

#135721

2013 AUG 19 A 6:15

Before the
Federal Communications Commission
Washington, D.C. 20554

Received & Inspected

AUG 16 2013

FCC Mail Room

In the Matter of)
)
North Alabama Public Service Broadcasters)
Licensee of Station WQJJ-LP)
Jasper, Alabama)

Facility ID No. 135721
File No. BPL-20130813AAV

Petition To Deny Application For Construction Permit For A Low Power FM Broadcast Station

My name is Brett Elmore. I am a resident of Jasper, Alabama and a 16 year radio veteran. I come from a radio family, as my father has been, in the broadcasting business for over 40 years. The basis for the filing of this petition to deny are glaring false statements made in the application which violate U.S. CODE, TITLE 18, SECTION 1001, U.S. CODE, TITLE 47, SECTION 312(a)(1) and U.S. CODE, TITLE 47, SECTION 503 and also questionable business and/or broadcast practices.

WQJJ-LP is licensed to the North Alabama Public Service Broadcasters. This organization was organized on September 13, 1999 as stated on an initial application for a construction permit, file no. BNPL - 20010615BBC, which was granted on 9/10/2003. However, the North Alabama Public Service Broadcasters was NOT organized under the laws of the State of Alabama. In fact, this organization was organized April 1, 2008, and NOT by Bessie P. Hammond, which is claimed to be the President of this organization. It was in fact organized by Ed Smith. (Exhibit one)

On the recent application, and all others pertaining to WQJJ-LP, I fully believe the Commission will find Section II, Part 6 falsely answered. This section cites CHARACTER ISSUES and reads as follows:

The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:

- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.

In each application, this question was answered "Yes". However, Bessie P. Hammond is the wife of Terry Keith Hammond. Mr. Hammond acts as the General Manager of WQJJ-LP and has a long history with the FCC. In a Memorandum and Order adopted June 22, 2009, (EB Docket No. 06-163, File No. EB-03-IH-0130, File No. BRH-20050401AAA, Facility ID No. 81640), attached as exhibit two, the FCC ruled against the renewal of Keith Hammond's FM radio station in Shamrock, Texas, KBKH-FM.

In this Memorandum and Order, the FCC cites in Section III Part 12:

"In this case, Mr. Hammond has been convicted of a felony. We find that this criminal misconduct justifies a finding that Mr. Hammond has demonstrated his propensity to evade, rather than comply with law and regulations that would include the Communications Act and the Commission's rules and policies. Our finding in this regard is reinforced by the additional instances in which Mr. Hammond was warned or cited for unauthorized and unlicensed operation of broadcast stations prior to his acquisition of the Station. **For these reasons, we find that Mr. Hammond does not possess the character qualifications required by this Commission to be or remain a licensee.**"

Although Mr. Hammond is not the licensee, his wife is the lone board member of this organization that is not registered as stated in the applications and he acts as General Manager of the radio station, WQJJ-LP. In fact, if you will look through initial applications for WQJJ-LP, (File Nos. BNPL - 20010615BBC, BMPL - 20051021AAA) Mr. Hammond was listed on the applications in the "Preparers Certification" section, however after his felony conviction, this oddly changed to his wife's name. The applications also list email addresses that use domains owned by Mr. Hammond (Monsterfm.com). Also, the WQJJ-LP official website (Worldwidefm.com) is owned by Mr. Hammond and the station's official Facebook account has Mr. Hammond answering questions from followers. (Exhibit three)

Mr. Hammond is also the only person on the air at the station, which has been operating out of a residence on Hillsdale Road in Jasper, AL, which includes a tower with guy wires anchored by blocks. They were recently evicted for non-payment which is the basis of this application to modify. (Exhibit four with audio attached)

Finally, in an email from Mr. Hammond to Tom Roberts, Director of Broadcasting at the University of Alabama, Mr. Hammond represents the station in trying to obtain a network affiliation. After not receiving a contract with the University, WQJJ-LP turned off their transmitter and let a neighboring signal on 97.7 FM bleed into the market and turned the WQJJ-LP transmitter back ON and air commercials. They even promoted this conduct on social media. (Exhibit five and audio attached)

I believe this shows a clear "connection" to someone who has been found by the Commission to not have the character qualifications, due to his felony conviction and countless issues with the Commission.

Section II Part 8 of the application we are petitioning involves Unlicensed Operations. It reads as follows:

“The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.”

We will once again reference Memorandum and Order adopted June 22, 2009, (EB Docket No. 06-163, File No. EB-03-IH-0130, File No. BRH-20050401AAA, Facility ID No. 81640), attached as exhibit two, the FCC ruled against the renewal of Keith Hammond’s FM radio station in Shamrock, Texas, KBKH-FM.

In that Memorandum and Order, Section III Part 10, the Commission stated the following:

“In addition to his theft conviction, there are other instances in which Mr. Hammond has demonstrated a propensity to ignore or evade lawful requirements prescribed by statute and Commission rules. **The Commission's records reveal that Mr. Hammond engaged in multiple instances of unauthorized operation of unlicensed radio broadcast stations in California, Louisiana, and Texas prior to his acquisition of the Station. The Commission issued warning letters to Mr. Hammond concerning such unlicensed operations on March 11 and July 14, 1999 and at least one citation for the unlicensed operation of a radio station.** In addition, the Hearing Designation Order set forth numerous instances in which Mr. Hammond apparently violated the Commission's rules.”

It is my opinion that Mr. Hammond is indeed a party to this application and all other applications for WQJJ-LP, which constitutes a penalty of perjury per Section II Part 8 of the application.

I have attached newspaper stories on both Mr. and Mrs. Hammond that question their character as well as Facebook posts from the radio station account that attacks our community, officials and other radio stations for the Commission to review. (Exhibit six)

The preceding being considered, I would ask that the Commission please give serious consideration to denying the application of WQJJ-LP. Clearly, WQJJ-LP is being operated in a unscrupulous manner and not in the public interest. The facility would be better in the hands of another, more suitable licensee or, possibly even, deleted as a means of alleviating interference

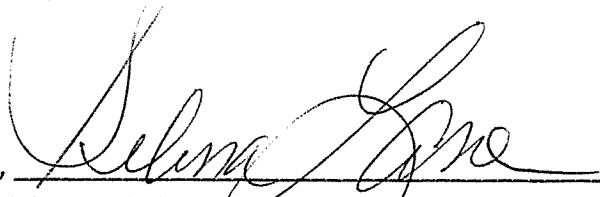
so that a licensee within another community may be able to serving the public in ways which WQJJ-LP is obviously not interested in pursuing. This is simply another clear and cut case of Mr. Hammond skirting the rules and regulations of the Federal Communication Commission.



