

**Before the
Federal Communications Commission
Washington, DC**

2016 JUN -7 P 2: 30

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JUN -3 2016

*Federal Communications Commission
Bureau / Office*

In re Applications of:)
)
ENTERTAINMENT MEDIA TRUST,)
DENNIS J. WATKINS, TRUSTEE)
)
WQQX (AM), East St. Louis, Illinois (Facility ID 72815)) File No. BR-20120709ACP
)
WQQW (AM), Highland, Illinois (Facility ID 90598)) File No. BR-20120709ACO
)
KZQZ (AM), St. Louis, Missouri (Facility ID 72391)) File No. BR-20120921AAW
)
KQQZ (AM), DeSoto, Missouri (Facility ID 5281)) File No. BR-20120921ABA.
)
For Renewal of License)

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Peter H. Doyle
Chief, Audio Services Division, Media Bureau

SUPPLEMENT TO PETITION TO DENY

Mark A. Kern (“Petitioner”), by his attorneys, and pursuant to Section 1.65 (a) of the Commission’s rules, 47 C.F.R. § 1.65 (a), hereby supplements his November 1, 2012 Petition to Deny the above-captioned applications of Entertainment Media Trust, Dennis J. Watkins, Trustee (Licensee) for renewal of license in order to provide substantive information which the Licensee has an obligation to report to the Commission but, for more than eight months, has neglected to do so. In support thereof, the following is set forth.

Background

1. Petitioner has alleged that the licensee of record of the four above-captioned stations, Entertainment Media Trust (the trustee of which is Dennis J. Watkins, an attorney with

no prior broadcast experience), is in actuality a front or stand-in for Robert Romanik (on-air name, The Grim Reaper of Radio), a convicted felon involved in multiple serious criminal activities, who is the real party-in-interest with de facto control of the operations of the stations. Petitioner further alleged that the Licensee's stations have engaged in a pattern of misrepresentations, concealments, and FCC rule violations requiring a hearing to determine whether the licenses of the four above-captioned stations should be renewed.

2. In response to Petitioner's allegation that a one paragraph trust instrument provided by the Licensee to the Commission was insufficient under Illinois law to establish a valid trust, Robert S. Romanik, Dennis J. Watkins and Stephen Romanik II entered into a Nonjudicial Settlement Agreement on December 19, 2012, in which the Licensee's one paragraph trust agreement was restated in a ten page document, revealing for the first time that Robert S. Romanik was the grantor of the trust. The restated trust agreement further provided that (a) the trust and trust instrument were "unamendable and irrevocable," (b) the "trustee shall pay all the income [from the trust estate] to the [Beneficiary] Stephen, at lease [sic] annually" and (c) on the Beneficiary's death, "trustee shall distribute the trust assets to any one or more persons, organizations, and his [Beneficiary] estate as he appoints by will, specifically referring to this power of appointment...and shall distribute the trust assets not effectively appointed to his [Beneficiary] then living descendants." Restated Trust Agreement at Articles 2 and 3., a copy of which is set forth in Opposition to Petition to Deny ("Opposition") at Exhibits A and B.

3. Licensee asserts that the trust was formed by Robert Romanik "as an irrevocable vehicle for the benefit [of] his son, Stephen Romanik II," and that Robert Romanik "retains no control or oversight of the trust or the trust assets." Opposition, page 4. In this regard, Licensee further asserts that the Trustee, Dennis J. Watkins, and the trust Beneficiary, Stephen Romanik

II, agreed that the above-captioned trust stations would be operated and managed by Insane Broadcasting Company, wholly owned by Stephen Romanik II and that the trust Beneficiary “oversees the overall operations of the Stations.” Opposition, page 6. Licensee also asserts that “Trustee and Beneficiary work together to ensure FCC compliance and the maintenance of programming and operational standards, as well as to manage the finances of the Stations.... Moreover, because the sole beneficiary of the Licensee trust and the 100% owner of the radio operating company [Insane Broadcasting Company] are one and the same, there is no concern raised regarding attribution or Beneficiary as a real-party-in-interest.” Id. Indeed, it would appear that the Trustee, Dennis J.. Watkins, primarily handles ministerial tasks such as “the payment of real estate tax payments on [trust] properties...and the routine filing of reports and fees with the FCC as required. Opposition, page 3.

