8 time him and Barbara, you know, like I said, they got  
9 together, and he was supposed to be the general manager and  
10 her the station manager, but it was in '89. I was giving  
11 you the wrong date all the time. In 1989 they purchased the  
12 station, not '98.

13 Q No. We understood that. You were consistent in  
14 terms of saying 1989.

15 A Okay.

16 Q What I'm focusing on now is when you got your last  
17 increase in salary as a consequence of your taking on  
18 additional duties. The question that's more or less  
19 outstanding is who is it that you dealt with in terms of  
20 setting what your pay was going to be?

21 A I dealt with Barbara.

22 Q Did you deal with anybody else?

23 A No. As far as I know, Barbara is my supervisor,  
24 nobody else.

25 Q Now, as I said, the period of time that you were

1 talking about in terms of getting that increase was about  
2 six or seven years ago.

3 A Well, let me see. I don't know the year -- all  
4 right? -- but I would say it happened when Luz, Sr. had  
5 gotten into some sort of financial problem, I believe. As a  
6 matter of fact, I think it was the FCC again. All right?  
7 And then that's when the son, Junior, and Barbara had  
8 decided, well, look, you know, maybe we should just take it  
9 away from our father because he is creating a problem. And  
10 then at that time we had a meeting. I don't know exactly  
11 what year that was, but we had a meeting, me, Barbara, and  
12 Luz, Sr., and that's when they asked me if I would be  
13 interested in helping out as far as being production manager  
14 and helping out to improve the station. I don't know what  
15 year that was, though.

16 Q There was a change in your pay, though, that took  
17 place at about that time.

18 A Yeah, yeah uh-huh, yeah. I got a little increase  
19 at the time. That's right.

20 MR. COLBY: Can I try to clarify something?

21 MR. SHOOK: Tell you what. Let me go on with what  
22 I'm doing here, and then you can clarify at the end. Okay?

23 MR. COLBY: Well, the only problem I'm having --

24 MR. SHOOK: Please.

25 MR. COLBY: -- you were asking him whether he

1       dealt with somebody at the time of the pay increase. Now,  
2       when I give a pay increase here at my office, I just  
3       increase the amount of the check. I don't deal with my  
4       secretary at all. I just tell her, well, I've increased  
5       your pay. There seems to be some suggestion here that he  
6       dealt with somebody over the pay increase, and I would like  
7       him to try and straighten that out.

8                THE WITNESS: I mean, the only person I can say I  
9       dealt with is Barbara. She was in charge at the time. She  
10      was the only one, I guess, authorized to say, okay, Al,  
11      we'll give you a pay increase.

12             MR. COLBY: But did you ask for the pay increase?

13             THE WITNESS: No. I didn't ask for it.

14             MR. COLBY: Okay. That's what I wanted to  
15      clarify. Go ahead, Mr. Shook.

16             BY MR. SHOOK:

17             Q       I take it, though, Mr. Clarke, you've got some  
18      paper work in your own personal files that would reflect  
19      when your pay was increased.

20             A       I might. I might. That's been years ago. I  
21      would have to go back in my files. But as to the specific  
22      date, what time that I got it, I really couldn't tell you.

23             Q       Do you receive W-2's from Family?

24             A       Yes, I do.

25             Q       Do you know who signs them?

A I guess Barbara does, I guess.

2 Q Well, I was asking whether you knew.

3 A I guess Barbara. Then I don't know.

4 Q All right. Without one in front of you, you  
5 wouldn't know who signed it.

6 A No, no, I wouldn't, no.

7 Q Do you currently supervise anyone?

8 A Yeah. I have about 10 to 11 employees who's under  
9 me, yeah.

10 Q How long has that been the case?

11 A Since I took over the position as production  
12 manager or program manager, there was added responsibility  
13 put on me as far as scheduling. If some other announcer  
14 couldn't make it in, I would have to call somebody to come  
15 in and see if they could come in.

16 Q How long has that been the case, roughly?

17 A I would say since I got the position as program  
18 director, whatever date that was.

19 Q Now, if anything breaks down at the station, do  
20 you know who it is that repairs it?

21 A If we have any technical problems at the station,  
22 we normally call Mr. Herb Schoenbohm. He is our engineer

23 Q How long has that been the case?

24 A Six, seven years now.

25 Q Who is it that deals with Mr. Schoenbohm at the

1 radio stations?

2 A At times I do, or at times it might be Barbara  
3 because I'll call her and tell her, Barbara, so and so is  
4 broken. Can you please get in contact with Herb?

5 O Anybody other than yourself or Barbara, so far as  
6 you know, has dealt with Mr. Schoenbohm?

7 A Just me and Barbara, from what I know.

8 Q Now, you had mentioned before that you're aware  
9 that Barbara lives with her parents.

10 A Yes, sir.

11 Q Do you know why it is that she lives with her  
12 parents?

13 A That's personal. I have no idea why.

14 Q Are you aware of the process by which bills are  
15 paid at WSTX AM and FM?

16 A Do you mean as far as maybe a client coming in and  
17 purchasing air time or something like that?

18 O No. What I'm thinking of is somebody that the  
19 stations owe money to. What process is followed for the  
20 payment of a bill?

21 A Okay. I have no idea. You've got to talk to  
22 Barbara or her father about that. I have no idea how they  
23 pay the bills.

24 Q In other words, you don't handle the bills at all.

25 A No, I don't, no. The only time I might handle

1 money is if a client *is* coming up there to pay off what the  
2 owe us. We'll record the amount, have them sign the  
3 contract, and I leave it there for Barbara or whoever to  
4 come pick it up later in the evening.