Brett Elmore

8/15/13

Date



I, Selma Lane, a licensed notary public within the State of Alabama, do hereby state that I do personally know the signor of this document and that said signor did appear before me on this date 8/15 2013 and execute said document.


Comm. expires
8/22/14

AUG 16 2013


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EXHIBIT ONE

arc-sos.state.al.us/cgi/corpdetail.mbr/details?ccrp=5676548&page=name&Be=



Government Records
ALABAMA SECRETARY OF STATE
JIM BENNETT



Home > Government Records > Business Entities > Search > Details

Business Entity Details

North Alabama Public Service Broadcasters, Inc.	
Entity ID Number	567 - 654
Entity Type	Domestic Non-Profit Corporation
Principal Address	JASPER, AL
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Walker County
Formation Date	4-1-2008
Registered Agent Name	Not Provided
Registered Office Street Address	Not Provided
Registered Office Mailing Address	Not Provided
Nature of Business	CHRISTIAN EDUCATION/BROADCASTING/MEDIA/VIA INTERNET
Capital Authorized	
Capital Paid In	
Incorporators	
Incorporator Name	SMTH, ED
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Scanned Documents	
Click here to purchase copies.	
Document Date / Type / Pages	4-1-2008 Articles of Formation 1 pg.

Articles of Incorporation Attached To This Email As Exhibit One and Will Be Printed and Attached In Our Mailing

Received & Inspected

State of Alabama
Domestic Non-Profit Corporation
Articles of Incorporation

Recording Fee
TOTAL

#0567654	
Posted by: RW	Checked by: JJ

AUG 13 2014

Mail Room

Recorded In Corp BK 2894 Pg 652, 04/01/2008 11:11:01 AM
Rick Allison, Judge of Probate, Walker County, Alabama

Article I
Corporate Name: North Alabama Public Service Broadcasters, Inc.

Article II
North Alabama Public Service Broadcasters, Inc. is a Perpetual, Non-profit organization.

Article III
The purpose of North Alabama Public Service Broadcasters, Inc. shall be to educate the public in the ways of a joyful life by providing educational and public service information from a Christian world-view. We plan to affiliate with local schools and educational institutions; placing our emphasis on home schooling and Christian Education as we serve the public through broadcasting, media and via the Internet.

Article IV
North Alabama Public Service Broadcasters, Inc. shall be governed by trustees who serve as the Board of Directors of this organization.

Article V
Official Corporate Address:
513 West 19th Street
Jasper, AL 35960

Mailing Address:
PO Box 2483
Jasper, AL 35502

Article VI
Initial Board of Directors

Rev. Roy Helms, Trustee
2200 Gamble Avenue
Jasper, AL 35501

Mrs. Jan Duncan
313 19th Street West
Jasper, AL 35501

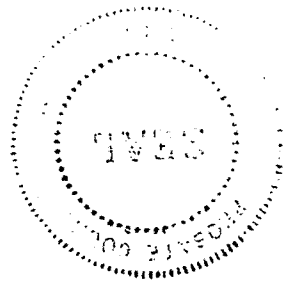
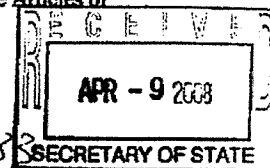
Article VII
Incorporator
North Alabama Public Service Broadcasters is founded and established by Rev. Ed Smith, PO Box 2483; Jasper, Alabama 35502
IN WITNESS THEREOF, the undersigned incorporator executed these Articles of Incorporation on this the 1 day of April, 2008.

This document prepared by:

Rev. Ed L. Smith, Incorporator

Ed L. Smith
Signed

PO Box 2483
Jasper AL 35502



STATE OF ALABAMA
Walker County
I, Rick Allison, Judge of Probate
do hereby certify the foregoing to be
a true copy.

4-4-08
Rick Allison
Judge of Probate

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EXHIBIT TWO

Attached to the email as Exhibit Two. A Printed Copy Will Be Mailed With This Document

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

TERRY KEITH HAMMOND

Application for Renewal of Licensee for Station
KBKH(FM), Shamrock, Texas

EB Docket No. 06-163

File No. EB-03-IH-0130

File No. BRH-20050401AAA

Facility ID No. 81640

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MEMORANDUM OPINION AND ORDER

Adopted: June 22, 2009

Released: June 22, 2009

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Memorandum Opinion and Order, we dismiss the above-captioned proceeding pursuant to Section 1.92(d) of the Commission's rules. Based upon the evidence of his felony conviction, we conclude that Terry Keith Hammond lacks the basic requisite character qualifications to be and remain a Commission licensee, and note that such conclusion would have warranted revocation of the license for Station KBKH(FM) (the "Station") prior to its cancellation. Our actions herein are taken pursuant to authority delegated to the Enforcement Bureau under Section 0.111(a)(17) of the Commission's rules.

II. BACKGROUND

2. On September 15, 2006, the Commission commenced a hearing proceeding to determine whether Mr. Hammond is qualified to be and remain a licensee, whether his license for Station KBKH(FM) should be revoked, and whether his application for renewal of the station's license should be granted. The Hearing Designation Order specified numerous questions of fact and law to be determined at hearing.

3. First, the Hearing Designation Order found that a hearing was warranted in order to determine whether Station KBKH(FM)'s license should be revoked because Mr. Hammond's felony

1 As set forth herein, the Administrative Law Judge ("Presiding Judge") dismissed Mr. Hammond's application for the renewal of the license of Station KBKH(FM) for failure to prosecute, and the Media Bureau thereafter cancelled his authorization, deleted the station's call letters, and ordered Mr. Hammond to cease operations. See infra Paragraphs 6-7.

