

1 been the general manager, somewhere between the general
2 manager and the office manager, which would have been me
3 and/or Bill Helgeson.

4 Q And Mr. Sanchez, did he contact you proactively
5 for anything?

6 A No, no.

7 Q Who hired Mr. Sanchez?

8 A That's a good question, I don't know. I don't
9 know who hired him. But, that was certainly the
10 relationship was there before I arrived.

11 Q And how about during your tenure, did his contract
12 ever come up for renewal?

13 A Yes, yes, it did.

14 Q And how did you handle that?

15 A Well, I signed off on it because he was involved
16 with a lot of stuff. At one point I was actually more
17 interested in having a different attorney, because I felt at
18 the time that Mr. Sanchez was not serving the station to its
19 best, to the best of its abilities.

20 Q Was there a specific example that caused you to
21 believe that?

22 A Yeah. I had, by this time I was being supervised
23 by a fellow named Glenston Thompson, one of the grade parade
24 of supervisors, and I had requested some information from
25 Ernie about something, I can't tell you specifically what it

1 was. But then Glenston had requested this information of
2 Ernie as well. And Ernie provided him with the information,
3 full well knowing that I already had the information and I
4 had already requested that from him. And so I was not too
5 happy with the fact that he was sort of doing this separate
6 action and didn't notify this person that this work has
7 already been done. And so that left me with the opinion
8 that he was, he didn't have the station's best interests in
9 heart. He knows a lot of stuff about it, he's cited often
10 as a, you know, as a public radio authority and all of that
11 but, he has to make a buck too.

12 Q So, did you trust him?

13 A I didn't really trust him. I wasn't happy with
14 him, with the fact that he was sort of, I felt sort of
15 trying to go around me at that point, and I had, I think,
16 sort of put this up and I had, you know, made some inquiries
17 about possibly getting another attorney, which he put
18 forward a plea basically around me, directly to my
19 supervisor, saying look, I'm a minority contractor,
20 whatever, you know, I need all these things, you know, let's
21 keep this relationship or something like that. So, I didn't
22 appreciate that, since the people that were sort of on the
23 ground in the radio station and knew kind of what the issues
24 were, at least what we believed we knew the issues were, as
25 far as some of the legal situations that we were dealing

1 with, you know, that wouldn't be the supervisor, even though
2 he had informed him about certain things. But, you know, if
3 he acted on his own and was asking Ernie about stuff
4 separately, I couldn't really stop that.

5 Q So, was it the School Superintendent at the time
6 who retained or renewed his contract?

7 A No, it was the supervisor of the radio station.

8 Q And who was that?

9 A Glenston Thompson.

10 Q So, it was Glenston Thompson who signed his
11 contract to renew it?

12 A Well, I was the one who signed off on stuff, that
13 was my thing. It had to be approved certainly by Glenston,
14 because that was the chain. I would get a contract, we'd
15 initiate it, we'd have to take it upstairs to Glenston. He
16 would, you know, approve it, then it would get sent before
17 the School Board, you know, and then they would ultimately,
18 you know, deny it or approve it, the contract.

19 Q Do you know where Mr. Thompson is at this time?

20 A No.

21 Q What was your frequency of dealing with him?

22 A I dealt with him on a weekly basis or a few times
23 a week, it all depended upon what was going on.

24 Q And what was his function in terms of your
25 reporting to him?

1 A He oversaw the radio station, he kind of wanted to
2 come in and keep it straight financially, because with him
3 it was the bottom line was the, you know, the pluses and
4 losses and all that. Ruben Bouche also, who was before him
5 was also the one who, when we initiated this process where
6 we were doing monthly reports, you know, to our immediate
7 supervisor, which I don't think it happened before at all.
8 Because somebody wanted to know -- you know, at that point
9 we would know month by month where we were as far as the
10 budget stood, you know, what the expectations were, what the
11 projections were, and what the actual budget was.

12 Q Did Mr. Thompson become involved at all with the
13 Public Inspection File, with the paperwork required to
14 maintain the station?

