

1 A Yeah, I haven't seen this before.

2 Q Were you aware that the Commission staff had
3 sent such a letter to the San Francisco Unified School
4 District?

5 A No.

6 Q Was there a time before you were alerted to
7 the fact that we may have this hearing that the
8 Commission had any concerns about the school
9 district's renewal application certification, vis-a-
10 vis the condition of the KALW public inspection file?

11 A From the day I left the station to July?
12 No.

13 Q Now, in response to the FCC's letter, this
14 is what the school district sent. So what I have here
15 is not just the letter itself, but with all the
16 attachments.

17 A Do I just scan this?

18 Q Right. You can just scan the body of the
19 letter, as opposed to all of the attachments. We can
20 talk about the attachments in a bit, some of them, not
21 all of them. First of all, have you ever seen this
22 letter before, the letter that was sent by the school
23 district to the FCC staff?

24 A No.

25 Q Now, focusing your attention on page 3, page

1 3 is talking about ownership and supplemental reports.
2 If you would, please, just read that to yourself.
3 Read the question and then read the response. Now,
4 first of all, in reading the question and the
5 response, do you know what ownership reports or
6 supplemental ownership reports are being referred to
7 here?

8 A Yeah, I do know now.

9 Q What is it that you know now?

10 A I want to make sure I follow up your first
11 question right. So what I know now is that this in
12 incorrect statement, because it was after we filed the
13 application, the license renewal that we understood --
14 or that I understood -- that there were supplemental
15 reports that needed to be in the file that conveyed a
16 change in the ownership.

17 Q So you remember preparing something about
18 the time the petition to deny came in relative to
19 supplemental ownership reports for certain years?

20 A It was certainly after we filed the renewal
21 application. I don't have a precise bearing on where
22 it fit in with the petition.

23 Q But what you do remember is preparing
24 supplemental ownership reports that to your
25 understanding should have been prepared earlier and

1 placed in the file earlier?

2 A Correct.

3 Q And that would have been for years 1993 and
4 1995?

5 A Yeah. I don't remember the precise years.

6 (The document referred to was
7 marked for identification as
8 Ramirez Exhibit No. 11.)

9 BY MR. SHOOK:

10 Q I've got them somewhere. I think this part
11 of the process has been more confused than most, if
12 you can believe it. What I'm showing to Mr. Ramirez
13 is from the September 7, 2004, filing that SFUSD had
14 made in response to our request for admissions of
15 fact. Specifically, what I'm showing him initially is
16 Attachment 2 to that.

17 If you'll note on the first page, it makes
18 reference to January 31, 1993, in terms of what this
19 report is supposed to be referring to. Then when you
20 turn to the second page, you'll notice that the
21 signature block appears to reflect that the document
22 was signed on 10 December 1997. Is this one of the
23 documents that you recall preparing in draft for
24 signature on or about December 10, 1997?

25 A Yes.

1 Q What was the cause of preparing this
2 document?

3 A The cause was having knowledge that these
4 are supplemental reports, that these supplemental
5 reports should have been filed or placed in the public
6 file with respect to this one in 1993.

7 Q In terms of who signed of on this report,
8 the signature line reflects Waldemar Rojas, but
9 there's also some initials there that appear to
10 follow, which would suggest to me, at least, that
11 somebody other than Mr. Rojas actually signed this
12 document. Do you have any idea of who it is that
13 actually signed this document?

14 A Yeah. To the best of my memory, he had
15 another special assistant. Her name, if I'm recalling
16 this correctly, is Linda Davis. Quite often, when I
17 would work with the superintendent's office or Enrique
18 Palacios would work with the superintendent's office,
19 we were working through Linda Davis.

20 Q First of all, it appears to be the initials
21 LD, and that would suggest that it was Ms. Davis that
22 actually signed this report?

23 A Correct.

24 //

25 //

1 (The document referred to was
2 marked for identification as
3 Ramirez Exhibit No. 12.)

4 BY MR. SHOOK:

5 Q From the same pleading, there's an
6 Attachment 4, and I'd like you to take a look at the
7 Attachment 4. What is Attachment 4?