2 See 47 C.F.R. § 1.92(d).

3 See 47 C.F.R. § 0.111(a)(17).

4 See Terry Keith Hammond, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, 21 FCC Rcd 10267 (2006) ("Hearing Designation Order" or "HDO").

conviction might indicate that he lacks the basic character qualifications to be and remain a licensee.⁵ Specifically, the *Hearing Designation Order* ordered Mr. Hammond to show cause, pursuant to Sections 312(a) and (c) of the Communications Act of 1934, as amended (the "Act"), why the Station's license should not be revoked.⁶ With regard to these issues, the *Hearing Designation Order* placed the burden of proceeding with the introduction of evidence and the burden of proof on the Enforcement Bureau.⁷

4. Next, pursuant to Section 309(e) of the Act, the *Hearing Designation Order* designated Mr. Hammond's renewal application for the Station for hearing. The *Hearing Designation Order* specified the following issues for determination: (1) whether Mr. Hammond made false certifications, misrepresentations, or otherwise demonstrated a lack of candor in applications that he filed with the Commission;⁸ (2) whether Mr. Hammond willfully and/or repeatedly violated Commission rules governing the operation, location and equipment for Station KBKH(FM);⁹ and (3) whether Mr. Hammond willfully or repeatedly failed to comply with a Commission rule requiring licensees to provide information concerning matters within the Commission's jurisdiction.¹⁰ The *Hearing Designation Order* placed the burden of proceeding with the introduction of evidence and the burden of proof regarding these issues on Mr. Hammond.¹¹

5. Finally, the *Hearing Designation Order* provided for a determination as to whether a forfeiture should be imposed against Mr. Hammond for willfully or repeatedly failing to comply with the terms of his license for the Station and for willfully or repeatedly failing to comply with certain Commission rules.¹² Irrespective of the resolution of the issues set forth above, the *Hearing Designation Order* specified that there be a determination as to whether a forfeiture should be imposed against Mr. Hammond with respect to the apparent willful and/or repeated violations of Section 73.1015 of the Commission's rules,¹³ in an amount not to exceed \$325,000; Sections 73.1350(a), 73.1560(b) and (d), and 73.1745(a) of the Commission's rules,¹⁴ in an amount not to exceed \$325,000; and Section 11.35(a) of the Commission's rules,¹⁵ in an amount not to exceed \$325,000; for any such violations that occurred or continued within the applicable statute of limitations.¹⁶

6. Pursuant to Section 1.91(c) and Section 1.221(c) of the Commission's rules,¹⁷ the

⁵ See *id.* at 10274-275 ¶ 17.

⁶ See *id.* at 10278-79 ¶ 27.

⁷ See *id.* at 10280 ¶ 29.

⁸ See *id.* at 10279 ¶ 28(3) & (4) (internal citations omitted).

⁹ See *id.* ¶ 28(5) & (6) (internal citation omitted).

¹⁰ See *id.* ¶ 28(7).

¹¹ See *id.* at 10280 ¶ 30.

¹² See *id.* ¶ 31.

¹³ See 47 C.F.R. § 73.1015.

¹⁴ See 47 C.F.R. §§ 73.1350(a), 73.1560(b) and (d), 73.1745(a).

¹⁵ See 47 C.F.R. § 11.35(a).

¹⁶ See *HDO*, 21 FCC Rcd at 10280 ¶ 31.

¹⁷ See 47 C.F.R. §§ 1.91(c); 1.221(c).

Hearing Designation Order ordered Mr. Hammond, to file a written notice of appearance stating that he would appear on the specified hearing date and present evidence on the designated issues.¹⁸ In addition, the *Hearing Designation Order* informed Mr. Hammond that if he failed to file a written notice of appearance, the Station's renewal application would be dismissed with prejudice for failure to prosecute, his right to a hearing would be deemed waived,¹⁹ and the issues would thereafter be resolved in accordance with Section 1.92(c) of the Commission's rules.²⁰

7. The Presiding Judge determined that Mr. Hammond received a copy of the *Hearing Designation Order* but failed to file a written notice of appearance seeking to avail himself of the right to a hearing.²¹ Accordingly, the Presiding Judge concluded that Mr. Hammond waived his right to a hearing, terminated the hearing proceeding, and certified to the Commission the issues set forth in paragraph 3 above.²² Pursuant to Section 1.221(c) of the Commission's rules, the Presiding Judge also dismissed, with prejudice, the Station's renewal application for failure to prosecute.²³ The Presiding Judge did not terminate the hearing proceeding.

8. Following the dismissal of the Station's renewal application, the Media Bureau, noting that the station's license had expired, terminated Mr. Hammond's authority to operate the Station and deleted the Station's call letters.²⁴

III. DISCUSSION

A. Mr. Hammond Is Not Qualified to Be and Remain a Licensee

1. Facts

9. In connection with its investigation of a complaint alleging that the Station was not operating in accordance with its authorization, the Commission received information and documentation that Mr. Hammond had been convicted of a felony.²⁵ Specifically, on June 4, 2004, judgment on a conviction was entered against Mr. Hammond for theft of more than \$1,500 but less than \$20,000 in the

¹⁸ See *HDO*, 21 FCC Rcd at 10280-281 ¶ 35.

¹⁹ See *id.*

²⁰ See *id.*; 47 C.F.R. § 1.92(c) (providing that, whenever a hearing is waived, the presiding administrative law judge shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission).

²¹ See *Terry Keith Hammond*, Memorandum Opinion and Order, FCC 06M-37 (rel. Nov. 17, 2006). See also EB Exhibit 1 (affidavit of Terry Keith Hammond acknowledging receipt of the *Hearing Designation Order*).

²² See *Terry Keith Hammond*, *supra* note 26.

²³ See *id.*; 47 C.F.R. § 1.221(c) (providing that, whenever an application is designated for hearing and the applicant fails to file a written notice of appearance within the time specified, the application will be dismissed for failure to prosecute).

²⁴ See Letter from Peter H. Doyle, Chief, Audio Services Division, Media Bureau, to Terry Keith Hammond, dated January 11, 2007. Mr. Hammond filed a petition for reconsideration of the license cancellation on February 10, 2007, and supplemented that petition on June 26, 2007. The Media Bureau denied Mr. Hammond's petition for reconsideration. See *Station DKBHK(FM), Shamrock, Texas*, Letter, 22 FCC Rcd 18899 (MB Audio Div. 2007).

²⁵ See *HDO*, 21 FCC Rcd at 10268 ¶ 4 & n.8.