5 Q Do you handle the money at all?

6 A On occasions I do handle money, yes.

7 Q And what is it that you do?

8 A Normally, like I said, there might be a client who  
9 would come up there and tell me, I want to buy some spots.  
10 I'll give them a quote, how much it's going to cost. They  
11 will pay me. I'll have them sign a contract, and then I put  
12 the money inside the office so Barbara or whoever can pick  
13 it up. That's the only time I deal with money.

14 Q In other words, you don't take it to a bank.

15 A No, sir. No, I don't, no. I have nothing to do  
16 with that.

17 Q Do you know who does?

18 A I guess either Barbara or her father, I guess.

19 Q Again, remember, I'm just asking you if you know,  
20 and if you don't, it's okay to say that you don't.

21 A I don't know. I don't know.

22 Q Do you know whether or not Barbara is married?

23 A I think she *is* supposed to have a husband, yes.  
24 'That's what I heard, yes.

25 Q Do you know where the husband lives?

1 A I think in the States.

2 Q Do you know where in the States?

3 A I have no idea, sir.

4 Q In case you were wondering, that outburst is from  
5 one of my neighbors. We have some very interesting people  
6 that work here.

7 Do you know whether Barbara visits her husband in  
8 the States?

9 A I couldn't tell you. I really don't know.

10 Q Do you know whether he visits Barbara?

11 A I know there is one occasion he came down here.  
12 I've seen him a couple of times down here.

13 Q You've met him? Have you met him?

14 A Yes, I have. I have met him.

15 Q And when was the last time that you saw him?

16 A About three years ago.

17 Q Did he come to the radio stations?

18 A Yes, he did.

19 Q How long did he stay when he was there?

20 A About an hour.

21 Q Do you remember what the nature of his interaction  
22 with anybody at the stations was?

23 A I guess maybe just to pick up Barbara and the  
24 kids.

25 Q When was he at the radio stations prior to that

1 time, if at all?

2 A I don't remember.

3 Q Are you aware that Barbara's youngest child has  
4 medical needs that have occasionally required  
5 hospitalization?

6 A Yes. I'm aware of that, yes.

7 Q And are you aware that that hospitalization has  
8 sometimes occurred outside of the United States Virgin  
9 Islands?

10 A I remember a couple of occasions where she  
11 mentioned she had to take Jamie up to the States, yeah.

12 Q When was the last time that that happened?

13 A I don't know. I have no idea.

14 Q Are you aware of whether or not Barbara traveled  
15 with her child to the States for medical treatment?

16 A Yeah.

17 Q And what is your recollection as to the last time  
18 that that occurred?

19 A When it occurred? The last time it occurred?

20 Q Yes.

21 A I don't know.

22 Q Do you have any knowledge as to how such trips are  
23 *paid for*?

24 A No, I don't. I don't know.

25 Q Do you have any knowledge as to the medical

1 expenses, how they are paid for?

2 A I have no idea, sir.

3 Q Do you have any say in determining what  
4 compensation anyone else at the radio stations receives?

5 A No, uh-uh.

6 Q Do you know who does?

7 A No, I don't.

8 Q Are you aware that Mr. James, Sr. is a lawyer?

9 A Yes. That's what I heard.

10 Q Are you aware that he has his own law practice?

11 A Yes. I'm aware of that.

12 Q Do you know whether or not he has a law office?

13 A He has an office, I think. Yeah. He has an  
14 office.

15 Q Do you know whether Barbara performs work of any  
16 kind for her father's law practice?

17 A As far as I know, sir, Barbara does no sort of  
18 attorney work for her father, not at all.

19 Q When you say "attorney work," are you referencing  
20 Barbara being an attorney?

21 A I don't know. Well, let me put it this way, then.  
22 She has no dealings with her father at all when it comes to  
23 maybe *helping* him with *his* law firm.

24 Q Are you aware of whether or not the radio stations  
25 give free air time to the United States Virgin Islands

government?

2           A     No, no

3           Q     Do you know whether the stations pay rent for  
4     their studio?

5           A     I assume so, but I don't know. That would be  
6     Barbara or her father's department. I don't know.

7           Q     Do you know whether or not the stations pay rent  
8     for their transmitter sites?

9           A     You've really got to discuss that with Barbara or  
10    her father. I don't know.

11          Q     Well, in terms of the way I'm asking the question,  
12    it's perfectly acceptable to say either, yes, I know or, no,  
13    I don't know, and then we can go on from there.

14          A     I mean, they are supposed to, you know, but, you  
15    know, I know they had some problem at the time. That's why  
16    I'm saying, I don't know if they are still doing it or not.  
17    I don't know.

18          Q     Do you know whether the Holy Ghost Deliverance  
19    Church has a program that WSTX AM and FM carries?

20          A     The Holy Ghost- Deliverance. I believe there is a  
21    Sunday program that we do have, yes.

22          Q     Do you know what the Holy Ghost Deliverance Church  
23    pays the stations to carry the program?

24          A     No, I don't.

25          Q     Do you know whether St. John's Anglican Church has

1 a program that WSTX AM and FM carries?

2 A I believe I've seen some cassettes with a program  
3 for St. John's Anglican Church, *yes*.

4 Q Do you know what St. John's Anglican Church pays  
5 the stations to carry its program?

6 A I have no idea, no. Let me put it to you this  
7 way. I know normally with all of the church services, as  
8 far as I can recollect, I believe all the churches pay a  
9 hundred an hour, I believe. If they want a half hour, it  
10 would be \$50.