8 A Attachment 4 looks to be the 1995
9 supplemental ownership report.

10 Q Which was also prepared in December 1997?

11 A Correct.

12 Q And apparently also signed on December 10,
13 1997, by Linda Davis, who affixed Mr. Rojas' name?

14 A Correct.

15 MS. REPP: Excuse me. May we take the break
16 we talked about, off the record for 10, 15 minutes?

17 MR. SHOOK: And then you want to have your
18 opportunity to ask questions? We'll wait and then --

19 MS. REPP: No. Well, can we talk a little
20 bit among ourselves.

21 MR. SHOOK: Sure.

22 (Whereupon, a short recess was taken.)

23 MR. SHOOK: Okay. Why don't we resume
24 again.

25 //

1 BY MR. SHOOK:

2 Q So with respect to page 3, which is what we
3 were looking at, in terms of the question, "On
4 August 1, 1997, when the subject license renewal
5 application was filed, did the KALW-FM public
6 inspection files contain all of the ownership and
7 supplemental reports required to be kept by then
8 Section 7335.27," it's your understanding that the
9 answer to that question should have been no, not yes?

10 A Correct, because later on in December we
11 created the 1993 and 1995 supplemental ownership
12 reports.

13 Q But it's also the case that with respect to
14 this April 2001 letter, no one from SFUSD contacted
15 you about how to respond to this question?

16 A Correct.

17 Q I'd like to move on to page 5 of that
18 letter. Question No. 2 reads, "On August 1, 1997, did
19 the KALW-FM public inspection file contain all of the
20 issues program lists required by then Section
21 7335.27?" If you could, please, just read the
22 response to yourself, and then I'll ask you a question
23 or two about it. The response begins on page 5 and
24 carries over to page 6.

25 Now, in terms of the response to the

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1 question, the question asks about whether the issues
2 program lists required were in the public file on
3 August 1, 1997, wouldn't the correct response be no,
4 not yes?

5 A Yes. Correct.

6 Q So in other words, there were lists that
7 should have been there but weren't there in the public
8 file?

9 A Correct.

10 (The document referred to was
11 marked for identification as
12 Ramirez Exhibit No. 13.)

13 BY MR. SHOOK:

14 Q Now, one of the things that concerns us, and
15 you may or may not be able to help us here, is the
16 reference to the NPR lists. If you look down at the
17 bottom of page 5 and at the top of page 6, it talks
18 about when the management reviewed the file, they were
19 able to find nationally-produced NPR issues programs
20 lists. I want to show you what we believe to be the
21 kind of lists that were being referred to. It was
22 printed from a compact disc that we received from the
23 school district during discovery. They had placed on
24 that disc many documents that were in the public file.

25 One such document is entitled, "KALW carried

1 the following NPR programming in the summer quarter of
2 1992." It begins at KALW-000128 and runs to 000145.
3 I want you to just take a brief look at it. You don't
4 have to look at it closely, but just take a brief look
5 at it. Now, have you seen a document like this
6 before?

7 A No.

8 Q Another thing is that with respect to what
9 appears at the top, if you look at the upper right
10 hand corner of each page, there's a date and a time.
11 You'll see that that date is 3/14/01. Do you have any
12 knowledge as to whether or not this would suggest that
13 that was the date that this document was prepared?

14 A No, I don't. No.

15 Q You wouldn't know one way or the other?

16 A Correct.

17 Q Going back to page 5 of the April 2001
18 response -- assuming that "yes" constitutes a sentence
19 -- the third sentence of that response reads, "Mr.
20 Ramirez, who reviewed the contents of the file in July
21 and August 1997 in connection with the preparation of
22 KALW's license for renewal form, certified on July 30,
23 1997, in accordance with the relevant question on
24 License Renewal Form 303, that KALW had placed in its
25 public inspection file at the appropriate times the

1 documentation required by 47 C.F.R. Section 7335.26
2 and 7335.27."

3 My question based on that is did you tell
4 anyone connected with SFUSD on or about April 5, 2001,
5 that you had reviewed the contents of the public file
6 in July and August 1997?

7 A No.

8 Q Now, you had reviewed the contents of the
9 file sometime in 1997 --

10 A Correct.

11 Q -- as you testified. That probably would
12 have been in July 1997 in connection with the
13 preparation of the renewal application?