31st Judicial District Court of Wheeler County, Texas.²⁶ The theft occurred in 2002, prior to Mr. Hammond's acquisition of the Station, and involved Mr. Hammond altering checks written to the Station and depositing them into an account that he controlled. Mr. Hammond appealed this conviction; his appeals were denied.²⁷ Mr. Hammond was incarcerated but has since been released.²⁸

10. In addition to his theft conviction, there are other instances in which Mr. Hammond has demonstrated a propensity to ignore or evade lawful requirements prescribed by statute and Commission rules. The Commission's records reveal that Mr. Hammond engaged in multiple instances of unauthorized operation of unlicensed radio broadcast stations in California, Louisiana, and Texas prior to his acquisition of the Station. The Commission issued warning letters to Mr. Hammond concerning such unlicensed operations on March 11 and July 14, 1999²⁹ and at least one citation for the unlicensed operation of a radio station.³⁰ In addition, the *Hearing Designation Order* set forth numerous instances in which Mr. Hammond apparently violated the Commission's rules.³¹

2. Discussion

11. Section 312(a)(2) of the Act provides that the Commission may revoke any license "because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application."³² The character of the licensee or applicant is among the factors that the Commission considers in determining whether the applicant has the requisite qualifications to operate the station for which authority is sought.³³ The Commission's character

²⁶ See *State of Texas v. Terry Keith Hammond*, Judgment of Conviction by Jury, Case No. 4010 (31st Jud. Dist. Wheeler County Ct., June 4, 2004). Mr. Hammond initially was sentenced to two years confinement in the State Jail Division, which was suspended with the requirement that Mr. Hammond be placed on community supervision for five years. On July 12, 2004, the trial court found that Mr. Hammond had violated the terms of the supervision and it was revoked.

²⁷ The 7th Court of Appeals, which reviewed the trial court's judgment, ruled that it did not have jurisdiction to consider Mr. Hammond's appeal of the felony conviction because it was not timely filed. See *Terry Keith Hammond v. State of Texas*, No. 07-04-0430-CR (7th Ct. App. Tex. Dec. 14, 2005). In addition, the Texas Court of Criminal Appeals denied Hammond's Petition for Discretionary Review of the ruling of the 7th Court of Appeals. See *Terry Keith Hammond v. State of Texas*, No. PD-0313-06 (Texas Ct. Crim. Appeals Mar. 1, 2006).

²⁸ On April 17, 2006, the 7th Court of Appeals issued its mandate ordering that Hammond's sentence be carried out, and Mr. Hammond was incarcerated in accordance with that order. Thereafter, on February 28, 2007, Mr. Hammond's application for a writ of *habeas corpus* was granted upon a finding that Mr. Hammond received ineffective assistance of counsel, and the 7th Court of Appeals remanded the case to the trial court for resentencing, but did not otherwise vacate or overturn his conviction. See *Ex Parte Terry Keith Hammond*, Cause No. 4010-A (7th Ct. App. Tex. Feb. 28, 2007) (unpublished). The trial court reportedly reduced Mr. Hammond's sentence to time served and placed him on probation for two years.

²⁹ Letter from Thomas Horan, Agent, Compliance and Information Bureau, San Francisco Office, to Lick 106.7/Keith Hammond, dated March 11, 1999 (Mr. Hammond refused to sign for this letter or acknowledge it); Letter from Stephen P. Lee, Agent, Compliance and Information Bureau, South Central Region, New Orleans, LA, to Terry Keith Hammond, dated July 14, 1999 (Mr. Hammond signed to acknowledge that he received this letter).

³⁰ Notice of Unlicensed Radio Operation, 99OR250, July 28, 1999.

³¹ See *HDO*, 21 FCC Rcd at 10279 ¶ 28.

³² 47 U.S.C. § 312(a)(2).

³³ See 47 U.S.C. § 308(b).

assessments focus on misconduct that demonstrates the licensee's or applicant's proclivity to deal truthfully with the Commission and to comply with its rules or policies.³⁴ The Commission considers "evidence of any conviction for misconduct constituting a felony" relevant.³⁵ The Commission believes that "[b]ecause all felonies are serious crimes, any conviction provides an indication of an applicant's or licensee's propensity to obey the law" and to conform to provisions of both the Act and the agency's rules and policies.³⁶

12. In this case, Mr. Hammond has been convicted of a felony.³⁷ We find that this criminal misconduct justifies a finding that Mr. Hammond has demonstrated his propensity to evade, rather than comply with laws and regulations that would include the Communications Act and the Commission's rules and policies.³⁸ Our finding in this regard is reinforced by the additional instances in which Mr. Hammond was warned or cited for unauthorized and unlicensed operation of broadcast stations prior to his acquisition of the Station. For these reasons, we find that Mr. Hammond does not possess the character qualifications required by this Commission to be or remain a licensee.

3. License Revocation

13. The Commission's character policies provide that any felony conviction is a matter predictive of licensee behavior and is directly relevant to the functioning of the Commission's regulatory mission.³⁹ The serious conviction described above mandates the conclusion that Mr. Hammond does not possess the requisite qualifications to be or remain a licensee. Based on the foregoing, we conclude, as a matter of law, that revocation of Mr. Hammond's license for the Station is mandated but for the prior dismissal of Mr. Hammond's application for the renewal of the Station's license and the subsequent termination of his authority to operate the Station. In light of our decision dismissing the above-captioned hearing proceeding, the cancellation of Mr. Hammond's license for Station KBKH(FM), and our finding that Mr. Hammond is not qualified to be and remain a licensee, we do not impose a forfeiture. We believe that these actions are a sufficient sanction in this context.⁴⁰

³⁴ See *Policy Regarding Character Qualifications in Broadcast Licensing*, Report, Order and Policy Statement, 102 FCC 2d 1179, 1196-98 ¶ 37 (1986), *recons. denied*, 1 FCC Rcd 421 (1986), *appeal dismissed sub nom. National Association for Better Broadcasting v. FCC*, No. 86-1179 (D.C. Cir. Jun. 11, 1987) ("Character Policy Statement"). See also *Policy Regarding Character Qualifications in Broadcast Licensing, Amendment of Part 1, the Rules of Practice and Procedure, Relating to Written Responses to Commission Inquiries and the Making of Misrepresentation to the Commission by Applicants, Permittees, and Licensees, and the Reporting of Information Regarding Character Qualifications*, Policy Statement and Order, 5 FCC Rcd 3252, 3252 ¶ 5 (1990), *recons. on other grounds*, 6 FCC Rcd 3448 (1991), *modified on other grounds*, 7 FCC Rcd 6564 (1992) ("1990 Character Order"). See, e.g., *Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000) (upheld as rational Commission policy to consider any felony conviction of broadcast licensee's or applicant's principal as a relevant factor in evaluating propensity to obey the law) *cert. denied*, 532 U.S. 920 (2001)

³⁵ 1990 Character Order, 5 FCC Rcd at 3252 ¶ 4.

³⁶ See *id.*

³⁷ See Paragraph 8, *supra*.