4. Licensee asserts that Robert Romanik is not employed by either Insane Broadcasting Company or the Licensee nor is he compensated for his daily one hour radio show, but that he “simply is an out-sized personality and a natural promoter who enjoys having a radio show and supporting, in that small way, his son’s business”; moreover, “being an enthusiastic radio show host is not equivalent to exerting operational, financial and programming control.” Opposition to Petition to Deny, p. 7.

5. Petitioner notes that Licensee in prior biennial ownership reports has listed both the Trustee and Beneficiary as parties with the Trustee holding 100% control. See, e.g., File Nos. BOA-20091217ABS, BOA-20111101AAB. However, subsequent to Petitioner’s filing of its November 1, 2012 petition to deny, Licensee’s 2013 biennial ownership report (File No. BOA-20130920ACG), states that Stephen Romanik II has 100% control and the Trustee, Dennis J. Watkins, has 0% control (the 2013 biennial ownership report would appear to be intended to

distance the Trustee's on-going and past business relationship with Robert Romanik in non-trust matters by allocating 100% control of the stations to Stephen Romanik II). Therefore, it is particularly significant that Licensee's 2015 biennial ownership report (File No BOA-20151109AAA), lists only the Trustee as having 100% control without any mention of the Beneficiary, Stephen Romanik II, which brings Petitioner to the purpose of this supplemental filing.

Discussion

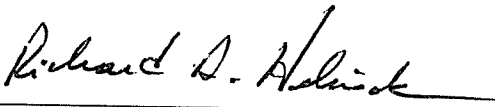
6. Set forth at Exhibit A is the obituary of Stephen Romanik II who died on September 17, 2015, almost two months before Licensee filed its 2015 biennial ownership report and which fact Licensee has, after more than eight months, still not reported to the Commission. As set forth above, Licensee's past practice and admissions to the Commission regard Stephen Romanik II (as sole beneficiary of the trust stations and as the sole owner of Insane Broadcasting Company which operates and programs the stations) to be a party in interest. Indeed, pursuant to Section 73.2555, note 2 d. of the rules, if the trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the interests held in trust.

7. Pursuant to Section 1.65 (a) of the rules, whenever the information furnished in a pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of the application so as to furnish such additional or corrected information as may be appropriate. Petitioner submits that Licensee's failure to report Stephen Romanik II's death, together with Licensee's affirmative decision to delist Stephen Romanik II from its 2015 biennial ownership report, is further evidence of a pattern of abuse and

lack of candor in Licensee's dealings with the Commission. Indeed, Petitioner submits that Licensee's failure to notify the Commission of Stephen Romanik II's death goes to the heart of the ultimate issues raised by Petitioner--- whether Licensee ever exercised control, either de jure or de facto, of the above-captioned stations and whether the trust instrument was merely a contrivance to obscure Robert Romanik's de facto control of the above-captioned stations and avoid the Commission's passing on his qualifications to be a licensee.