11 Q You had mentioned earlier that the normal station  
12 charge for program time was, I believe, \$175 for 30 minutes  
13 and \$350 for 60 minutes.

14 A Well, we give the churches a special discount.

15 Q How long has that been the case?

16 A I don't know. For a good while, I guess.

17 Q Do you know who decided that that was going to be  
18 the case?

19 A I couldn't tell you who decided that, no.

20 Q Are you aware *of* any discussions about changing  
21 the rates that are charged to the churches?

22 A I've never had no discussion with nobody in  
23 r-efer-ence to changing any of *the* rates for the churches.

24 Q Have you ever heard *of* any discussions relative to  
25 changing the rates charged to the churches?

1           A     I haven't heard any discussion, and I don't know  
2 of any discussions.

3           Q     Currently, does Mr. Luz James direct your **work** in  
4 any way?

5           A     No, no, not at all. Not at all, no.

6           Q     Did he ever do so?

7           A     When he first bought the station, yeah, but he  
8 kind of slacked up, you know. I would say it was more like  
9 a toy to him in the beginning than it was a business  
10 establishment, you know, and that's one of the reasons we  
11 why we're probably in this hole that we're in now because I  
12 don't think Luz took it seriously enough in the beginning,  
13 you know. But as the years went on, then, you know, we  
14 started getting into these hearings, I think he started  
15 coming back to his senses.

15          Q     Could you put a date or a time period on when it  
17 was that Mr. James stopped directing your work and Barbara  
18 began to direct your work?

19          A     I can't put a date on it, no.

20          Q     Are you aware of any inspections that the Federal  
21 Communications Commission has conducted with respect to WSTX  
22 AM and FM?

23          A     I remember on two occasions there was an FCC  
24 inspector who did come up to the station, yes.

25          Q     Do you recall whether it was the same inspector or

1 a different one?

2 A It was the same inspector.

3 Q Did you have occasion to meet the person?

4 A Only on one occasion, but I couldn't remember his  
5 name.

6 Q If I were to mention the name, Reuben Jusino,  
7 would that assist your recollection?

8 A That sounds very familiar.

9 Q Now, you had mentioned there were two inspections  
10 that you could recall.

11 A I know of where I met Reuben on two occasions,  
12 yeah, that I know of.

13 Q Do you recall what it was that Mr. Jusino found  
14 during his inspections?

15 A No, because you've got to understand, what I did  
16 at that time when the inspector came up, my first intentions  
17 was to get in contact with either Barbara or with Luz to  
18 inform them that we have an inspection and that I felt that  
19 their presence was needed. So whatever he might have found  
20 at the time wasn't really discussed with me. It might have  
21 been discussed with Luz, Sr. or with Barbara.

22 Q So when Mr. Jusino came to the stations initially,  
23 he met you.

24 A He might have introduced himself to me. I told  
25 him who I was. He told me why he was here, and then I would

1 tell him, hold on, let me get in contact with our manager  
2 and general manager, and then it went on from there.

3 Q So you did not accompany Mr. Jusino on his  
4 inspections.

5 A Maybe I might have went up there to open the door  
6 for the transmitter room for him and stuff like that, but  
7 for me to be right side by side by him to tell me what was  
8 wrong, no, I didn't get that far.

9 Q Are you aware of any problems that Mr. Jusino  
10 found at the stations relative to the EAS systems?

11 A I only found out about the problems that we had  
12 afterwards when we first got a notice and also when it was  
13 discussed with me and Barbara.

14 Q Now, when you say notice, are you referring to a  
15 document called notice of violation?

16 A I believe that's what it was, yeah. We got  
17 something off the fax, yeah.

18 Q So far as you know, who was it that became aware  
19 of the notice of violation?

20 A Well, if I remember correctly, when it came in  
21 over the fax, I got it first, and my first intention was to  
22 call Barbara and tell her about these violations, and that's  
23 exactly what I did. So I guess Barbara was *the first* to  
24 know about it.

25 Q Did you physically hand her the *fax*?

1 A No, uh-uh. I had called her on the phone and told  
2 her that it was there, and, you know, as soon as she gets a  
3 chance to come *see* them or pick them up.

4 Q Did she talk with you about the information that  
5 appeared in the notice?

6 A Not until afterwards.

7 Q What did you and she talk about?

8 A Well, I noticed there was a bunch of violations,  
9 and personally I was somewhat surprised, but it was just  
10 discussed what violations was broken and what we were  
11 supposed to do.

12 Q With respect to EAS, do you remember any specific  
13 violations?

14 A If I remember correctly, with EAS, I think the  
15 problem was that it was supposed to be recorded, if I  
16 remember correctly. I think it was supposed to be recorded,  
17 but I'm not too sure.

18 Q And what, if anything, did the radio stations do  
19 to correct the problem?

20 A Well, from what I know so far, I know he -- in  
21 place, and also, from what I understand, they were supposed  
22 to fence some certain areas around the radio station, which  
23 was -- whatever else that was supposed to be done, I really  
24 couldn't tell you. Maybe you have to discuss that with  
25 Barbara.

1           Q     Now, you mention the fence. What in particular  
2 was --

3           A     From what I understand, the inspector said that  
4 the fence was open and it had access to people going in  
5 there. So from what I know, they just secured the fence a  
6 little better.

7           Q     How was the fence secured?

8           A     They put a stronger lock on it or a stronger chain  
9 on it.

10          Q     Was there ever a time that you were aware of that  
11 there was a hole in the fence?

12          A     No, sir. I wasn't aware of it, no.

13          Q     Do you ever recall there being a situation where  
14 there was a fire nearby that resulted in fire personnel and  
15 equipment doing damage to the station's fence?