³⁸ See, e.g., *Contemporary Media, Inc.*, 13 FCC Rcd 14437, 14442 ¶ 11 (1998), *recons. denied*, 14 FCC Rcd 8790 (1999), *aff'd Contemporary Media, Inc. v. FCC*, 214 F.3d 187 (D.C. Cir. 2000), *cert. denied*, 532 U.S. 920 (2001).

³⁹ See *Character Policy Statement*, *supra* note 34; *1990 Character Order*, *supra* note 34.

⁴⁰ See, e.g., *KEGG Communications, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 11768 (Enf. Bur. 2005); *Radio Moultrie, Inc.*, Order of Revocation, 18 FCC Rcd 22950 (Enf. Bur. 2003).

B. Dismissal of the Captioned Proceeding

14. As the Presiding Judge determined, Mr. Hammond waived his right to a hearing on the specified issues because he failed to file a timely written appearance as prescribed by Section 1.91(c) of the Commission's rules.⁴¹ Consequently, in accordance with Section 1.92(d) of the Commission's rules,⁴² we dismiss the hearing proceeding. We note, however, that Mr. Hammond will be required to report to the Commission the existence of the unresolved issues designated for hearing in this case in connection with any application that he may file with the Commission in the future.⁴³

IV. ORDERING CLAUSES

15. Accordingly, **IT IS ORDERED**, pursuant to Section 1.92(d) and 0.111(a)(17) of the Commission's rules,⁴⁴ that the captioned hearing proceeding **IS DISMISSED**.

16. **IT IS FURTHER ORDERED** that a copy of this *Memorandum Opinion and Order* shall be sent by Certified Mail Return Receipt Requested to Terry Keith Hammond, P.O. Box 688, Shamrock, Texas 79079 and to 6700 U.S. Highway 83, Shamrock, Texas 79079.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief, Enforcement Bureau

⁴¹ See 47 C.F.R. § 1.91(c).

⁴² See 47 C.F.R. § 1.92(d).

⁴³ Some examples of these applications include: Application for Construction Permit For a Commercial Broadcast Station (FCC 301); Application for Consent to Assignment of Broadcast Station Construction Permit or License (FCC 314); Application for Construction Permit For a Low Power FM Broadcast Station (FCC 318).

⁴⁴ See 47 C.F.R. §§ 1.92(d) and 0.111(a)(17).

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EXHIBIT THREE

← who.godaddy.com/whois.aspx?k=5ar4g0spCrc03Vu1FrA9164vR0gmWzcQ0eUy;Erfk8lWgVaaSa77vRsQEFOWK2eS&domain=monsterfm

WHOIS search results for: MONSTERFM.COM

Is this your domain? Add hosting, email and more. **GO!**

Want to buy this domain? Get it with our Domain Buy service. **GO!**

Domain Name: MONSTERFM.COM
 Registrar URL: http://www.godaddy.com
 Updated Date: 2013-08-03 07:35:48
 Creation Date: 2000-08-02 15:01:27
 Registrar Expiration Date: 2014-08-02 15:01:27
 Registrar: GoDaddy.com, LLC
 Domain Status: clientDeleteProhibited
 Domain Status: clientRenewProhibited
 Domain Status: clientTransferProhibited
 Domain Status: clientUpdateProhibited
 Registrant Name: Terry Hammond
 Registrant Organization: Monsterfm.com
 Registrant Street: 6700 US Hwy 83
 Registrant City: Shamrock
 Registrant State/Province: Texas
 Registrant Postal Code: 79079
 Registrant Country: United States
 Admin Name: Terry Hammond
 Admin Organization: Monsterfm.com
 Admin Street: 6700 US Hwy 83
 Admin City: Shamrock
 Admin State/Province: Texas
 Admin Postal Code: 79079
 Admin Country: United States
 Admin Phone: +1.8062561223
 Admin Fax: +1.8062561223
 Admin Email: shamrockedc@yahoo.com
 Tech Name: Terry Hammond
 Tech Organization: Monsterfm.com
 Tech Street: 6700 US Hwy 83
 Tech City: Shamrock
 Tech State/Province: Texas
 Tech Postal Code: 79079
 Tech Country: United States
 Tech Phone: +1.8062561223
 Tech Fax: +1.8062561223
 Tech Email: shamrockedc@yahoo.com
 Name Server: NS15.DOMAINCONTROL.COM

Domain already taken?

Enter Domain Name .com

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.

Domains available for new registration:

Alternate TLDs	SAVE	Price
<input type="checkbox"/> monsterfm.co	SAVE	\$12.99/yr
<input type="checkbox"/> monsterfm.net	SAVE	\$9.99/yr
<input type="checkbox"/> monsterfm.org	SAVE	\$12.99/yr
<input type="checkbox"/> monsterfm.info	SAVE	\$2.99/yr
<input type="checkbox"/> monsterfm.us	SAVE	\$3.99/yr
<input type="checkbox"/> monsterfm.biz	SAVE	\$5.99/yr
<input type="checkbox"/> monsterfm.me	SAVE	\$9.99/yr
<input type="checkbox"/> monsterfm.mobi	SAVE	\$9.99/yr
Similar Premium Domains		
<input type="checkbox"/> kwisblemonster.com		\$1,149.00*
<input type="checkbox"/> MonsterReviews.com		\$749.00*
<input type="checkbox"/> MonsterTerécies.com		\$749.00*
<input type="checkbox"/> MonsterMag.com		\$3,998.00*
<input type="checkbox"/> MonsterPk.com		\$4,588.00*

← who.godaddy.com/whois.aspx?domain=worldwidefm.com&prog_id=GoDaddy

WHOIS search results for: WORLDWIDEFM.COM

Is this your domain? Add hosting, email and more. **GO!**

Want to buy this domain? Get it with our Domain Buy service. **GO!**

Domain Name: WORLDWIDEFM.COM
 Registrar URL: http://www.godaddy.com
 Updated Date: 2013-03-11 11:54:30
 Creation Date: 2011-03-11 03:19:51
 Registrar Expiration Date: 2014-03-11 02:19:51
 Registrar: GoDaddy.com, LLC
 Domain Status: clientDeleteProhibited
 Domain Status: clientRenewProhibited
 Domain Status: clientTransferProhibited
 Domain Status: clientUpdateProhibited
 Registrant Name: Terry Hammond
 Registrant Organization: MonsterFM.com
 Registrant Street: 6700 US Hwy 83
 Registrant City: Shamrock
 Registrant State/Province: Texas
 Registrant Postal Code: 79079
 Registrant Country: United States
 Admin Name: Terry Hammond
 Admin Organization: MonsterFM.com
 Admin Street: 6700 US Hwy 83
 Admin City: Shamrock
 Admin State/Province: Texas
 Admin Postal Code: 79079
 Admin Country: United States
 Admin Phone: +1.2052822036
 Admin Fax: +1.8062561223
 Admin Email: shamrockedc@yahoo.com
 Tech Name: Terry Hammond
 Tech Organization: MonsterFM.com
 Tech Street: 6700 US Hwy 83
 Tech City: Shamrock
 Tech State/Province: Texas
 Tech Postal Code: 79079
 Tech Country: United States
 Tech Phone: +1.2052822036
 Tech Fax: +1.8062561223
 Tech Email: shamrockedc@yahoo.com

Domain already taken?