15 A He may have, but I may not have been privileged to
16 that.

17 Q Because he may have been --

18 A If he --

19 Q -- working with Mr. Sanchez?

20 A -- yes, because, you know, he was clear that he
21 was certainly having direct communications with Ernie.

22 Q And how about Mr. Bouche?

23 A It would have been the same. I mean we weren't
24 privileged to everything, they were -- the immediate
25 supervisor to the station was often, you know, dealing with

1 several things at once. So, there were some things we had
2 communications about and some that we didn't.

3 Q Okay. When you were general manager, what was the
4 status of the budget, what was the budget situation?

5 A It was kind of getting dire at one point because
6 we had to cut staff. And so I had tried to do a number of
7 things to help the radio station get its budget back in
8 line.

9 Q And what were some of those things?

10 A Just doing organizing the pledge drives a little
11 bit better, you know, making sure that when people are on
12 the air they really knew what programs they were pitching,
13 any weird spending, you know, tried to curtail, but they
14 didn't always have control of the budget.

15 Q Who else had input?

16 A School Districts, all the money would go into a
17 general fund and so I tried to control it to the best of my
18 ability.

19 Q So, if pledges came in, where, what happened to
20 the money?

21 A Oh, we would process the checks and the payments
22 themselves and then it would all get deposited into a
23 general fund and the we would have, you know, certainly
24 access to part of that.

25 Q Do you recall if the School District itself

1 provided any direct funding?

2 A It was all indirect, in kind as far as power,
3 space, lights.

4 Q Who paid the salaries?

5 A The station. I mean the School District, you
6 know, you got a check from SFUSD but that was money that was
7 coming from KALW.

8 Q And do you recall what your budget was each year?

9 A About a million, somewhere between \$900,000 and a
10 million.

11 Q And did it change at all during your 1998 to 2000?

12 A Yeah, a little bit, because, you know, I hired a
13 few more people and under my watch I'm pretty sure that I
14 had brought in more, you know, as far as pledge drives go,
15 so we had a little bit of a surplus and some grants as well.
16 So, we did have, you know, I think it might have crept up to
17 maybe 1.2 million perhaps.

18 Q So, if you had to say, during your tenure as
19 general manager, the issues that you focused on, what would
20 they have been?

21 A Technical upgrade of the radio station, since I
22 felt a lot of -- since Dave Evans, who was kind of in
23 charge, he is the engineer, the person responsible for
24 maintaining it, maintaining the radio station, I wanted to
25 continue to at least get the station into, you know, the

1 modern area, try to bring in digital recording and
2 processing equipment there. We did a lot of live music from
3 the music station, music programs there, so I got, you know,
4 upgrades to, you know, more equipment that would actually
5 enable us to do better live recording. So, I tried to get
6 the budget together, tried to do technical upgrades of the
7 radio station, yeah, just maintain, because I didn't know
8 how long I was going to be there.

9 Q With the three month contract renewal then?

10 A Yeah, six months was the longest time.

11 Q Six months.

12 MS. LEAVITT: Just one second please. I'm just
13 going to confer with counsel.

14 (Off the record at 3:15 p.m.)

15 (On the record at 3:20 p.m.)

16 BY MS. LEAVITT:

17 Q Mr. Johnson, I just have a couple more questions
18 for you and then I think we'll be finished, at least in
19 terms of our questioning I think. Ms. Repp may have some
20 questions for you.

21 When you provided your affidavit that was attached
22 to this Petition to Deny, were you aware of what the
23 possible outcome might have been regarding the Petition to
24 Deny?

