

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

FILED/ACCEPTED

MAR 26 2007

Federal Communications Commission
Office of the Secretary

In the Matter of) EB Docket No. 07-13
)
DAVID L. TITUS) FRN No. 0002074797
) File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)
Amateur Radio Station KB7ILD)

To: Chief Administrative Law Judge
Richard L. Sippel

**ENFORCEMENT BUREAU'S RESPONSE TO
"DAVID TITUS' RESPONSE AND GENERAL OBJECTIONS TO THE
BUREAU'S FIRST INTERROGATORIES, AND REQUEST FOR ADDITIONAL
TIME IN WHICH TO ANSWER AND OBJECT"**

1. On March 9, 2007, the Enforcement Bureau ("Bureau") served its First Interrogatories on David L. Titus.¹ Thereafter, on March 20, 2007, Mr. Titus, by his counsel, submitted his response, entitled, "David Titus' Response and General Objections to the Bureau's First Interrogatories, and Request For Additional Time In Which To Answer and Object" on Bureau counsel.² As a threshold matter, the Bureau has no objection to Mr. Titus' request for additional time. However, as explained below, his incomplete response is procedurally defective.

2. Mr. Titus initially requests additional time, to April 2, 2007, within which to answer and/or object to each individual interrogatory. Although Mr. Titus does not fully explain why he needs such additional time, the Bureau does not believe that it would be unduly prejudiced by receiving Mr. Titus' answer and/or objection to each individual

¹ A copy is attached.

² A copy is attached. It is unclear whether Mr. Titus' pleading was filed with the Office of the Secretary.

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interrogatory on or before April 2, 2007. Accordingly, the Bureau interposes no objection to this request.

3. The remainder of Mr. Titus' pleading, however, is problematic because it is devoted to interposing general objections to all of the Bureau's interrogatories. The Commission rules, however, do not contemplate general objections to interrogatories. To the contrary, Section 1.323 of the Commission's Rules provides that each interrogatory shall be "answered separately . . . unless objected to, in which event the reasons for the objection shall be stated in lieu of the answer." As such, therefore, Mr. Titus' pleading is defective. There also are other infirmities with Mr. Titus' pleading.

4. Mr. Titus generally objects to the Bureau's interrogatories because they "purport to mean that the interrogatories seek" privileged information in the form of attorney-client communications and work doctrine materials. This claim is baseless. None of the interrogatories set forth by the Bureau seeks information that is even arguably privileged on either of the stated bases, and Mr. Titus fails to provide any support for this argument.

5. Mr. Titus also generally objects to all of the Bureau's interrogatories on the basis that they request information which is confidential and sensitive. Again, Mr. Titus provides nothing more than a bare allegation in support of this claim.

6. Mr. Titus next generally objects to the due date for responding to the Bureau's interrogatories based in part on the claim that he never received the Bureau's interrogatories as mailed to him and because the Bureau directed its interrogatories to Mr. Titus personally, rather than to his counsel. The certificate of service appended to the Bureau's interrogatories reflects that the Bureau mailed its interrogatories to Mr. Titus at 1529 Boylston Avenue, #203, Seattle, Washington. Mr. Titus does not claim that this

was an incorrect address for him. In addition, the Bureau mailed its interrogatories directly to Mr. Titus at the referenced address on March 9, 2007, *before* the Bureau received counsel's notice of appearance in this proceeding on behalf of Mr. Titus. Stated otherwise, the Bureau was unaware that Mr. Titus was represented by counsel at the time it served its interrogatories on Mr. Titus.

7. Mr. Titus also generally objects to the Bureau's interrogatories because they are somehow "unduly burdensome and designed to harass or burden him" The Bureau submits that the service of interrogatories on another party in general, and the service of the instant interrogatories on Mr. Titus in particular, is a legitimate discovery tool contemplated by the Commission's rules. See Section 1.323 of the Commission's Rules. The interrogatories served on Mr. Titus were served in good faith and were reasonably calculated to lead to the discovery of admissible evidence. Mr. Titus may be an unwilling party in the instant license revocation proceeding, but even a cursory examination of the interrogatories at issue reveals that they are neither burdensome nor designed to harass Mr. Titus, and Mr. Titus' claim to the contrary is wholly unfounded.

8. Finally, the Bureau notes that Mr. Titus' responsive pleading is not signed by Mr. Titus. Such failure is inconsistent with Section 1.323(b) of the Commission's Rules.