Enter Domain Name .com

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.


Domains available for new registration:

Alternate TLDs	SAVE	Price
<input type="checkbox"/> worldwidefm.co	SAVE	\$12.99/yr
<input type="checkbox"/> worldwidefm.info	SAVE	\$2.99/yr
<input type="checkbox"/> worldwidefm.us	SAVE	\$3.99/yr
<input type="checkbox"/> worldwidefm.ca		\$12.99/yr
<input type="checkbox"/> worldwidefm.biz	SAVE	\$5.99/yr
<input type="checkbox"/> worldwidefm.me	SAVE	\$9.99/yr
<input type="checkbox"/> worldwidefm.mobi	SAVE	\$9.99/yr
<input type="checkbox"/> worldwidefm.tv		\$39.99/yr
Similar Premium Domains		
<input type="checkbox"/> FmModulators.com		\$288.00*
<input type="checkbox"/> FmRecorder.com		\$1,549.00*
<input type="checkbox"/> FmModulation.com		\$450.00*
<input type="checkbox"/> WorldwideBooks.com		\$3,488.00*

iPad 7:03 PM
Timeline

Yesterday at 8:17 PM

I want to wish my beautiful daughter luck as she goes into her college orientation, tomorrow morning! She left for South Alabama with her mom, just after lunch today. Why do they have to grow up so fast? It will definitely be too quiet h



Marshia Pinegar
ohhh my keith it doesnt seem like she is that old. she is soo pretty too... dont seem like my boy is 16 either god i;m old lol
Yesterday at 8:49 PM Like

Fox-Im Wqjj
No, Marshia. You are not old. To have raised a child to adulthood, you are SUCCESSFUL!
Yesterday at 8:50 PM Like

Marshia Pinegar
thank u sweetie expecially alone... its harder just one..
Yesterday at 8:51 PM Like

Fox-Im Wqjj
Marshia, I did not mean to not thank you for the kind words about my "baby" girl, either. I will not brag about much but, my girls, I will brag about in a second. Thanks for saying that she is pretty. I will definitely agree with you on that one.
Yesterday at 8:52 PM Like

Marshia Pinegar
she is beautiful.... u have every right to be proud..
Yesterday at 8:53 PM Like

Raegene Mitchell
shee gorgeous sweet just like her mom

Write a comment Post

29 Likes 16 Co

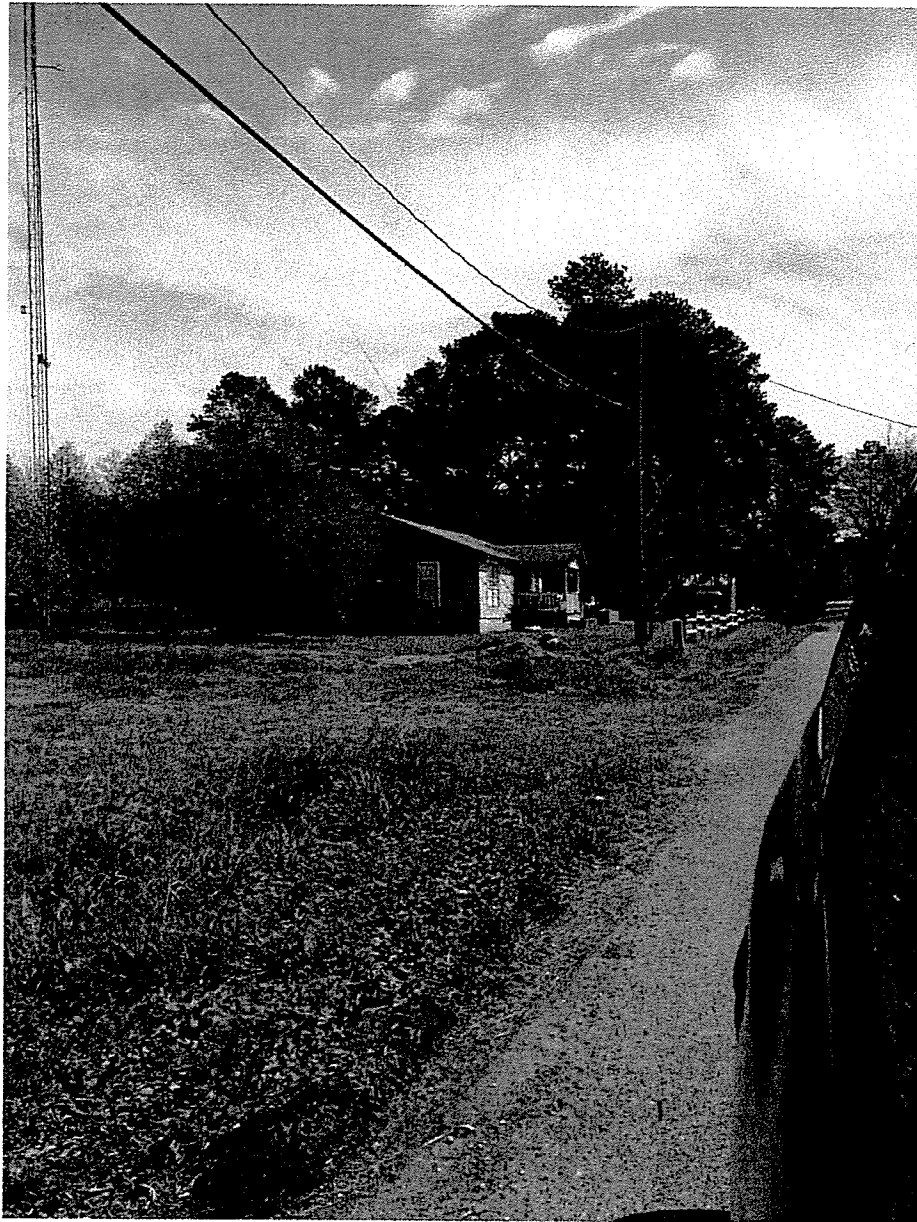
Like Comment Share

Received & Inspected

AUG 16 2014

FCC Mail Room

EXHIBIT FOUR



Received & Inspected

AUG 1 2013

FCC Mail Room

EXHIBIT FIVE

Received & Inspected

AUG 1 2014

FCC Mail Box

Verizon 3G 9:28 PM 84%



Fox-fm Wqjj shared 97.7 Fox-FM's status.