16          A     No, no, not that I know of.

17          Q     Are you aware that at any time there was a problem  
18 with the station's public file that was noticed by the  
19 inspector?

20          A     You see, you understand, the extent of my duties  
21 up there was just dealing with production and programming  
22 because I was under the assumption that the technical part  
23 as far as keeping things *in order*, things *intact*, I was  
24 under the assumption that Barbara and her father was taking  
25 care of it or that it was taken care of. Let me put it that

1 way.

2 Q Were you ever aware that there was a problem with  
3 the station's public file?

4 A No. I wasn't aware of it. When you say "public  
5 files," like, what do you mean?

6 Q Generally, these are files that have copies of  
7 applications, political contracts, letters from the public.

8 A Okay. Right. No. I had no dealings with that at  
9 all.

10 Q Who did?

11 A I assume Barbara or her father.

12 Q In other words, you don't know.

13 A I don't know. You know, you've got to understand,  
14 you know, when it came to that technical part, you know,  
15 papers being signed and things taken in order, you know, I  
16 felt it was the responsibility of the general manager or the  
17 station manager.

18 Q Now, please understand something. I'm not  
19 suggesting that you're to blame for anything. I'm just  
20 trying to find out who knew what.

21 A Yeah, yeah, I know, yeah. I understand. I  
22 understand. But that's what I'm saying, though, because I  
23 figured maybe, you know, they could probably answer those  
24 questions better than I can because I wasn't aware of any of  
25 that going on.

1 Q Very good. So far as you know, the fence that is  
2 to prevent the public from getting access to the WSTX  
3 transmitter is in place right now.

4 A Yes, it is.

5 Q And there are no holes in the fence.

6 A Well, I'm going to tell you something. I haven't  
7 been up there in a long time, so I'm just saying, from what  
8 I know, there shouldn't be any holes in the fence.

9 Q Could you describe the relationship between where  
10 the studios of WSTX AM and FM are and where the transmitters  
11 are?

12 A Okay. Because it's more likely in the same  
13 general area where the station is at, the main studio, and  
14 then there is a hill that we have to walk up to the  
15 transmitter room. I would say roughly around about 50, 75  
16 feet walk. It's kind of like on a hill, though.

17 Q Are you aware of any documents at the radio  
18 station that indicate what kind of transmitter and what  
19 power the transmitter is supposed to operate with for WSTX?

20 A No, I don't.

21 Q The same question with respect to WSTX FM.

22 A No, I don't. I mean, let me put it to you this  
23 way. If I remember correctly, I know especially with the  
24 AM, I believe we are even operating under less power right  
25 now. I'm not too sure. As a matter of fact, I don't know

1 about that.

2 Q Well, now, you've been with the radio stations  
3 essentially since Family has owned them. Correct?

4 A Well, when they purchased it in '89, I was there  
5 for about a year, and then I think I came back within a  
6 year's time, and from then on I've been working with STX.  
7 It was roughly from '91 up to now I've been with STX.

8 Q Now, during the period that you've been there,  
9 haven't a couple of hurricanes come through?

10 A Yes. We had a couple of hurricanes that really  
11 devastated the island at the time. In 1989 it was Hugo,  
12 which more likely I would say that was the downfall for the  
13 radio station. Not only the station, but the total island  
14 was devastated. Luckily, STX was the only station at that  
15 particular time who came back on air to inform the general  
16 public what was going on. But since Hugo it's been kind of  
17 like a down hill for the station. Then there was another  
18 one in '95. I think that was Marilyn. That wasn't all as  
19 bad as Hugo was, but we did take some damage, too.

20 Q Now, were there any hurricanes after Marilyn?

21 A Yeah, but I'm not going to say anything  
22 devastating where, you know, it crippled the island. Just  
23 minor flooding and, you know, maybe some trees broken and  
24 poles down, but to really say it devastated the island like  
25 Hugo did, no.

1 Q Now, with respect to the last hurricane that we're  
2 aware of, the name that comes to mind is Lenny. Does that  
3 ring a bell?

4 A That snuck up behind us, yeah.

5 Q And your recollection of the situation after Lenny  
6 came through is that the stations were or were not damaged  
7 in any way.

8 A No. When you say "damaged," because you  
9 understand, especially where the station is situated in the  
10 sort of building that we've got up there now, any major rain  
11 or hurricane like that always will do some sort of damage to  
12 the station. I say that because, for one thing, the station  
13 constantly leaks, and if we have a major rainfall or a  
14 hurricane, it's like you've got to wear an umbrella inside  
15 there. But Lenny did kind of like give us a little damage -  
16 - all right? -- but like I said, it wasn't as bad as Hugo.  
17 We did have some damage, but we were still able to get out  
18 on the road, you know. Let me put it to you this way. We  
19 got back in order, I'd say, maybe within two or three  
20 months' time with Lenny. With Hugo, it took us almost  
21 forever. But Lenny wasn't that bad, I would say, but it did  
22 do some damage, though.

23 *a* Now, do you remember what damage was done?

24 A Well, when you say "damage," you know, the first  
25 thing I always think about is the equipment getting wet, the

1 board, also the transmitter getting wet. You know, once  
2 those things get wet, you know, you've got to wait until  
3 they dry out and stuff like that. But I would say mostly it  
4 was the majority of the equipment getting wet.