14 A Correct, or sooner.

15 Q You hadn't looked at in August 1997, had
16 you, after the application was filed?

17 A I see. I don't remember if I looked at it
18 after the file -- after the renewal application was
19 filed. These dates confuse me.

20 Q Right. Well, it confused us a little bit,
21 too. The renewal application was prepared at the end
22 of July 1997, and it was filed on August 1. So from
23 our earlier conversation, I came to the understanding
24 that you had certainly looked at the public file prior
25 to the filing of the renewal application, but

1 considering all the other things that you were
2 responsible for that it appeared to us that you hadn't
3 looked at the public file again until after the
4 petition to deny had come to your attention.

5 A Correct.

6 Q Now, other than the conversation with Mr.
7 Sanchez, you had indicated that you had a very brief
8 conversation with him in July 2001, basically to the
9 effect that the hearing designation Order had come out
10 and that the FCC was all exercised about this renewal
11 application --

12 MS. REPP: Excuse me. I think you meant
13 2004.

14 MR. SHOOK: Excuse me, 2004. I'm fixated on
15 2001. All right. Let me try that again.

16 BY MR. SHOOK:

17 Q Other than the conversation that you
18 mentioned that you had with Mr. Sanchez that you had
19 in July 2004, when the hearing designation Order came
20 out, prior to today, have you spoken with anybody
21 about the renewal application?

22 A No. I keep saying no, but I have met with
23 Marissa to talk about this, so I don't know if that --
24 when I was answering no, I was thinking in terms of
25 the hearing process. So yes, I have talked to Marissa

1 about it, but that's in the context of the deposition,
2 so I just wanted to make sure that --

3 Q So your conversations with Marissa would
4 have been of very recent time?

5 A Correct.

6 Q Within the last month?

7 A Correct.

8 Q Maybe within the last two weeks?

9 A Yes.

10 Q But not before then?

11 A Well, between July and now, we've had a
12 couple of conversations, yes.

13 Q Which began approximately when?

14 A August and September of this year.

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

18 BY MR. SHOOK:

19 Q I'm showing you a document called,
20 Enforcement Bureau's Request for Admission of Facts
21 and Genuineness of Documents. Someday I'll learn to
22 spell "genuineness." Is this a document that you've
23 seen before? Just glance through it.

24 A Yes. I think so, yes.

25 Q And the date of our document is August 19?

1 A Yes.

2 Q So you recall seeing a document like this
3 sometime around the end of August of this year?

4 A Yes, it would have been in August. It would
5 have been before this date.

6 Q Well, that would have been pretty good,
7 because I hadn't figured out what to ask yet, so it
8 couldn't have been then. You must be thinking of the
9 next document I'm going to show you, dated
10 September 7. It's the school district's responses to
11 our admissions, so perhaps that's what you're thinking
12 of.

13 A Okay. These are the questions?

14 Q Right.

15 A That's what I -- okay.

16 Q I know you're a bright fellow, but --

17 A Okay. Yes, I've seen this.

18 Q You've seen the responses?

19 A Yeah.

20 Q Did you have any role in generating any of
21 the responses? We can just go over them one by one.
22 Why don't you look at them for each one and then tell
23 us what your role was, if any.

24 A It's pretty long.

25 Q Right. Well, it won't take as long as you

1 might think.

2 A Well, I know for sure that the sections I
3 looked at were the sections where I'm mentioned.
4 Marissa had asked me to take a look at the draft to
5 confirm that the sections where I'm mentioned were
6 correct to the best of my knowledge or that I agreed.

7 Q Which ones are they? Let's try to get
8 specific.

9 A Well, generally, I think it's any section
10 that has my name in it.

11 Q For anything like that, why don't you read
12 the question involved and then read the answer, and
13 we'll talk about whether or not that's complete.

14 A Do you want to go?

15 Q One by one. I mean, if you have no
16 involvement with the question, you could just say
17 Question such and thus is one that I had no role in,
18 and we can just skip it.

19 A So No. 2, the question is --

20 Q So No. 1 you had no role in?

21 A Correct.

22 Q What was No. 2?

23 A No. 2, it asked, "Mr. Ramirez oversaw
24 preparation of the original of Attachment A."

25 Q And Attachment A refers to the renewal

1 application. That would be?