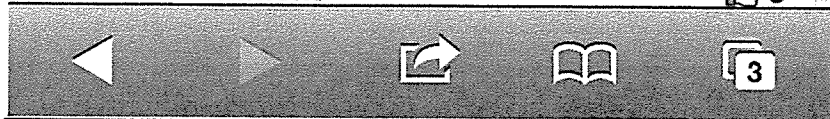
Yesterday at 2:28pm

Be sure to lock your FM radio on 97.7-FM for Alabama Crimson Tide Football at 2:30PM as the Tide takes on Texas A&M in Tuscaloosa! Why bother with trying to hear a noisy (static) AM station that doesn't have a clear signal all the way to the city limits when you can get a nice, clean and clear FM signal for the game? If God had intended for you to listen to AM (or any other FM signal in Walker County that doesn't know how to broadcast in stereo - which is both of them), you would've been born with one ear! 97.7 Fox-FM is Jasper and Walker County's Most Listened To Radio Station® with more than sixteen times the audience for a reason!

Be sure to lock your FM radio on 97.7-FM for Alabama Crimson Tide... See More

Like · Comment

3



Audio attached and labeled Exhibit Five and will be included via mail on CD

EXHIBIT SIX

Received & Inspected

AUG 1 2008

Offender Information Details

Page 1 of 2 FCC Mail Room

Texas Department of Criminal Justice



Offender Information Detail

SID Number: 06720755
TDCJ Number: 01361320
Name: HAMMOND, TERRY KEITH
Race: W
Sex: M
Age: 43
Maximum Sentence Date: 2008-03-22
Current Facility: WHEELER
Projected Release Date: 2008-03-22
Parole Eligibility Date: NOT AVAILABLE

Current Offense Data:					
Offense Date	Offense	Sentence Date	County	Case No.	Sentence (Y-MM-DD)
2002-08-08	THEFT O/\$1500 U/ \$20,000	2004-07-23	WHEELER	4010	2-00-00

Projected Release Date:

Projected Release Date is the date, which is determined by the TDCJ Institutional Division Records Office, that an offender is projected to be released from incarceration if not released on parole sooner. The calculation of the projected release date is affected by offense title and offense date.

** If an offender committed their offense prior to 9/1/1996 and their offense is mandatory supervision eligible, the projected release date is calculated as their scheduled release date to mandatory supervision (if not paroled prior to that), when their time credits (flat time served plus good time earned) equal their total sentence.*

** If an offender committed their offense on or after 9/1/1996 and their offense is mandatory supervision eligible, the projected release date is calculated as their scheduled release date to mandatory supervision (if not paroled prior to that), when their time credits (flat time served plus good time earned) equal their total sentence AND the Parole Board has approved their release to mandatory supervision (per the Discretionary Mandatory Supervision law); however, if the Parole Board denies the release on mandatory supervision, the projected release date is recalculated to reflect the same date as the maximum expiration date, which is otherwise known as their discharge date. Subsequent reviews by the Parole Board that result in approval for mandatory supervision release result in the projected release date being recalculated to an earlier date to allow for mandatory supervision release processing to occur.*

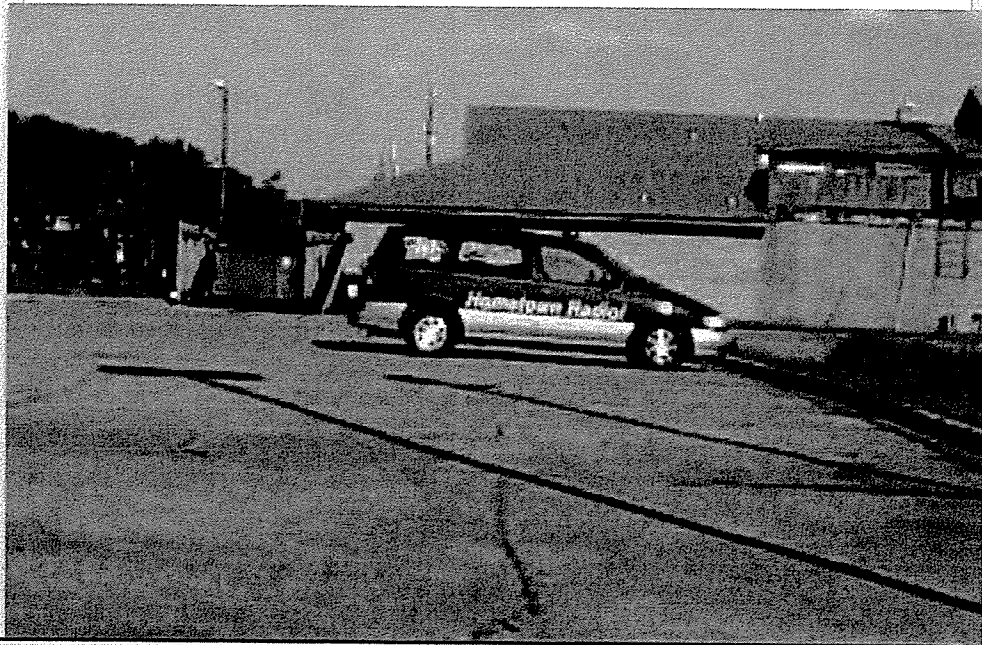
** If an offender is incarcerated for an offense that by law is non-mandatory supervision eligible, their*



Fox-fm Wqjj

17 minutes ago

There's nothing like game night in Jasper! Everyone has a routine they go through. Here, you can see a van (belonging to another radio station, of course) as the broadcasters fuel-up at Harrison's Bar before driving over to the high-school to mingle with the students while broadcasting the game...



Received & Inspected

AUG 16 2013

FCC Mail Room

More attachments to this email will be labeled Exhibit Six with concurrent numbers

County Sta.