5 Q Do you recall any structures being knocked down?

6 A Lenny, no. Not for Lenny. No structures. I'm  
7 saying mostly like trees and telephone poles.

8 Q What I'm thinking of specifically would be damage  
9 to the main studio building or damage to the antennas.

10 A Well, with Lenny, like I said, I know there is  
11 some equipment that got wet, and as I think about it, I know  
12 at one point they had to do something to the antenna, too,  
13 in order for us to rebroadcast. Don't ask me exactly what  
14 they did. I couldn't tell you what they did.

15 Q Did that involve Mr. Schoenbohm?

16 A Probably so, yes, sir.

17 Q Were you aware of whether any antennas were  
18 knocked over as a consequence of Lenny?

19 A With Lenny, I don't know. I don't remember.

20 Q Were you aware of any antennas being knocked over  
21 as a consequence of Hurricane Marilyn?

22 A There was a little bit more damage with Marilyn.  
23 I think so, yes. I would say so.

24 Q Do you have any recollection as to what it was  
25 that was damaged?

1           A     No. I couldn't tell you.

2           Q     Other than the notices of violation that came in  
3 over the fax machine, do you recall ever seeing any  
4 correspondence of any kind from the Federal Communications  
5 Commission to the radio stations?

6           MR. COLBY: Mr. Shook, I have a little problem  
7 with the notices of violation coming in over the fax machine  
8 because I don't think we've established that one did. We  
9 have established that a notice of violation was sent by  
10 certified mail and received, but I don't think you've  
11 established through this witness that the notice of  
12 violation came by fax.

13          MR. SHOOK: Well, sir, what I recall from his  
14 testimony was that --

15          MR. COLBY: I know he testified to that effect,  
16 but he wasn't sure. May I ask him a question?

17          MR. SHOOK: Mr. Colby, let me finish. I'm almost  
18 done, and then you can ask questions.

19          MR. COLBY: But I'm disturbed by a minor question  
20 which seems to proceed on the basis of a misconception as to  
21 the facts.

22          MR. SHOOK: Mr. Colby, please recall that when I  
23 asked Mr. Clarke about notices of violation, the only thing  
24 that he testified to was material coming in over a fax  
25 machine.

MR. COLBY: That's right.

2 MR. SHOOK: Now, I can ask him whether or not --  
3 and I will ask him right now.

4 BY MR. SHOOK:

5 Q Mr. Clarke, do you recall ever seeing a notice of  
6 violation from the Federal Communications Commission at the  
7 station coming in by certified mail?

8 A No, I haven't, sir, no.

9 Q Do you recall any documents coming to the stations  
10 from the Federal Communications Commission by certified  
11 mail?

12 A No. I haven't seen any of them. The only thing  
13 I've seen is what came in through the fax.

14 Q And to clarify, what is it that you recall coming  
15 over the fax machine from the Federal Communications  
16 Commission?

17 A It was about 11 pages indicating the violations  
18 and the rules that WSTX had broken at the time.

19 Q And do you recall whether or not that came from  
20 Mr. Jusino or whether it came from somebody else?

21 A I believe it came -- as a matter of fact, I know  
22 it came from somebody else.

23 Q Somebody else. Okay. Do you have any  
24 recollection as to the name of that person?

25 A I have no idea who it was, sir.

1           Q     Do you recall ever receiving documents or seeing  
2 documents come to the stations over the fax machine from Mr.  
3 Jusino?

4           A     No. I've never seen any.

5           Q     So when you say "notices," could you tell us what  
6 is it that you're thinking of when you use the term  
7 "notices"?

8           A     The violations that were broken, you know. That's  
9 the only thing I remember because, like I said, it was about  
10 11 or 12 pages, and then as I was reading through it, it was  
11 telling us exactly which violation was broken, why it was  
12 broken. My assumption was this was what the FCC inspector  
13 had summed up -- all right? -- from the inspection that he  
14 came and took, and then months later, like I said, all of a  
15 sudden I notice this thing coming over the fax where we was  
16 in violation for this and violation for that.

17          Q     Now, in terms of the material coming over the fax  
18 machine, do you recall it being one time or more than one  
19 time?

20          A     Just one time I know I got it.

21          Q     One time you got it.

22          A     Yes, sir.

23          Q     And the one time you got it, you recall it being  
24 11 or 12 pages in length.

25          A     That's right.

Q And you read through that?

2 A Briefly, yes.

3 Q You skimmed it.

4 A Yeah.

5 Q And after you were finished with it, you did what?

6 A I told Barbara, told her there were some papers  
7 here that I believe she should look at, and that it would be  
8 here for her when she is ready or when she can come down.

9 Q Do you know whether or not Barbara came to the  
10 stations to get the papers?

11 A I don't know. I guess she did. She should have,  
12 from what I know.

13 Q You don't know whether or not — you don't  
14 remember actually seeing her pick up the papers, though.

15 A I didn't see her pick it up, no. I just called  
16 and told her that it was here.

17 Q Do you recall seeing anybody pick up the papers?

18 A Well, first of all, I was the one who got a hold  
19 of them -- okay? -- and I was the one who put them in a safe  
20 place. I told Barbara they were going to be in this  
21 particular drawer, and they would be there waiting for her.  
22 So as far as I know, nobody else had seen the papers, not  
23 unless they went inside the drawers and started digging out  
24 stuff, but from what I know, nobody else seen it.

25 Q And this took place approximately what time

period?

2           A       I don't know the date.  Maybe around about 3 or 4  
3 o'clock that afternoon.

4           Q       No.  I was thinking in terms of approximately how  
5 long ago.  Two years ago?  Three years ago?  Ten years ago?