25 A The outcome being the denial of the license maybe?

1 I guess I didn't think of that. I guess I wanted to be on
2 record about what had happened with me, you know, and the
3 way I had felt about the action of Golden Gate Public Radio,
4 my impression of it was, because I think, you know, later I
5 had heard that it actually was kind of, you know, this was a
6 bunch of disgruntled employees, it was characterized as they
7 were just, you know, that's all they were, were disgruntled
8 employees. But, I felt that the petition itself certainly
9 did get some things moving and some issues, you know,
10 brought to the fore that wouldn't have been, had the
11 petition not been filed. So, was I thinking, well, if I do
12 this the station loses its license, no. I think I was,
13 this is what happened to me, this is my, sure, I've got my
14 emotions around it certainly, and there was an emotional
15 component to it, but in the basics of it, I just wanted to
16 be on record as to what had happened with me at that time,
17 with that particular set of people. And then, you know,
18 like I say, I don't know that I was thinking that the
19 station is going down, yeah, that's not my -- it wasn't my
20 attitude about it.

21 Q Did there ever come a time when you thought about
22 withdrawing your affidavit?

23 A I don't think so.

24 Q Did anybody ask you to withdraw it?

25 A No.

1 Q So, if the affidavit is still part of the record,
2 which it is, as far as we know, did that create any tension
3 in terms of your eventual acceptance, being offered the
4 position of general manager and then your acceptance in
5 serving as the general manager for over a two year time
6 period?

7 A Created any tension, between who?

8 Q Well, you had an affidavit, you had provided an
9 affidavit that was in support of a Petition to Deny the
10 renewal of the station, and then subsequent to your filing
11 or your providing that affidavit, you actually became
12 management of the station. And I'm just wondering if there
13 were any people within the station, with whom that might
14 have created tension or --

15 A There was a theory proposed at the time, you know,
16 this will be a good way to shut him up, you know, let's let
17 him run this place and this will, you know, we'll teach him,
18 you know, about complaining, you know, we'll let him run the
19 place, you know.

20 Q Be careful what you wish for?

21 A Yeah, you know, it was not that I wanted to run
22 the place but certainly I had, I felt, the skill set that
23 could be better used, certainly better utilized by the
24 station, and had, you know, been utilizing some of that
25 through doing this daily interview program, through, you

1 know, going out and getting interviews and finding people
2 into the station to do live stuff on the air, you know,
3 trying to get that, what I felt the radio station should be,
4 which is community involvement, especially if it's owned and
5 operated by the District. And actually I was interested in
6 starting, you know, youth stuff and I was a little
7 frustrated by, you know, the fact that there was a youth
8 program coordinator hired but there was still no youth
9 programming years down the line. And I think at that time,
10 with this hiring stuff, I was considering suing the state,
11 suing, I was not, you know, I felt like I had an actionable
12 case.

13 Q Had you made anyone aware, anyone at the station
14 or the School District, aware of that?

15 A No, no, no, but I had filed whatever it was, you
16 know, you need to file, you know, I don't even know what the
17 form is but, that gives you a couple of years to do this.
18 So, I was not sure, I was not happy about that situation and
19 realized that I probably did have an actionable case. I
20 think the District realized I probably had an actionable
21 case as well.

22 Q Okay. When did you file that form?

23 A Oh, somewhere, you know, 1997, you know, it's
24 gone.

25 Q Right.

1 A It's past its -- I have nothing running now.

2 Q The time has run?

3 A Yes. And I'm not -- it's just not my nature to
4 kind of do that kind of stuff, but I wanted that, you know,
5 at least know that I have that option at the time. So, here
6 was a chance to actually step in and put my money where my
7 mouth was, because I had been, you know, talking a good game
8 certainly before then and, you know, sort of expressing my
9 opinions about what I thought the station should be, so here
10 was a chance to do that. If it created any tension within
11 the radio station, you know, it might have been with, like I
12 said, with Bill Helgeson, you know, being now his superior
13 and being subordinate before. I know that created tension,
14 I know that was a sore point.

15 Q And how about with Mr. Sanchez, do you think that
16 would have had any impact on your mutual relationship with
17 Mr. Sanchez?