2 A Yes.

3 Q So you can see Attachment A refers to the
4 renewal application that was signed on July 30, 1997.

5 A Yes. No. 3, "At the time that he oversaw
6 preparation of the original of Attachment A, Mr.
7 Ramirez was general manager of KALW." No. 4 --

8 Q And the answer is correct?

9 A Yes.

10 Q And Request 4?

11 A The answer is correct.

12 Q Request 5?

13 A That's correct.

14 Q Request 6?

15 A That's correct.

16 Q Request 7?

17 A That is correct.

18 Q Request 8?

19 A I didn't have any role in that.

20 Q Okay. Request 9?

21 A That's correct.

22 Q Request 10?

23 A That's correct.

24 Q Request 11?

25 A That's correct.

1 Q Request 12? For that, you're going to have
2 to see what Attachment C is.

3 A I don't think I had a role in this question.

4 Q Okay. Then Request 13?

5 A The answer is correct.

6 Q Now, let me take a look at this. Request
7 14?

8 A That's correct.

9 Q Request 15?

10 A I don't believe I had a role in that
11 question.

12 Q Request 16?

13 A That's correct.

14 Q Request 17?

15 A That is correct.

16 Q Request 18? Now, I recognize that there's a
17 fair amount of legal amount of legal argument there,
18 which you could say whether or not you had any role in
19 that. I would expect you did not.

20 A Yeah, I didn't. I'm not quite sure how to
21 respond to this question. Up until a certain point,
22 the answer is correct, and then it gets into, I guess,
23 the legal argument.

24 Q Why don't you read into the record that
25 portion that you believe to be correct?

1 A I just want to make clear that when I say
2 correct, it's that I had a role in reviewing it.

3 Q If you did not have a role and you really
4 don't know whether or not the particular answer is
5 correct, there's certainly no problem with saying so.
6 If there is an answer there that you had a direct role
7 in formulating and you believe it to be correct, then
8 it's perfectly acceptable to say so. If there's any
9 part of the answer that you provided us that you
10 believe needs to be modified or corrected in some way,
11 this is the time to do it.

12 A Yeah, this whole answer, given that the
13 first sentence starts with a qualifier that there's a
14 legal conclusion to be drawn here, I'm not quite sure
15 how to react to the whole --

16 Q If you're not certain, you can say so, and
17 then we'll just go on to the next one.

18 A Yeah. I don't think I'm qualified to
19 respond to this whole section.

20 Q That's fine. So we're up to No. 19?

21 A Yeah. Again, I haven't read the whole
22 section, but again the first sentence starts out with
23 a qualification that this calls for a legal
24 conclusion. I don't feel qualified to --

25 Q That's fine. Request 20?

1 A I didn't have anything to do with that.

2 Q Request 21?

3 A I didn't have anything to do with that.

4 Q Request 22?

5 A I didn't have anything to do with that.

6 Q Request 23?

7 A I don't think I'm qualified to respond to
8 that. It starts off again with a legal conclusion
9 question.

10 Q Request 24?

11 A I wasn't involved in that.

12 Q Request 25?

13 A I was not involved in that.

14 Q I want to show you another document that
15 came from the compact disc.

16 MS. REPP: I'm sorry. May I borrow your
17 copy to see what that was?

18 (The document referred to was
19 marked for identification as
20 Ramirez Exhibit No. 15.)

21 BY MR. SHOOK:

22 Q I want to show you a document that has the
23 marking KALW-000146 through 000148 on it, and if you
24 could, please, describe to me what we've got here.

25 A This is a listing of City Visions programs

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1 that appear to have been produced in 1992 and 1993.

2 Q Do you have any knowledge as to who prepared
3 this document and the circumstances that surrounded
4 its preparation?

5 A This looks like a document that would have
6 been produced by the City Visions producers. It looks
7 very similar to --

8 Q That Exhibit O that we were talking about
9 from the petition to deny?

10 A Yeah, that was. I can't explain why this
11 looks different than the other one. They appear to be
12 the same lists for the same program.