6           A       I would say maybe about two years ago, a year and  
7 a half ago.

8           Q       Was that the only time that you took papers from  
9 the fax machine that came from the FCC?

10          A       Yeah.  I mean, you know, something like that,  
11 you've got to understand, I've got access to the fax  
12 machine.  It's right in front of me, so whatever comes off  
13 the fax I always grab it.  It might be a PSA, a commercial,  
14 or whatever.  So I'll grab it, go over it, and then if it's  
15 for me, I'll put it on my desk, or if it's for Barbara, I'll  
16 notify her and make sure that she gets it.

17          Q       The nature of the document that you remember  
18 seeing from the FCC; did it have numbered paragraphs?

19          A       Yeah.  Uh-huh.

20          Q       Does the term "order to show cause" mean anything  
21 to you?

22          A       Yeah.  I believe that's to show a reasoning why.

23          Q       Do you recall whether or not that was on the first  
24 page of the document that you looked at'?

25          A       I remember seeing those on occasions as I was

1       skimming through it.

2               MR. SHOOK: That term came to your attention. If  
3 you would, please, just hang on a minute. I'm going to  
4 consult with my colleagues as to whether or not there is  
5 anything else that I need to ask about, so hold on, please.

6               (Discussion held off the record.)

7               MR. SHOOK: All right. I have a couple of more  
8 questions, so we should finish up fairly quickly.

9               BY MR. SHOOK:

10              Q     Mr. Clarke, do you ever remember a time when WSTX  
11 FM was off the air?

12              A     Yeah, yeah. I remember a time. If I remember  
13 correctly, I think it had something to do with one of the  
14 hurricanes knocked us off the air. That's as far as I can  
15 recollect about that.

16              Q     All right. If I were to suggest that Hurricane  
17 Marilyn was involved in that, would that help you?

18              A     That's sounds correct, yeah, yeah.

19              Q     And what time period do you remember that being?

20              A     Time period?

21              Q     Right. In terms of WSTX being off the air WSTX  
22 FM being off the air.

23              A     It had to be around hurricane season exact y, so  
24 let's say maybe around about over November.

25              Q     And *roughly what year* do you remember this being?

A I think that was in '95, I believe, with Marilyn.

2 Q Do you recall Mr. James, Sr. having to come to  
3 Washington, D.C., with **respect** to WSTX FM being off the air?

4 A I remember there was something he had to go to the  
5 FCC for even before this. *Yes.* That's correct.

6 Q And what is it that you remember?

7 A I was just given the impression that we was going  
8 to get shut down and that Luz had to go up to show reason he  
9 did what he did, I guess.

10 Q Do you know what the result of his coming to  
11 Washington was?

12 A No. I don't remember. I know we were able to  
13 stay on a little longer, so, I don't know, maybe it had  
14 something to do with that.

15 Q Now, currently is it the case that WSTX AM and FM  
16 have the same programming?

17 A Yes, we do, yeah. Right. AM and FM, same  
18 programming, simulcast.

19 Q How long have the stations been simulcasting?

20 A I would say maybe ever since the FM went down, and  
21 I guess that's going to be around about '95.

22 Q So when the FM came back on the air, the stations  
23 have simulcasted *since*.

24 A Yeah.

25 Q So before WSTX FM went off the air it had separate

1 programming from WSTX AM.

2 A You know something? I'm going to tell you  
3 something. I think it was after '99 when Hugo hit that we  
4 had problems with the FM.

5 Q Do you mean '89?

6 A '89. I'm sorry. I keep going the wrong year.  
7 Yes, in '89. I'm going to tell you why. It's because we  
8 never got back to the same standard that we was using the FM  
9 with before. There was one point where we did get it up,  
10 but it didn't last long, and then as the years went on, then  
11 '95 came with Marilyn, and then I think it just damaged the  
12 FM some more. Whatever Luz did, whatever engineer hooked up  
13 or rigged up what they did, that's how we got the simulcast  
14 with the AM and the FM right now.

15 Q Do you know whether or not Barbara went to  
16 Washington, D.C., with her father with respect to the WSTX  
17 FM situation in 1995?

18 A In '95, I can't remember. I can't remember. I  
19 don't know.

20 Q Do you have any recollection of a transmitter move  
21 involving WSTX FM?

22 A I had heard about it, but I didn't see anything,  
23 so I don't know of it.

24 Q What did you hear about it?

25 A I heard that our transmitter, for whatever reason

1 it was, was at another site and that it had to be moved.

2 That's all I know.

3 Q And do you remember when this move took place?

4 A No, I don't.

5 Q Do you know who at WSTX AM and FM was involved  
6 with the transmitter move?

7 A I believe Luz, Sr.

8 Q Do you know whether anybody else was?

9 A No, I don't.

10 Q You had mentioned earlier on that there was some  
11 meeting involving yourself, Barbara, and Mr. James, Jr. in  
12 terms of there being a need for some changes in the  
13 operation of the radio stations. Do you remember that  
14 meeting?

15 A Yeah. I remember somewhat of it.

16 Q Now, was there anybody else at the meeting besides  
17 the three of you?

18 A It was me, Barbara James Petersen, Luz, Jr., and a  
19 gentleman who was our news director at the time who is no  
20 longer with us, Alvin G.

21 Q Now, when did Mr. G leave the radio station's  
22 employ?

23 A I'll say about two years ago.

24 Q How long was it after the meeting involving the  
25 four of you that Mr. G left the radio station's employ?

1           A     I would say that's about six years ago, five years  
2 ago.

3           Q     In other words, the meeting that you're  
4 remembering took place some six or seven years ago.

5           A     Roughly. You know, it's been a while. I'm just  
6 assuming it's been about that long.

7           Q     It wasn't two years ago.

8           A     Maybe even three, three to four years ago. Let's  
9 say three to four years ago.

10          Q     Do you remember whether or not the meeting had any  
11 connection with the fax that you received from the FCC?