18 A Being the GM?

19 Q You're being the GM and having the affidavit still
20 pending, hanging out there?

21 A Yeah, I don't even know if he was still about, you
22 know, floating around at that period or not. He may have
23 been moved on, I can't remember exactly, because it's, you
24 know, the time line is pretty fluid there. So, no, I had my
25 tensions with Enrique certainly because I did challenge what

1 he had said, basically. He said in the letter that they did
2 the hire, that they did all this stuff, and here we've hired
3 this woman, you know. So, I countered that, I basically
4 said it wasn't true. And at a certain point, when he had
5 called Dave Evans in for I guess a disciplinary word there,
6 and this again involved Mr. Helgeson because there was a
7 little tiff between Mr. Helgeson and Mr. Evans, Mr. Helgeson
8 said, you know, that's it, I'm going to get you for that and
9 suddenly Dave got called in, you know, down in Enrique's
10 office, and I felt that wasn't quite right, so I showed up
11 with him.

12 Q With Mr. Evans?

13 A With Mr. Evans, yes, because I thought it was a
14 little crazy. And so Enrique at that point asked me to go,
15 leave, you have no right to be here.

16 Q And what was your position at that time?

17 A I was still an announcer, yes.

18 Q Okay.

19 A But, I was on my lunch break. So, again I went
20 down and just kind of felt like things were getting a little
21 out of hand at that point, so I defended Dave at that point,
22 and kind of came and was representing him if nothing else.
23 And I was asked to leave several times by Enrique, who said
24 I didn't have a right to be there, and I said, I believe
25 that I did. And so he canceled the meeting and at that

1 point asked for me to be suspended for 30 days without pay.

2 Q That you be suspended?

3 A Yes, because of, you know, gross insubordination
4 and all of this other stuff, which we had a hearing over
5 with Classified and it was just kind of -- he had gone
6 straight for the shotgun and said, you know --

7 Q Measured --

8 A -- yeah, he didn't do -- so there was certainly
9 tension between he and I. So, that was our areas of
10 acknowledged tension at the station.

11 Q Okay. And I guess the last question is, how long
12 was Anna Perez at the station?

13 A She was there from, I guess that would be around
14 1996, 1997 to about 1999.

15 MS. LEAVITT: No other questions.

16 BY MS. REPP:

17 Q Mr. Johnson, I have a few follow-up questions.
18 You mentioned a couple of times Classified, could you
19 explain to me what that department is?

20 A Yeah, there are what they call Classified
21 positions with the School District, jobs that have
22 designated numbers, these are permanent, if you will,
23 permanent jobs, just like a senior clerk typist, you know,
24 who works, you know, if you work as a typist you're going to
25 be designation number 3553, or you may or may not belong to

1 a union, and so there's a certain protocol that goes into
2 your being hired. The job has to be posted in public, you
3 know, downtown with the City, on the City's job board,
4 there's interviews taken, you know, you get on a list of
5 possible hires and then they hire someone from the list
6 because the person that's qualified for that position. So,
7 there's Classified positions, that's what I define as
8 Classified positions.

9 Q Essentially the Civil Service positions?

10 A Yes.

11 Q When you mentioned filing a complaint with
12 Classified, is that a certain department you're referring
13 to?

14 A Yeah, there was a department that ran those jobs,
15 there was somebody who was in charge of Classified jobs.

16 Q And it was the department of?

17 A It was the Department of Employment at the
18 District itself.

19 Q Okay, part of SFUSD?

20 A Yes.

21 Q You mentioned that you were familiar with the
22 Petition to Deny that was filed by Golden Gate Public Radio
23 in November 1997, is that correct?

24 A Yes.

25 Q Are you aware of what FCC requirements GGPR

1 alleged were violated by the station?

2 A Not completely, no.

3 Q Were you aware that there was an allegation that
4 the Public Inspection File requirements were not complied
5 with at the station?

6 A I've become aware now. Certainly in reading the
7 materials afterwards but, at the time no.

8 Q About when did you become aware of that
9 contention?

10 A I guess it would have been as some of this
11 paperwork became public, so it would have been, I don't
12 know, it might even have been after I left.