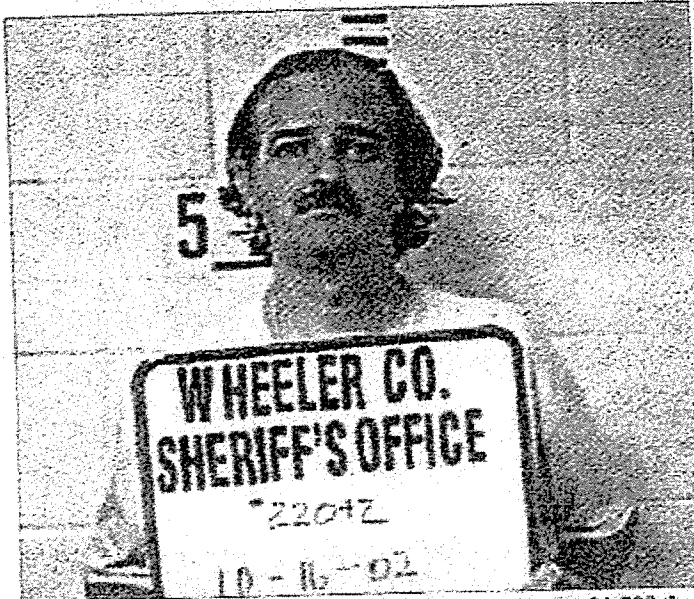
50*

Vol. 12, No. 9 -- June 3, 2004

A combination of The Irish Star-News & Wheeler Area

Hammond found guilty

by TOBY BROOKS
Editor



Terry Keith Hammond was found guilty of theft over \$1,500, less than \$20,000 on Thursday, May 27, 2004.

A 31st District jury found Terry Keith Hammond guilty of stealing money from the Shamrock Economic Development Corporation on Thursday May 27, 2004.

Hammond was convicted of felony theft, which covers theft of more than \$1,500 and less than \$20,000 and is punishable by up to two years in a state jail facility and a fine up to \$10,000.

Hammond was hired by the Shamrock Economic Development Corporation to run radio station KRMH 92.7. The EDC alleged that while he was running the station, he stole money from the station that should have gone to the Shamrock EDC.

Judge John Forbis has scheduled to set Hammond's sentence on June 4, 2004.

Celel

Relay for Life of
County Relay for L
vivor. This is her
Steering Committe
Novelina Loyd w

a special education
Wheeler and was
first grandchild in ju
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problem a few day
cologist for a checl
more replacement
monas were resp
day. She first had
lump removed. Th
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pone further treatm
child. She was gi
to proceed with tr
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tomy and chemor
after considerabl
breast was remon
performed at the
Pruitt is one of the
and has a wonder

At one point, N
not taking the che
cancer, she want
on her family, ar
support whatever
sas, that helped
do. She told his
wife, Joni, when
have a grandm
person they can
while she wasn't
pictures in Abiga
has a little sister
and love: one w

Novelina has
gist - helped her
Abilena, to enor
mother-in-law h
husband "spoilt
business, trying
cancer was har
for Lyndon too

Memorial Day services held at Shamrock cemetery



cause has never been greater." Stamp Out Hunger, the nation's food to help more than 35 million people, including 12 million continued downturn in the economy, Americans boosted their donations. "This year's record achievement in food donations collected by our carriers demonstrates the generosity of our customers and the determination of our employees to come to the aid of fellow Americans in need," said Potter.

pho occurs. The subsequent handling of hurricanes are proof of that.

Many have been and still are criticizing it taking a more hands-on participation during this rant on TV because he has not been down there. Maybe he has been a touch nonchalant about the personally think that he has shown an uncharacteristic problem. He has had the good sense to stay the most part, and allow the people with the most proceed in the best way that they know. He has acknowledged government simply is not in possession of the means to accomplish a quick fix or a long term remedy.

Now, I think that keeping Attorney General Holder prematurely getting into a criminal investigation and prosecution of BP executives should be one of the things that will be ample time for this action after the crisis has passed. The actions of the ones responsible can be assessed. And it is ridiculous that AG Holder was assuring every citizen that if negligence were discovered, miscreants would be brought to the fullest extent of the law. Isn't that his job? I find it hard to announce that he was going to do it.

Two things concern me about this whole thing. One is that the places and individuals who suffer the most are not being made whole in a timely fashion. I don't see how the ones who lost their lives in the explosion can ever be made whole, but I hope that they can at least find some peace. The other is that the President Obama does not use this as an opportunity to reform more government bureaucracies to oversee this kind of thing. We already have several, and if they were not functioning properly, then what would make you think that others would be any more diligent? It's pretty obvious that those responsible for the inspections were lax, to say the least. How about reforming the government agencies that we already have to be more effective? Just something to think about.

Hammond found guilty by Wheeler County jury

by TOBY BROOKS
Publisher

According to the 31st District Attorney's office, Bessie Price Hammond, 45, of Alabama, was indicted by a Wheeler County Grand Jury on a charge of theft

of property over \$1,500, under \$20,000. The date of the offense was on or about August 8, 2002.

Assistant District Attorney Jeff Matthews, tried Mrs. Hammond this past week in a Wheeler County courtroom with Judge Richard Dambold, visiting judge, presiding. The jury convicted Mrs. Hammond on a lesser misdemeanor A charge and granted her probation. Judge Dambold sentenced her to 90 days jail probation to 18 months, a \$775 fine with restitution in an amount to be determined by the Court, payable to the Shamrock Economic Development Corporation.

E 2010 ENU

5 lb. Allergen-Free Food Box

Processed to eliminate the eight top serious allergens: Peanuts, Soybeans, Milk, Eggs, Fish, Crustaceans, Tree Nuts and Gluten (wheat, rye and barley). Great for children and adults!

- 1 lb. Breaded Chicken Breast Fillets
- 1 lb. Breaded Chicken Breast Nuggets
- 1 lb. Breaded Cubed Steak
- 1 lb. Breaded Wings
- 1 lb. Breaded Chicken Tenders

Battered Breaded with water, white rice, Arsenic rice, modified tapioca starch, Bar seed, sugar, salt, spices, dehydrated garlic, spice extractives and oleoresin paprika. Breading is pre-frozen in Canola oil.

\$23.00

6 lb. Premium Seafood Variety Box

- 2 lb. Alaskan Snow Crab Legs
- 1 lb. Large EZ Peel Shrimp
- 1 lb. (8 ct) Stuffed Crab in Natural Shell
- 2 lb. Open Ready Dressed Shrimp