12          A     No. It had no involvement with that at all.

13          Q     In other words, the meeting took place before the  
14 fax was received from the FCC.

15          A     Yeah. That's right.

16          Q     Years before.

17          A     Yes.

18          Q     You're sure of that.

19          A     Yeah.

20          Q     Then could you go over for us what was it that  
21 took place at this meeting?

22          A     Well, it was discussed that they were interested  
23 in yettirig the station in order -- all right? -- and that's  
24 when Barbara and Luz, Jr. had discussed with me and Alvin G.  
25 at Lhe time where they was asking me to be their production

1 manager and where Alvin would be the news director, and they  
2 was interested in getting a new and fresh start for the  
3 station.

4 Q Now, what, if anything, occurred as a consequence  
5 of the meeting?

6 A Well, we came to the conclusion that, you know, we  
7 were all going to work together and that for the best  
8 interests of the radio station we was going to try to build  
9 it up and hopefully, you know, correct some of the problems  
10 that was happening at the time.

11 Q And what problems were happening at the time?

12 A I mean, you know, the FCC was still hanging over  
13 our head from the first time, and I guess there were certain  
14 things that had to be corrected, and the only way it could  
15 have been corrected is if we had a new group of people to  
16 make these things happen, and that's as far as the  
17 conversation went mostly. we was talking about certain  
18 changes. We was going to add new programming and try new  
19 programs, try new shows, and stuff like that.

20 Q What changes, if any, took place after the  
21 meeting?

22 A Well, we got our news program in order. Also, we  
23 did a little refurbishing of the station as far as trying  
24 to, you know, make the place look a little bit more  
25 acceptable to our clients.

Q Tried to stop the leaks, huh?

2 A That, too.

3 Q Was that successful or unsuccessful?

4 A Well, we've still got leaks, you know, but certain  
5 things did occur, you know, that we did work on. Certain  
6 things were positive, and certain things didn't work out  
7 that well.

8 Q Now, were there matters that were discussed and  
9 agreed upon, and the changes that were decided on that  
10 should take place did not take place?

11 A I'm going to tell you something. One of the  
12 changes we felt was we had to -- when I say get rid of Luz,  
13 Sr. was to have a serious talk with him and tell him, look,  
14 you know, these are certain things we're going to have to  
15 do, Luz, in order to get the station back up to par and that  
16 you're going to have to, you know, step aside and let us do  
17 these things. But that wasn't up to me. That was up to  
18 Barbara to discuss that with her father.

19 Q Do you know whether that conversation between  
20 Barbara and her father took place?

21 A It was discussed, as far as I know, and, you know,  
22 he did oblige us for some of the suggestions that we did ask  
23 him.

24 Q What did he oblige you on?

25 A Well, for instance, you know, we suggested to him,

maybe, Luz, you know, you shouldn't be on as often, or  
2 there's other programs that's more important than him going  
3 on and doing this and doing that. Finally, I guess he  
4 agreed, and that's when he decided to, you know, let Barbara  
5 more likely take over.

6 Q So what period of time are we talking about  
7 between the time of the meeting and the time that Luz  
8 allowed Barbara to take over, as you put it?

9 A Maybe around about -- I don't know. I can't  
10 remember. I can't remember.

11 Q Well, was it a period of months or a period of  
12 years?

13 A Oh, no. I would say maybe a couple of months.

14 Q How long is it, then, that Barbara has been  
15 running the stations?

16 A I would say '96, '97.

17 Q So it's been four, five, six years?

18 A Yeah, roughly. You've got to keep in mind, you're  
19 asking me certain dates that I really, really can't  
20 remember.

21 Q I understand that memory may not be perfect, no  
22 one's is, but we're just trying to get it as close as we  
23 ran. But your recollection is that the meeting between  
24 yourself, the news director, Barbara, and Mr. James Jr. was  
25 something that took place before --

1 A Well, if you remember, you did mention that he had  
2 to go up to the FCC around about '95. Right?

3 Q Correct.

4 A Right. And I think after he came back from there,  
5 let's say maybe about six or seven months later, I got a  
6 call from Barbara who told me, look, I would like to meet  
7 with you and so and so, and my brother is going to be there,  
8 and we would like to discuss something with you all. So  
9 let's figure after '95, so let's say maybe '96 or '97.

10 Q All right. But this meeting clearly took place  
11 before the order to show cause

12 A Right, right.

13 Q -- came from the FCC

14 A Yeah.

15 Q Now, was there a meeting that you were a  
16 participant of that took place after the order to show cause  
17 came from the FCC?

18 A No. There was no meeting that I can remember that  
19 I might have had with Barbara or her father at that time  
20 after I had received those items on the fax.

21 MR. SHOOK: All right. Hold on a second, please  
22 All right. Mr. Clarke, I have nothing further

23 MR. COLBY: I have some more questions, a few  
24 questions.

25 //

1 EXAMINATION BY COUNSEL FOR FAMILY BROADCASTING

2 BY MR. COLBY:

3 Q My name is Lauren Colby.

4 A Yes, Mr. Colby.

5 Q Do you know who I am?

6 A Yes, I do

7 Q I'm the attorney for the station, correct?

8 A That's right.

9 Q For Family Broadcasting, Inc. You saw an item of  
10 about 11 or 12 pages arrive on the fax machine

11 A Uh-huh.

12 Q Are you sure that that item didn't arrive from me?

13 A That could have been a possibility, Mr. Colby,  
14 because, to tell you the truth, I've got a habit of looking  
15 at the top print on the corner, but as soon as I seen  
16 "violations," I didn't even look at the top print; I just  
17 started reading the information that was going on, but it  
18 could have been a possibility, too.