13 Q I think the other list, if you recall -- we
14 could find it if we needed to. That list didn't start
15 until some time in 1995, whereas this one dates back
16 to the summer of 1992. There's another thing about
17 this list that I'd like you to comment on, and that is
18 the markings that are up at the top. That could
19 perhaps help explain.

20 A Yeah. This looks like it came from John
21 Covell, the producer of City Visions. This could have
22 been one of the lists that I asked him to create to
23 make sure that the public file was complete with
24 respect to the program lists.

25 Q Is there some indication as to when this

1 document was prepared?

2 A Yeah. At the top, there's a phone number.
3 There's John's name, a telephone number, and then the
4 date 10/24/97 and the time, and then this would be 1
5 of 9, 1/9.

6 Q From your dealings with Mr. Covell, would
7 the markings that we've just talked about suggest to
8 you that the document was faxed to you on October 24,
9 1997?

10 A No. I mean, they suggest that it was faxed
11 to someone on 10/24/97. I don't have a -- I don't
12 remember receiving this in October 1997.

13 Q So it's conceivable that it was prepared
14 sometime well in advance of October 1997. You just
15 don't know one way or the other.

16 A Yeah, that's conceivable. I can't explain
17 for why it has -- why it's dated 10/24/97. I can't
18 explain that.

19 Q Do you recall that when we were talking
20 about your January 1998 declaration there was a
21 reference in there that you had relied on Exhibit O of
22 the petition to deny as the basis for the
23 certification that you had made to the renewal
24 application question of whether or not the public file
25 had the appropriate documentation in it? You did not

1 rely on what we're looking at now, apparently?

2 A Correct, according to the declaration.

3 Q Which would suggest to me that the document
4 that we're now looking at was generated sometime after
5 the renewal application was prepared.

6 A It's conceivable. I can't explain the
7 difference between this document and the other, except
8 for the dates and the format, so it is conceivable.

9 Q But you don't have any recollection in terms
10 of when it was that the document that we're now
11 looking at KALW-000147 and 148, when it was that it
12 came into existence?

13 A Correct.

14 MR. SHOOK: I want to take about a three
15 minute break and confer with Dana.

16 (Whereupon, a short recess was taken.)

17 BY MR. SHOOK:

18 Q Basically, just one question. That is, the
19 renewal application was signed off on in late July
20 1997, do you have any recollection as to approximately
21 how far in advance of that date had you received the
22 renewal application itself to start working on?

23 A The application itself, I don't recall when
24 I received the application. I do remember that when
25 we were in -- no, I do remember that when we were

1 already in the new station, and I was --

2 Q In other words, it would have been after
3 January?

4 A Correct. I remember having a postcard.
5 From that point forward, I don't -- the postcard
6 basically would signal to me that FCC license renewal,
7 I'd have to start some work activity. From that point
8 forward, I don't remember receiving the application,
9 or I don't remember how I got the application. I
10 remember the postcard, though, because that was a
11 moment when I thought, oh.

12 Q Did you actually receive the application
13 from your lawyer?

14 A I don't remember.

15 Q You were the person that actually filled out
16 the application, weren't you?

17 A To the best of my knowledge, I would have
18 been the one who filled out the application.

19 Q And you were checking the "yes" and the "no"
20 boxes?

21 A Yeah, but I don't remember typing in -- I'm
22 not good with typewriters. I don't remember -- it
23 looks like the check marks are typed in. I don't have
24 a recollection of sitting down and typing the Xs in or
25 the -- yeah, the Xs in.

1 Q Do you think you filled out the application
2 handwritten in draft and then sent it off to somebody
3 to type it?

4 A That's a good question. I think that's what
5 I would have done. I would have had a paper copy and
6 in pencil or pen said these are the things that need
7 to be placed into the application, please type them
8 up.

9 Q Given how you worked, that's the most likely
10 scenario that you can think of?

11 A Correct.

12 MR. SHOOK: I have nothing further.

13 MS. LEAVITT: I just have one other question
14 that follows onto what Mr. Shook asked. Although you
15 don't recall exactly how you came into possession of
16 the application, do you recall approximately when you
17 started actually working on filling in the
18 application, focusing on it?