13 Q So, you're not sure if you became aware of it
14 before you were say general manager in 1999?

15 A No, certainly not before I was general manager,
16 no. No, I had, you know, I knew them and I knew that they
17 were initiating some kind of action, but I didn't know the
18 specifics of it at all.

19 Q When you became general manager were you aware of
20 the obligation of the station to place quarterly Issues
21 Program Reports in the Public Inspection File?

22 A I believe I was, yes.

23 Q Did you take any actions to ensure that those
24 reports were timely completed and placed in the Public
25 Inspection File during your tenure as general manager?

1 A That I can't remember if I did. I mean I remember
2 doing some quarterly issues stuff, that's sort of looking at
3 things that we'd had, whether I, you know, physically placed
4 them into the file myself, I can't say.

5 Q Do you remember directing anyone at the station to
6 assist in the process of preparing and placing --

7 A No, I don't remember that.

8 Q Were you aware of the requirement of the station
9 to file Ownership Reports with the FCC?

10 A I can't recall whether I was or not.

11 Q Were you aware that there was a requirement in
12 1999 to file an Ownership Reports with the FCC?

13 A I don't know, I don't remember.

14 Q I'd like to show you a document which is an FCC
15 323-E Ownership Report, it is from the response of SFUSD to
16 the first set of interrogatories. If you could take a look
17 at that document?

18 A Uh-hum.

19 Q Could you read the date on the first page, there's
20 an Item 1, 'All the information furnished is reported as
21 of', could you, Mr. Johnson, tell us what date is typed in
22 there?

23 A 1999.

24 Q Were you general manager of KALW at that time?

25 A I was.

1 Q Could you turn to the second page of the form 323-
2 E?

3 A Uh-hum.

4 Q Do you see a certification in the middle of the
5 page?

6 A Yes.

7 Q And do you see on the page it says 'Name of
8 licensee or permittee: San Francisco Unified School
9 District'?

10 A Uh-hum.

11 Q Is that a yes?

12 A Yes.

13 Q It helps the reporter. And the title, Executive
14 Director Office of Public Engagement SFUSD?

15 A Yes.

16 Q And do you see a signature on that page?

17 A Yes, I do.

18 Q Can you tell us who the signature is?

19 A It looks like Jackie Wright.

20 Q Do you know Jackie Wright?

21 A Yes. Jackie Wright I think was one of the persons
22 who was involved, who was supervising the radio station,
23 that would have been following Glenston Thompson -- or no --
24 Bob Harrington I think.

25 Q Was she a supervisor of you when you were general

1 manager?

2 A I am trying to remember now whether she was there
3 when I was there. I remember meeting with her and talking
4 with her, and whether -- no, I don't think she was. There
5 was, like I said, there was a number of people in there, so
6 I don't remember exactly when Jackie started. I remember
7 having lunch with her and talking with her, I don't know if
8 I ever went down to the Office of Public Engagement and saw
9 her in the office, there. I more remember dealing with
10 Glenston Thompson. And then after that I think there was a
11 fellow named Bob Harrington after that. And then perhaps
12 Jackie's tenure overlapped with mine, but I really can't
13 remember at that point.

14 Q Do you see a signature date on this page two of
15 the form 323?

16 A Yeah, it says March 7, 2001.

17 Q Did you have, do you recall any preparation of
18 this report while you were general manager?

19 A No.

20 Q So, you were not involved in the preparation of
21 this report?

22 A No, no, not that I can recall. I don't believe
23 that I was.

24 Q I'd like to show you another document, it is also
25 from the SFUSD first response to the production of documents

1 and it is also a form 323-E, Ownership Report.

2 A The year after.

3 Q Yeah. Mr. Johnson, could you read what the 'as
4 of' date on page one of the form is, on the bottom?

5 A July 31, 2000.

6 Q And Mr. Johnson, on the second page of the form
7 323-E, there is also a certification block, is that also
8 signed on behalf of San Francisco Unified School District?