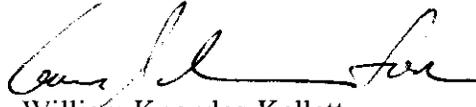
9. The Commission's procedural rules provide for the orderly service of interrogatories, answers and/or objections, and, if, warranted, a motion to compel. Mr.

Titus' instant response is a stark departure from this orderly process and serves only to delay discovery in this proceeding.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Schonman
Special Counsel, Investigations and Hearings Division



William Knowles-Kellett
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

March 26, 2007

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

Federal Communications Commission
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In the Matter of)	EB Docket No. 07-13
)	
DAVID L. TITUS)	FRN No. 0002074797
)	File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)	
Amateur Radio Station KB7ILD)	

To: David L. Titus

ENFORCEMENT BUREAU'S FIRST INTEROGATORIES
TO
DAVID L. TITUS

1. The Enforcement Bureau ("Bureau"), pursuant to Sections 1.311 and 1.323 of the Commission's rules, 47 C.F.R. §§ 1.311 and 1.323, submits the following interrogatories to David L. Titus.

2. David L. Titus shall deliver his responses to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12th Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and David L. Titus) within 14 calendar days of the date of these interrogatories.

3. The obligation of David L. Titus to answer these interrogatories is continuing in nature. David L. Titus has an obligation to provide in the future any and all additional responsive information that may come to his attention subsequent to his answering these interrogatories but not initially disclosed at the time, date and place set forth herein or in any supplemental answers that he submits. In this regard, David L. Titus must supplement his initial and supplemental responses if he learns that, in some material

respect, the responses initially provided, or as supplemented, were incomplete or incorrect or if additional responsive information is acquired by or has become known to him after his initial or supplemental responses.

Definitions and Instructions

- a. As used herein, the term "David L. Titus" means David L. Titus, the Amateur Radio Operator and Licensee of Amateur Radio Station KB7ILD, FRN No. 0002074797.
- b. The term "FCC" or "Commission" means Federal Communications Commission and includes any and all Bureaus, Divisions, Branches, and offices thereof.
- c. The terms "relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.
- d. The term "and" also means "or" and the term "or" also means "and."
- e. The term "each" also means "every" and the term "every" also means "each."
- f. The term "all" also means "any" and the term "any" also means "all."
- g. The term "identify" when used with reference to a person or persons, means to state his or her full name; last known business and residence addresses; and last known business and residence telephone numbers.
- h. The term "document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book,

pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of David L. Titus.

i. With regard to each answer, identify the person(s) or document(s) relied upon by David L. Titus in determining the substance of the answer.

Interrogatories

1. Describe fully the educational background of David L. Titus.
2. Identify each and every place of employment of David L. Titus since January 1, 1997. As to each such place of employment:
 - a. Specify the dates of employment of David L. Titus;
 - b. Identify the titles held, if any, by David L. Titus;
 - c. Describe fully the nature of the responsibilities of David L. Titus; and
 - d. Identify the direct supervisor of David L. Titus.
3. Identify each and every business and/or business venture in which David L. Titus has been a principal since January 1, 1997. As to each such business and/or business venture:
 - a. Describe fully the nature of the business and/or business venture;

- b. Describe fully the nature and extent of the role of David L. Titus in the business and/or business venture; and
 - c. Specify the dates in which David L. Titus was a principal in the business and/or business venture.
4. State whether David L. Titus has ever been convicted of a felony in any federal, state or local court. If so, as to each such felony conviction:
 - a. Describe fully the nature of the offense;
 - b. Specify the date of conviction and case number;
 - c. Identify the court in which the conviction occurred;
 - d. Describe fully the sentence, if any, that was handed down; and
 - e. State whether David L. Titus has or has had any continuing obligations or restrictions of any kind whatsoever with respect to such conviction and, if so, describe fully.
 - f. State whether David L. Titus has, at any time and in any manner, disclosed such felony conviction to the Commission. If so, describe fully the nature and date of such disclosure. If not, describe fully why not.
5. Specify the date when David L. Titus first became a Commission licensee.
6. Identify by call sign and service each and every FCC license that David L. Titus has ever held or has had any interest of any kind whatsoever.
7. Identify by call sign and service all FCC licenses that David L. Titus currently holds or in which he has an interest of any kind whatsoever.
8. State whether David L. Titus has ever been found to have engaged in any FCC-related misconduct. If so, describe fully.

9. State whether David L. Titus is or ever has been a member of, or otherwise involved in any manner whatsoever in, any amateur radio club and/or organization. If so, as to each such club and/or organization:
 - a. Identify the such club and/or organization;
 - b. Specify the dates of membership and/or involvement in the club and/or organization;
 - c. Describe fully the nature and extent of such membership and/or involvement in such club and/or organization; and
 - d. Identify the president of such club and/or organization at the time of David L. Titus' membership and/or involvement.
10. Describe fully the nature and extent of the on-air activities in the amateur radio service, if any, in which David L. Titus has engaged since January 1, 1997.
11. State whether David L. Titus has ever used any aliases in connection with on-air activities in the amateur radio service in which he engaged. If so, as to each such instance in which David L. Titus used an alias on-air:
 - a. Describe the alias;
 - b. State when it was used; and
 - c. Explain fully why David L. Titus used such alias.
12. State whether David L. Titus has, since January 1, 1997, knowingly engaged in any on-air any dialogue in the amateur radio service with a person under the age of 18 years old. If so, as to each such instance:
 - a. Specify the date of such on-air dialogue;
 - b. Describe the nature and extent of such on-air dialogue; and

c. Identify the person under the age of 18 years old and provide his or her call sign.

13. Identify each and every person upon whom David L. Titus intends to rely, if any, as a reference in support of his character in the hearing proceeding in EB Docket No. 07-13.

14. State whether David L. Titus intends to demonstrate in the hearing proceeding in EB Docket No. 07-13 that he has been rehabilitated and if, so, describe fully the evidence upon which he intends to rely in making such demonstration.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Schonman
Special Counsel, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

March 9, 2007

CERTIFICATE OF SERVICE

Alicia McCannon, an Industry Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 9th day of March 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's First Interrogatories to David L. Titus" to:

David L. Titus
1529 Boylston Avenue, #203
Seattle, WA 98122

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054


Alicia McCannon

* Hand-Delivered

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6 **BEFORE THE**
7 **FEDERAL COMMUNICATIONS COMMISSION**
8 **WASHINGTON, D.C. 20554**

9 In Re the Matter of:

10 DAVID L. TITUS,

11 Amateur Radio Operator and Licensee of
12 Amateur Radio Station KB7ILD.

EB Docket No. 07-13
FRN No. 0002074797
File No. EB-06-IH-5048

13 DAVID TITUS' RESPONSE AND GENERAL
14 OBJECTIONS TO THE BUREAU'S FIRST
INTERROGATORIES, AND REQUEST FOR
ADDITIONAL TIME IN WHICH TO
ANSWER AND OBJECT

15 David Titus responds to the Enforcement Bureau's First Interrogatories dated March
16 9, 2007 but only received March 19, 2007 as follows:

17 Request for Additional Time to Answer

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19 As these interrogatories were only received by David Titus and his attorneys on
20 March 19, 2007, Mr. Titus respectfully requests that he be given leave to file his answers and
21 specific objections to interrogatories on or before April 2, 2007.

22 In order to protect his rights in the event his request is not granted, Mr. Titus sets
23 forth the following general objections to the interrogatories.

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25
26 DAVID TITUS' RESPONSE AND GENERAL OBJECTIONS
TO THE BUREAU'S FIRST INTERROGATORIES, AND
REQUEST FOR ADDITIONAL TIME IN WHICH TO
ANSWER AND OBJECT

Law Office
DAVID S. MARSHALL
1001 Fourth Avenue, 44th Floor
Seattle, Washington 98154-1192
Telephone 206.826.1400
Fax 206.389.1708

DATED this ____ day of March, 2007.

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DAVID S. MARSHALL, WSBA #11716
STEVEN D. BROWN, WSBA #11759
Attorneys for David L. Titus

DAVID TITUS' RESPONSE AND GENERAL OBJECTIONS
TO THE BUREAU'S FIRST INTERROGATORIES, AND
REQUEST FOR ADDITIONAL TIME IN WHICH TO
ANSWER AND OBJECT

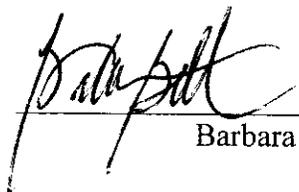
Law Office
DAVID S. MARSHALL
1001 Fourth Avenue, 44th Floor
Seattle, Washington 98154-1192
Telephone 206.826.1400
Fax 206.389.1708

CERTIFICATE OF SERVICE

Barbara Britt, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 26th day of March 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Response to David Titus' Response and General Objections to the Bureau's First Interrogatories, and Request For Additional Time In Which To Answer and Object" to:

Steven D. Brown, Esq.
Law Office of David S. Marshall
1001 4th Avenue, 44th Floor
Seattle, WA 98154
Counsel for David L. Titus

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054



Barbara Britt

* Hand-Delivered