19 THE WITNESS: No, I don't.

20 MS. LEAVITT: That's it.

21 MS. REPP: I just have a few questions and
22 some documents to review, Jeff.

23 THE WITNESS: Okay.

24 //

25 //

1 EXAMINATION BY COUNSEL FOR THE WITNESS

2 BY MS. REPP:

3 Q Can I ask you, and please put aside all
4 modesty, but what do you think were the attributes and
5 your goals that made you attractive to the district in
6 terms of hiring you as a general manager in 1996?

7 A I think they were looking for someone young.
8 I definitely fit that bill at the time.

9 Q Excuse me. How old were you at the time?

10 A Twenty-nine. I think that they were looking
11 for a person of color. I think that that
12 significantly is one of the reasons why Enrique
13 approached me about the position at the convention in
14 Washington back in 1996. I know that the station was
15 looking to involve students more in station
16 operations, and my background at KPBS, which was
17 located at a university, involved having students --
18 university students, mind you -- involved in the
19 production of programs as interns or as paid student
20 assistants.

21 In fact, as a student assistant was my first
22 job at KPBS itself back in 1988. I was also involved
23 in a CPB strategic management program called The Next
24 Generation Project, which focused on providing
25 management training to minorities in public radio

1 specifically, and I was one of about a dozen people in
2 the class.

3 I think that one of the things that Enrique
4 asked me to craft during the application interview
5 process was a vision paper for the station, and I was
6 able to put together a quite lengthy, multipage vision
7 of how I saw -- or my vision for taking station
8 forward. It included involving students, working more
9 closely with the other public radio stations in the
10 Bay area, carving out a service niche in the Bay area
11 to heighten the service value that listeners placed in
12 the station so that we could generate even greater
13 listener contributions. I think I had a lot of energy
14 back then.

15 I think that Enrique could see me in that I
16 get along well with all kinds of people, and he knew
17 that there had been a lot of animosity at the station
18 among staff, and he needed someone to go in there and
19 heal. I think those were the parts of the character
20 and quality that he saw.

21 Q Could you just on the Next Generation
22 Project explain that a little bit more? How did that
23 work? Was that something you interviewed for and were
24 selected? Is it a national program?

25 A Yeah, it was a national program. I was

1 working at KPBS at the time. The station general
2 manager, Doug Myrland, who -- he was kind of like a
3 mentor for me at the station. He saw this
4 announcement that was sent out to the system
5 announcing this CPB program where they would provide,
6 I think it was like a \$5,000 stipend that you could
7 use to do out and do training activities. I think I
8 used my stipend to travel to other stations to see how
9 they do what they do at those stations.

10 The program was mainly meant to help people
11 at the program director and general manager level. I
12 was the only person in the program who was a producer,
13 but I think they allowed me into the program because
14 the CPB saw enough qualities in me that, he'd make a
15 good manager, so why don't we let him into the
16 program.

17 Q You said there were about 12 people in your
18 class. Was this a yearly program?

19 A Supposed to be a yearly program, but halfway
20 through our term, the project manager at CPB left the
21 company, and there was a period of no activity, so we
22 were actually in the program for almost two years. We
23 graduated at the same time as the next class.

24 Q So you were able to travel to other stations
25 and see how they operated under the program?

1 A Correct. As a producer at the station, I
2 didn't get to do a lot of traveling or be exposed to a
3 lot of other station operations. I can remember that
4 they flew us out here to Washington, and we spent a
5 couple days in a workshop, a strategic management
6 workshop, had the opportunity to tour NPR, had the
7 opportunity to tour PBS, had the opportunity to tour
8 the old FCC when it was located --

9 Q In the nice part of town?

10 A -- in the nice part of town. I remember
11 that again I used my stipend to visit other stations.
12 I traveled to National Public Radio to see -- just to
13 be exposed to their operations, because they're known
14 as a quite successful radio operation. They're the
15 ones that produce Garrison Keillor, Marketplace.
16 There's another that they're producing, I can't
17 remember.

18 I used my funding to go visit Ohio
19 University, where they run a one year graduate degree
20 program in public broadcasting management. I went
21 there because I was curious. I thought I might go get
22 my graduate degree. It was a one year program. I
23 still think about doing that. I never followed
24 through on that. There was also the opportunity to
25 network. The program -- in fact, the reason why I was