9 A By Jackie Wright, yes, on the same date, March 7,
10 2001.

11 Q And did you have any involvement in the
12 preparation of this report?

13 A No, not that I can, not that I know of, no.

14 Q Thank you. Mr. Johnson, you had mentioned, in
15 your prior testimony, that there were occasions where you
16 were a producer of programs at KALW?

17 A Yes.

18 Q During the 1996 to 1997 period, were you a
19 producer of any such programs?

20 A I believe I was, yes.

21 Q Were you what you might consider an executive
22 producer?

23 A You know, the chain of command wasn't that long at
24 the radio station.

25 Q Would there have been somebody above you though

1 who was a producer?

2 A No, no.

3 Q Were you, what programs did you produce during the
4 1997-1998 period?

5 A During 1997-1998 there was a music program that I
6 was producing in the evenings called Acoustic Journey, but a
7 lot of the programs there were produced by folks but there
8 was not really any particular oversight.

9 Q Was that program totally about music?

10 A Yes.

11 Q Did it address any issues of public interest?

12 A Sometimes, you know, we would promote some public
13 interest events perhaps, or have some guests in on occasion
14 that had, you know, some musical connection to some,
15 probably some social, you know, social situation.

16 Q And were you ever asked to provide a description
17 of the issues that were addressed on that program?

18 A I don't believe so. I think since it was cited as
19 primarily a music program, then it was not, I guess, deemed
20 as something where there would be issues covered, that would
21 be pretty much left to more public affairs programming,
22 which would be during the day, which the main one was City
23 Visions program.

24 Q When you were general manager of the station were
25 there any guides at the station that would give you

1 direction as to how to comply with FCC requirements, such as
2 the Public Inspection File?

3 A Not that I can remember seeing.

4 Q You don't recall seeing a guide say published by
5 the National Public Radio, that gave directions,
6 instructions?

7 A Not that I can remember seeing.

8 Q A guide by the National Community -- the National
9 Federation --

10 A National Federation of Community Broadcasters.
11 Not that I can remember seeing.

12 Q Are you a listener of the station?

13 A Yes.

14 Q Do you think that the station has increased the
15 locally produced programming?

16 A Oh absolutely, absolutely. Under the new
17 successor, Nicole Sawaya, it's really been doing a lot of
18 good stuff. It's been -- there's more local programming on
19 now, and certainly taking in a much more kind of progressive
20 direction and what not, but there's certainly more public
21 involvement now than when I was there.

22 Q Public involvement also you think programming
23 that's addressing the needs of the community?

24 A Yes. I'd say so, yeah.

25 MS. REPP: And is there any further follow-up?

1 MS. LEAVITT: Thank you. Mr. Johnson, thank you
2 very much. You have an option, two choices, you can either
3 request a copy of the transcript, review it and if there are
4 any misspellings or anything you can correct the
5 misspellings, and then sign off on it as validating it or
6 certifying it, or you can elect not to do that and just let
7 the transcript stand as it is and not receive a copy and
8 review it and certify it. What would you like to do?

9 THE WITNESS: I wouldn't mind seeing a physical
10 copy of it, so I get to look at it, is it for spelling only
11 or what?

12 MS. LEAVITT: Yeah, pretty much. And then you
13 sign it and send it back. He'll get your address.

14 So, we'll go off the record.

15 (Thereupon, at 3:42 p.m. the testimony of
16 Michael Ellis Johnson was concluded.)

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I have read the foregoing pages 460 through
528, and they are a true and accurate record of my
testimony therein recorded, and any changes and/or
corrections appear on the attached errata sheet
signed by me.

MICHAEL JOHNSON

Subscribed and sworn to before me
this ____ day of _____, 2004.

Notary Public

My Commission expires: _____

REPORTER'S CERTIFICATE

DOCKET NO.: 04-191

CASE TITLE: SFUSD - Station KALW (FM)

HEARING DATE: September 29, 2004

LOCATION: Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, California

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 10/14/04



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