Respectfully submitted

MARK A. KERN

By: 
Richard A. Helmick

COHN AND MARKS LLP*
1101 17th Street, N.W., Suite 1001
Washington, D.C. 20036

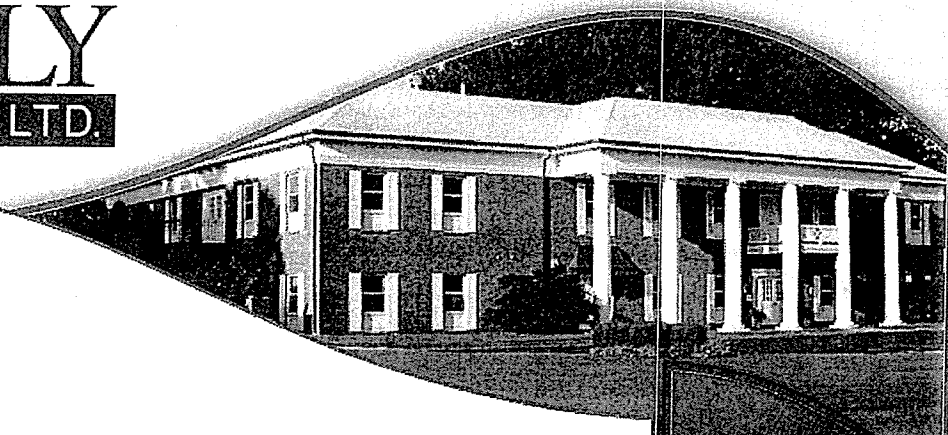
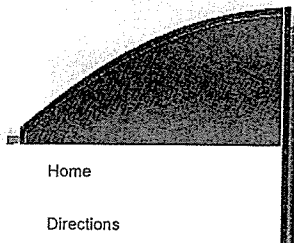
His Attorneys

June 3, 2016

*Please note that Cohn and Marks LLP recently moved its offices to the address listed herein.

EXHIBIT A

KASSLY MORTUARY LTD.



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Stephen Romanik, II

June 24, 1974 - September 17, 2015

[View the Full Online Memorial](#)

Stephen Romanik, II, age 41 of Belleville, IL born June 24, 1974 died on September 17, 2015 at St. Louis University Hospital.

Stephen received his Associates Degree from Southwestern Illinois College. He was a graduate from Northwestern University Police Command Academy and from the Southeast Missouri University Police Academy. Stephen was a member of the Gothic Lodge 852 A.F. & A.M. Fairview Heights, IL.

He was preceded in death by his paternal grandparents, Stephen and Juanita Romanik, nee Touchette; and his maternal grandparents, Harry David and Mary Elizabeth Flynn, nee Haider.

He is survived by his mother and step father, Kathy (Walter) Neff, nee Flynn of Marion, IL; and his father, Robert Romanik (Katrina Sanders) of Belleville, IL. Stephen was a dear nephew and cousin.

Stephen was loved by his parents more than life itself.

In lieu of flowers, the family asked that you hug your children and cherish every moment.

Visitation will be held from 12:00 PM to 4:00PM on Sunday, September 20, 2015 at Kassly Mortuary, Fairview Heights, IL.

Barbara Carrillo



Dorothy Sandor



William Robinson, Jr.



Carole Cummings



Martha Anderson



Stephen Sauget



Jessie Freiberg



Dorothy Anderson



Toni Rodriguez



Burl Cason



Roy McCoy



Henry Syzdek



James Pidgeon



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A Masonic Ritual will be held at 4:00 PM on Sunday, September 20, 2015 with a memorial service immediately following at Kassly Mortuary Chapel, Fairview Heights, IL with Father Clyde Grogan officiating.

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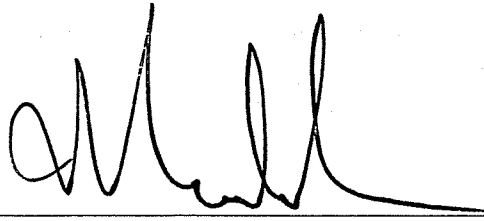
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DECLARATION OF MARK A. KERN

I, Mark A. Kern, do hereby declare under penalty of perjury as follows:

1. I have reviewed the foregoing Supplement to Petition to Deny
2. The facts and representations stated therein are true and accurate to the best of my knowledge and belief.

Executed on this 31st day of May, 2016

A handwritten signature in black ink, appearing to read 'Mark A. Kern', written over a horizontal line.

Mark A. Kern

CERTIFICATE OF SERVICE


I, Maurcia C. Brown, hereby certify that a true and correct copy of the foregoing
"Supplement to Petition to Deny" was sent by first-class, postage prepaid mail this 3rd day of
June 2016 to the following:

Peter H. Doyle, Chief *
Audio Division, Media Bureau
Federal Communications Commission
Room 2-A267
445 12th Street, S.W.
Washington, D.C. 20554

Davina S. Sashkin, Esq.
Franciso R. Montero, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801

Counsel for Entertainment Media Trust, Dennis J. Watkins, Trustee

*via hand delivery


Maurcia C. Brown