19 Q And could that document have been an order to show  
20 cause?

21 A Yeah.

22 Q Now, suppose I was to tell you that that order to  
23 *show* cause was issued sometime around February 2001. IS  
24 that correct, Mr. Shook? What's the date on the order show?

25 MR. SHOOK: That's close enough for our purposes

1 right now.

2 BY MR. COLBY:

3 Q Suppose I was to tell you that that order to show  
4 cause was issued around February 2001. Would it be your  
5 recollection, then, that that came in around February 2001?

6 A Yeah, because it's been about a year, a year and a  
7 half now.

8 Q Now, was Alvin G. still working at the radio  
9 station at that time?

10 A At that time, Alvin was still working with us,  
11 yes.

12 Q All right. Now, do you have any recollection of  
13 Alvin having a meeting with you and with Barbara to discuss  
14 this order to show cause?

15 A No, uh-uh.

16 Q Do you have any recollection of Alvin having a  
17 meeting with you and Barbara and Luz to discuss Luz's  
18 participation in the station?

19 A No, no.

20 Q Okay. Do you know when Alvin left?

21 A I can't remember when exactly.

22 Q But did he leave after you received the --

23 A Yeah. *It* was after, though. *It* was *after*.

24 Q So he left after the order to show cause.

25 A Yeah.

1           Q     Do you recall a time when Barbara became appointed  
2 as the general manager as opposed to station manager of the  
3 radio station?

4           A     Well, I know for a fact -- I understand -- I know  
5 when Barbara went up to Washington at one point, and then  
6 she mentioned to me that she was going to have to take over  
7 the operation, I was, like, okay, and that's as far as I  
8 know --

9           Q     So that would have had to have been sometime after  
10 February 2001.

11          A     Yeah.

12          Q     But you're not sure of the exact date.

13          A     No. I couldn't tell you the exact date.

14          Q     You could not? Did you testify that you could not  
15 give the exact date?

16          A     No. I can't give you the exact date. I don't  
17 know the exact date.

18          Q     But it has to be sometime after February 2001 that  
19 Barbara became general manager. Is that correct?

20          A     Uh-huh. Right, right.

21          Q     Okay. Do you recall a time when Barbara went to  
22 work for the slate legislature?

23          A     I wasn't here at the time.

24               MR. COLBY: Okay. Let's see if I have anything  
25 else. No. I have no further questions. I think that

1 straightens out what I wanted to straighten out.

2 THE WITNESS: Okay.

3 MR. SHOOK: Mr. Clarke and Mr. McIntosh, I thank  
4 you for your cooperation. As I understand it, the court  
5 reporter will send you what it is that has taken place today  
6 so that you can look it over and make sure that she has it  
7 right.

8 THE WITNESS: Okay.

9 MR. SHOOK: And that should come to you, I  
10 suppose, within the next couple of weeks. Could you give us  
11 the address to which the transcript should be sent?

12 THE WITNESS: Sure. Try Post Office Box 4225,  
13 Kingshill, St. Croix, USVI 00851, and it will be under my  
14 name, Alva Clarke.

15 MR. SHOCK: All right. Let's make sure that we've  
16 *got* this. Why don't you repeat what it is you have to make  
17 sure -- it can be done on the record. That's fine.

18 THE COURT REPORTER: I have P.O. BOX 4225. I  
19 didn't get the name of the place.

20 MR. SHOCK: Kingshill. It's one word.

21 THE COURT REPORTER: Kingshill, St. Croix, U.S  
22 Virgin Islands 00851.

23 MR. SHOOK: Did you hear that?

24 THE WITNESS: Yes. That sounds correct.

25 MR. SHOCK: Okay. All right. And if you would,

1 please, could you give us Mr. McIntosh's address?

2 MR. McINTOSH: 2115 Queen Street, Christiansted,  
3 St. Croix, U.S. Virgin Islands 00820.

4 MR. SHOOK: All right. I believe we have it. I  
5 think that wraps it up. There is nothing else that I'm  
6 aware of that needs to be done. Hold on a second. The  
7 court reporter can do this off the record, so, Mr. Clarke,  
8 would you please stay put. The court reporter just wants to  
9 clarify a couple of things, but this will be off the record.

10 (Whereupon, at 10:45 a.m., the deposition in the  
11 above-entitled matter was concluded.)

12 I have read the foregoing pages 1 through 76, and  
13 they are a true and accurate record of my  
14 testimony therein recorded, and any changes and/or  
15 corrections appear on the attached errata sheet  
16 signed by me.

17 \_\_\_\_\_  
18 Alva Clarke

19  
20 Subscribed and sworn to before me  
21 this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

22 \_\_\_\_\_  
23 Notary Public

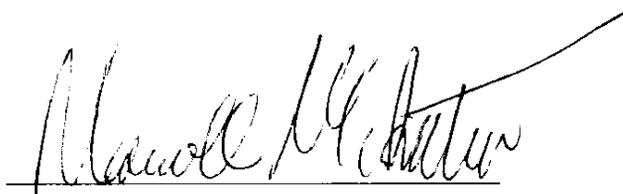
24 My Commission expires: \_\_\_\_\_

25



CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

I, Beth Roots, the officer before whom the foregoing testimony was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto; nor am I financially or otherwise interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maxwell McIntosh", written over a horizontal line.

Maxwell McIntosh

Notary Public

My Commission Expires: