

Exhibit 3

## PETER HARMER

### DECLARATION

I, Peter S. Harmer, hereby state, under penalty of perjury, that the following facts are true and correct and reflect the exact series of events as they relate to the matter of the bearer bond issued by Banco Central de Venezuela that transpired in September, 2007 involving Donald R. DePriest and Robert Sullins. If called upon by the FCC or other legal authority, I can testify competently and clearly under oath to these matters, and further provide the relevant written evidence. As noted below, this Declaration responds to certain recent untruthful statements on this subject in an FCC docket by and on behalf of Donald Depriest. Those were submitted in response to a earlier declaration I provided to Warren Havens and his companies, to use as they saw fit including before the FCC. This Declaration I hereby make supplements that earlier declaration I provided.

1. On September 13, 2007, 60 days following the sale of MCT Corporation by Donald DePriest, I received an Email from Vicki Noltkamper, Capital Leasing & Finance, Inc., Nashville, Tennessee (a company owned 50% by Robert Sullins, a licensed stockbroker in Nashville) at the direction of Sullins that stated: *"Bob asked me to forward to you"* that included a copy of a Bearer bond #743 in the amount of US\$25 million issued by Banco Central de Venezuela (BCV) that was issued on September 15, 1998 and matured on September 14, 2018. The Email had been received the same day by Ms. Noltkamper directly from Donald DePriest with the notation: *"For Bob S."*

2. Sullins requested that I research the value of the BCV bond and undertake the early redemption of the BCV bond at a discount on behalf of Donald DePriest.

3. On September 27, 2007, I contacted Michael Stumpf, the leading authority in the United States on Venezuelan financial matters, and forwarded the copy of the BCV bond #743 to Stumpf's office for review and comment relating to the early redemption of the BCV bond.

4. Prior to Stumpf's response I received at least 6 phone calls from both Sullins and DePriest concerning the status of my investigation of the BCV bond matter.

5. On October 12, 2007, I received an email from Stumpf that informed me that the bond that I submitted was a "fraud." I so informed DePriest and Sullins.

6. I asked Sullins for information concerning the bond but was never provided with additional information by either Sullins or DePriest.

7. It was later revealed that the particular bond was part of a scam that had originated in Florida.

8. I was shocked to read in recent filings with the FCC, Washington on August 9, 2010 that Donald DePriest issued his account of the handling of the BCV bond that is totally false, misleading and replete with inaccuracy. (I understand that was submitted in a certain "opposition" by MCLM to the FCC with regard to a petition to deny filed by the Havens-managed companies challenging an attempted sale-assignment by the Depriests and their company MCLM to several electric utility companies.)

9. I have attached hereto an excerpted account by DePriest that is included in the FCC filing dated August 9, 2010 that states that DePriest never sought to sell or redeem the BCV bond and that he personally consulted with Mark Stumpf concerning the matter.

10. DePriest's email dated September 12, 2007 clearly contradicts DePriest's account of August 9, 2010 that shows that DePriest requested Sullins to assist in the BCV matter.

11. My fax and email dated September 27, 2007 clearly show that it was I who contacted Mark Stumpf and not Donald DePriest.

12. Mark Stumpf's email dated October 12, 2007 clearly shows that he responded to my request of September 27, 2007 and not that of DePriest.

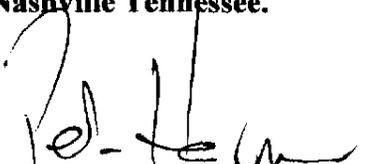
13. It is clear that DePriest attempted to redeem a fraudulent BCV bond in September, 2007 with the assistance of Robert Sullins.

14. After reading DePriest's account in the August 9, 2010 filing with the FCC, I telephoned Mark Stumpf on August 17, 2010 and asked if he had spoken to DePriest about the BCV bond. Stumpf told me that he had no recollection of any conversation with DePriest about the BCV bond.

15. See my previous declaration noted above. From my personal experience and knowledge, a large or major part of the financial business and profit obtained over decades of Donald Depriest involves FCC licenses. He borrows or otherwise obtains funds from sources to use in the FCC-licenses business, including Maritime Communications/ Land Mobile LLC. As he recently stated in court documents in a Mississippi court case, he and his wife Sandra Depriest use joint tax returns and do not have "separate economic lives." The matters described above thus may relate to actions in support of FCC licensed business, but in any case, do relate, in my understanding, to various violations of Federal law.

**This statement is made without coercion and is made of my own free will and I attach supporting documents which become an integral part of this declaration.**

**Executed on this August 23, 2010 in Nashville Tennessee.**

  
\_\_\_\_\_  
**Peter S. Harmer**

Subj: **FW: bond**  
Date: 9/13/2007 5:27:02 P.M. Central Daylight Time  
From: vickiln@bellsouth.net  
To: psrharmer@aol.com

Bob asked me to forward to you.

Vicki Noltkamper  
Capital Leasing & Finance, Inc.  
615-292-4466 Phone  
615-292-0021 Fax

-----Original Message-----

From: Don Depriest [mailto:ddepriest@msmct.com]  
Sent: Thursday, September 13, 2007 12:21 PM  
To: vickiln@bellsouth.net  
Subject: Fw: bond

For Bob S.

-----Original Message-----

From: "justin shelton" <justinint@hotmail.com>

Date: Wed, 12 Sep 2007 19:26:42  
To: ddepriest@msmct.com  
Subject: bond

hope this comes thru, justin

---

Kick back and relax with hot games and cool activities at the Messenger  
Café. [http://www.cafemessenger.com?ocid=TXT\\_TAGHM\\_SeptHMtagline1](http://www.cafemessenger.com?ocid=TXT_TAGHM_SeptHMtagline1)

FACSIMILE

**Date: September 27, 2007**

**To: Mark Stumpf  
Arnold & Porter LLP  
Washington, DC**

**Fax : (202) 942 5999**

**From: Peter Harmer**

**Fax: (615) 567 6069**

**Re: Banco Central de Venezuela - Bond**

**Number of Pages (including this page): 2**

**Comments:**

*Mr. Stumpf,*

*It was a pleasure meeting you this afternoon by telephone.  
Please find attached the instrument discussed during our conversation.  
I await your comments.  
Kindest regards,*

*Peter Harmer  
PO Box 159341  
Nashville, Tennessee 37215*

*(615) 943 8771*

The information is intended only for the individual named above. If you are not the intended recipient or the person responsible for delivering the fax to the intended recipient, be advised that you have received the fax in error. If you have received this fax in error, please notify the sender at (615) 567 6069 as soon as possible.



# BANCO CENTRAL DE VENEZUELA

## EMISION DE BONOS GLOBALES DE LA DEUDA PUBLICA DE LA REPUBLICA DE VENEZUELA

DECRETO N° 2575 del 15 de Julio de 1998

N° **743**

SERIE: **001 / 020**

FECHA DE EMISION: 15/09/1998

FECHA DE VENCIMIENTO: 14/09/2018

El Banco Central de Venezuela, de conformidad con lo previsto en los articulos 28, numeral 23 y 52 de la Ley especial que lo rige en concordancia con lo pautado en los artículos 1°, 3° y 5° del Decreto N°2.576 del 01 de Julio de 1998 se compromete a pagar al portador la suma de: \*\*\*\*\* VEINTICINCO MILLONES, CON 00/100 \*\*\*\*\* dólares de los Estados Unidos de América (US\$ \*\*\*\*\* 25.000.000,00 \*\*\*\*\*), a su vencimiento, Este titulo devengará intereses anuales del trece cinco octavo por ciento (13. <sup>5</sup>/<sub>8</sub>%) será pagado por el Banco Central de Venezuela a su presentante ante las taquillas del Departamento de Custodia y Administración de Valores, lo cual deberá efectuarse con una anticipación de siete (7) días hábiles bancarios por lo menos al vencimiento del mismo. Todas las acciones derivadas de este bono en contra del Banco Central de Venezuela, prescriben a los tres (3) años contados desde la fecha de su vencimiento.

Para todos los efectos derivados del presente Bono, se elige como domicilio especial, indistintamente a las Ciudades de Caracas o de Nueva York, a la jurisdicción de cuyos Tribunales quedará sometida cualquier controversia que sugiere en relación al mismo.

Caracas, 15 de Septiembre de 1998

(Firma Autorizada)

Por el Banco Central de Venezuela

(Firma Autorizada)

Subj: **Re: Banco Central de Venezuela**  
Date: 9/27/2007 7:11:29 P.M. Central Daylight Time  
From: Mark\_Stumpf@aporter.com  
To: Psrharmer@aol.com

Document received. I will be back to you shortly. Best regards.

----- Original Message -----  
**From:** Psrharmer  
**Sent:** 09/27/2007 04:48 PM EDT  
**To:** Mark Stumpf  
**Subject:** Banco Central de Venezuela

Mr. Stumpf,

Under separate cover I have faxed a copy of the instrument discussed this afternoon. I trust that the fax copy was well received.

Please do not hesitate to let me know if you need additional information concerning this matter.

Thank you very much for time and assistance.

Kindest regards,

Peter Harmer  
PO Box 159341  
Nashville, Tennessee 37215

See what's new at [AOL.com](http://AOL.com) and Make AOL Your Homepage.

## ARNOLD & PORTER LLP



**Mark H. Stumpf**  
Partner

Washington, DC  
tel: +1 202.942.5575  
fax: +1 202.942.5999  
Mark.Stumpf@aporter.com

New York  
tel: +1 212.715.1065  
fax: +1 212.715.1399

### Practice Focus

Mark Stumpf specializes in international financial transactions in the public and private sectors. He advises foreign governments and financial services companies on financing, debt restructuring and related transactions. Mr. Stumpf has served as counsel to the government of the Bolivarian Republic of Venezuela for over 25 years on numerous transactions, including its US\$20 billion debt restructuring under the Brady Plan, and many international capital markets and bond exchange transactions. For his work in Venezuela, he was decorated by the President of Venezuela with the Orden de Generalísimo Francisco de Miranda (Primera Clase). He has served as principal legal advisor to the Bank of Zambia and the Ministry of Finance of Zambia in a World Bank-sponsored debt reduction operation, one of the largest ever undertaken by the World Bank in Africa. He has also acted as counsel to Colombia, Pakistan, Bosnia and Herzegovina, Romania and Moldova, among other sovereigns, in international debt transactions.

Mr. Stumpf has represented parastatal companies in financial transactions. He has also represented public international lending entities, including the World Bank, the International Finance Corporation (IFC), the Overseas Private Investment Corporation (OPIC) and others.

In the private sector, he has acted for a number of companies in their financing and acquisition activities. In this connection, he has focused on the private power, financial services and telecommunications sectors.

### Representative Matters

- Bolivarian Republic of Venezuela: Exchange Offer for US\$4.4 billion of outstanding bonds
- Republic of Colombia: Issuance of Ps. 716,412,000,000 Global TES Bonds due 2015
- Bosnia and Herzegovina: Restructuring of external debt
- Bank of Zambia: IDA debt reduction transaction
- C.A. La Electricidad de Caracas: Hostile takeover transaction by The AES Corporation
- National Bank of Romania: Club loans
- International Finance Corporation: Multicountry investment fund in Africa
- OPIC: Lending activities in Central/East Europe

### PRACTICE AREAS

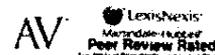
Corporate and Securities »

### EDUCATION

JD, Harvard Law School,  
1972  
AB, Harvard University, 1969

### ADMISSIONS

District of Columbia  
New York



Subj: **BCV bond**  
Date: 10/12/2007 9:17:58 A.M. Central Daylight Time  
From: Mark\_Stumpf@aporter.com  
To: Psrharmer@aol.com

Sorry for the delay in responding. The terms of the Banco Central de Venezuela bond you faxed to us are virtually the same as the terms of a bond issued by Republic of Venezuela (now the Bolivarian Republic of Venezuela) on Aug. 6, 1998 maturing Aug. 15, 2018 at 13-5/8% interest. That issuance was underwritten by JP Morgan, Credit Suisse and ABN Amro. Banco Central is not an obligor on these bonds. They are global bonds held in the clearing systems without individual certificates.

We have no knowledge that Banco Central issued bonds of the same terms. We would certainly have been aware of such an issuance in connection with our work on the Republic's bonds. We would conclude, subject to verifying the matter with BCV, that the bond you were given is a fraud, seeking to mislead investors that it is the same as the Republic issuance mentioned above.

We would be interested in knowing any of the facts and circumstances surrounding this matter, including name of the person who gave you the bond. We look forward to hearing from you when convenient.

In the meantime, we will check with Banco Central on the matter.

Thanks.

---

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

---

Mark Stumpf	Mark_Stumpf@aporter.com
Arnold & Porter LLP	Telephone: 202-942-5575
555 Twelfth Street, NW	Fax: 202-942-5999
Washington, DC 20004-1206	

For more information about Arnold & Porter LLP, click here:  
<http://www.arnoldporter.com>

Friday, October 12, 2007 AOL: Psrharmer

**Bloomberg.com**



## Venezuela Probes Effort to Sell Bogus Bonds (Update1)

Share | Email | Print | A A A

Nov. 13 (Bloomberg) -- Venezuelan authorities are investigating an attempt by four people to cash \$250 million of bonds that the central bank says were fraudulently issued in its name, said three bank officials who asked not to be named.

Some of the 15-year notes -- each with US\$25,000,000.00 printed in red ink on top and the central bank's seal beneath in black -- had certificate numbers that matched bonds promoted in a 52-page prospectus distributed by Coral Gables, Florida-based Capital Investment Services Inc. The central bank said in a statement that it never hired the firm and has asked U.S. authorities to assist in the probe.

Robert Escobio, president of Capital Investment, said he was asked by the central bank to sell the bonds and met with officials at the bank's Caracas headquarters as recently as Oct. 14. "We're in a state of shock," Escobio said in a telephone interview with Bloomberg News. "If it were a scam, the only ones who could have benefited would be the central bank."

The investigation may hinder Venezuela's efforts to raise almost \$3 billion from international bond sales next year, said Erik Bruun, who helps manage \$25 million of emerging-market assets, including Venezuelan bonds, at Lenox Capital Inc. in Great Barrington, Massachusetts. The country needs to borrow money to finance a growing budget deficit after a two-month strike idled the oil industry and caused the economy to contract 19 percent in the first half of the year.

### 'Legal Actions'

"The central bank of Venezuela is advancing legal actions and cooperating with the investigations that authorities in Venezuela and the U.S. have opened in relation with the attempt to commit fraud," the central bank said in a statement.

Central bank spokesman Txomin Las Heras declined to identify the four individuals who were questioned by police and then let go or say which U.S. regulators were participating in the probe. U.S. Securities and Exchange Commission spokesman John Nester, U.S. Office of the Comptroller of the Currency spokesman Dean Debuck and Department of Treasury spokesman Taylor Griffin declined to comment.

Two Venezuelan federal investigators yesterday visited the Caracas office of Bloomberg LP, the parent company of Bloomberg News, seeking information on how some of the bonds were listed in Bloomberg's database. Bloomberg spokeswoman Chris Taylor said a description of the 13 5/8 percent dollar-denominated bearer bonds due Sept. 14, 2018 was posted on Oct. 24. Taylor said the listing was removed four days later at the request of the central bank.

### Three-Year-Old Company

Escobio said his company, which was formed three years ago and has seven employees, has previously arranged preferred share sales for companies. The proposed debt sale was "our first venture in bond offerings," Escobio said. Escobio said he never sold any of the bonds and was waiting for final central bank approval to do so.

Capital Investment Services is a member of the NASD, a financial-services regulatory organization that changed its name from the National Association of Securities Dealers in June 2002. Capital Investment's

clients include American Ammunition Inc., a Miami-based manufacturer that sells to the U.S. government and exports to Latin America and other regions. Escobio is responsible for American Ammunition's investor relations, Andres Fernandez, the company's spokesman, said through his secretary.

#### Pilot Training

According to an NASD Web site that describes the background of its members, Escobio worked for Smith Barney Inc. between 1991 and 1996. Before his current position, he worked at Brill Securities. He is also an instructor at ADF Airways, Inc., a pilot training school based in Coral Gables, the Web site said.

The central bank needs to determine whether its officials participated in the fraud, said John Shockey, a retired special assistant with the Office of the Comptroller of the Currency. Shockey has led investigations and prosecutions of promoters of so-called prime bank note frauds.

``The possibility of collusion with central bank personnel dictates that the central bank conduct a thorough internal investigation," Shockey said in a telephone interview from McLean, Virginia. ``The central bank would not engage a very small, relatively new brokerage firm in the U.S. to become involved in such a transaction."

The nation's legislature plans its own investigation, said Conrado Perez, a deputy who heads the comptroller's commission in the National Assembly.

``We plan to open an investigation into this matter, to see what happened," Perez said in an interview. ``We will be meeting with the president of the central bank on Monday."

#### Bearer Bonds

Venezuela's central bank only sells bonds denominated in bolivars, the domestic currency. The Finance Ministry sells the government's dollar-denominated debt. No public agency in Venezuela sells dollar bonds in bearer form, which are payable to those holding the securities.

President Hugo Chavez's administration has stepped up its borrowing as the country's budget deficit may more than double as a percentage of gross domestic product to 3 percent next year, according to the Finance Ministry. Venezuela this year sold \$1.5 billion in 10-year dollar-denominated bonds outside the country. The yield on Venezuela's benchmark 9 1/4 percent bond due 2027 has fallen this year as oil prices have climbed. The bonds now yield about 11.53 percent down from 15.7 percent in January.

#### 'Sketchy Country'

Bruun at Lenox Capital said the possibility that fraudulent central bank securities were sold ``doesn't help" inspire confidence among investors. ``One of the essential risks of Venezuela is that it's become a sketchy country and this is further evidence of that," he said.

The prospectus prepared by Capital Investment, dated Oct. 17, 2003, was fake, said the central bank officials who asked not to be named. The document says the bearer bonds aren't registered anywhere and can't be sold to U.S. individuals.

Capital Investment sent Bloomberg the prospectus, as well as a one-page ``validation" letter dated Oct. 22, 2003 on central bank letterhead. The letter bears the signatures of Jose Leonardo Nunez, the central bank's legal counsel, and Luisa Viso, a lawyer who is his assistant. It also named David Contreras as a contact person in the bank's department of control and supervision.

#### Fee

Central bank officials who asked not to be identified said the signatures were falsified. They said there is no employee named David Contreras and no department of control and supervision of operations. They said bank officials first spoke with Escobio on Oct. 28 when he demanded payment of a fee for preparing the prospectus. Nunez and Viso declined to comment.

``People I met at the bank are all of a sudden saying they never met me," Escobio said. ``It's their bonds. They are the ones who told me to do this. They have to pay me."

The prospectus prepared by Escobio says the central bank is selling \$185 million of securities that were part of a \$500 million offering authorized in 1998 by former Venezuelan President Rafael Caldera. According to Bloomberg data, Venezuela sold all \$500 million of those 13 5/8 percent bonds in 1998. Those bonds were sold by the Finance Ministry.

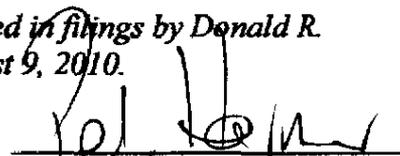
Central bank officials said some fraudulent bonds may be in circulation because the four people who sought to cash in the securities presented three of the nine obligations described in the prospectus prepared by Capital Investment. Those notes they presented had a face value of \$75 million. In addition, they sought to cash other securities that matured in 2018 with a face value of \$175 million.

*Last Updated: November 13, 2003 11:03 EST*



© 2010 BLOOMBERG L.P. ALL RIGHTS RESERVED. | Terms of Service | Privacy Policy | Feedback

*The following is a true and exact copy of evidence submitted in filings by Donald R. DePriest to the FCC in the matter of Auction #61 on August 9, 2010.*

  
Peter Harmer

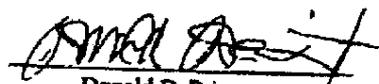
In an unnumbered page of his Attachment 002, Havens claimed that Don DePriest had tried to sell a fraudulent foreign-nation bond. On that page, Harmer asserted that one Robert Sullins<sup>3</sup> had tried to negotiate a bearer bond on behalf of Don DePriest, specifically alleging that Sullins had asked Harmer to redeem a 20 year bearer bond issued by the Banco Central de Venezuela on behalf of his client, Don DePriest. In fact, Don DePriest never sought to sell or redeem the bond. Don DePriest never possessed the bond. Don DePriest was informed by a friend that a third person had a bearer bond which he desired to sell, whereupon Don DePriest immediately told his friend that he did not believe that a bearer bond was lawful, but he would consult with an experienced person concerning their legality. The person he consulted advised Don DePriest to check elsewhere on the question. In a telephone conference, Mark Stumpf, Esq. of Arnold and Porter advised Don DePriest that the bond was fraudulent. Don DePriest accepted Mark Stumpf's advice that the bond was fraudulent and terminated his inquiry, having never attempted to sell or redeem the bond.

<sup>3</sup> At one time, Don DePriest had been a client of Sullins when Sullins was an advisor at Smith Barney. Don DePriest has not been a client of Sullins at Smith Barney for many years and has never been a client of Sullins at Sullins current firm.

#### DECLARATION

I declare under penalty of perjury that the foregoing information concerning the fraudulent bearer bond is true and correct. Executed on

AUGUST 9 2010

  
Donald DePriest