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

In the Matter of	)	
	)	
Harvest Broadcasting	)	
	)	
WWNH(AM), Madbury, NH	)	File No. BL-19890626AD
	)	Facility ID No. 26343
	)	
Harvest Broadcasting Association	)	
	)	
W249AW, Lebanon, NH	)	File Nos. BPFT-20160129AAV
	)	BALFT-20151218ATM
	)	BRFT-20140328AKA
	)	BRFT-20060411AAF
	)	BRFT-19970530XI
	)	Facility ID No. 26359
	)	
W265AM, Norwich/West Lebanon, VT	)	File Nos. BPFT-20160129AAW
	)	BRFT-20140331ANY
	)	BRFT-19970530XJ
	)	Facility ID No. 26367
	)	
W261CB, Norwich/West Lebanon, VT	)	File Nos. BPFT-20160201AOG
	)	BALFT-20160205AFG
	)	BRFT-20140328AJR
	)	BRFT-20060411AAG
	)	BRFT-19970530XK
	)	Facility ID No. 26352
	)	
W240AK, Lebanon, etc., NH	)	File Nos. BRFT-20140328AGU
	)	BRFT-20060411AAB
	)	BRFT-19970611WC
	)	Facility ID No. 6771
	)	
W228AU, North Bennington, etc., VT	)	File Nos. BRFT-20140328AHZ
	)	BRFT-20060411AAS
	)	BRFT-19970530XQ
	)	Facility ID No. 26347
	)	
W228AZ, Bernardston, etc., MA	)	File Nos. BRFT-20140328AKB
	)	BRFT-20060411AAK
	)	BRFT-19970530XN
	)	Facility ID No. 26348
	)	
W257AU, St. Johnsbury, etc., VT	)	File Nos. BPFT-20160205AFB
	)	BRFT-20140328AJQ
	)	BRFT-20060412AAB

	)	BRFT-20060411AAT
	)	Facility ID No. 26357
	)	
W232AJ, Greenville, etc., NH	)	File Nos. BPFT-20160218ABA
	)	BRFT-20140328AJY
	)	BRFT-20060411AAI
	)	BRFT-19970530XS
	)	Facility ID No. 26369
	)	
W288AN, West Brattleboro, etc., VT	)	File Nos. BRFT-20140328AJX
	)	BRFT-20060411AAN
	)	BRFT-19970530XM
	)	Facility ID No. 26371
	)	
W259AB, Marlboro, etc., VT	)	File Nos. BRFT-20140331AMK
	)	BRFT-20060412AAA
	)	BRFT-19970407TW
	)	Facility ID No. 57730
	)	
Family Broadcasting and Media, Inc.	)	
	)	
WCKL(AM), Catskill, NY	)	File No. BAL-20150730ACG
	)	Facility ID No. 63526
	)	
Granite State Educational Foundation, Inc.	)	
	)	
Application for Noncommercial Educational FM Radio Construction Permit at New Castle, NH	)	File No. BPED-940131MA
	)	
Application for Noncommercial Educational FM Radio Station at Rochester, NH	)	File No. BPED-940131MC
	)	
The Love Radio Church, Inc.	)	
	)	
DWPNI(AM), Amherst, MA	)	File No. BAL-20130207ABI
	)	Facility ID No. 25907
	)	
Hilltown Christmas Stocking	)	
	)	
WDOE-LP, Westhampton, MA	)	File No. BNPL-20131112AWJ
	)	Facility ID No. 196027
	)	
Citizens For A Better Hilltowns	)	
	)	
[NEW LPFM], Williamsburg, MA	)	File No. BNPL-20131113BKS
	)	Facility ID No. 196802

ORDER

Adopted: October 26, 2016 **Released: October 27, 2016**

By the Chief, Media Bureau:

I. INTRODUCTION

1. We have before us the captioned applications, all of which involve Brian Dodge (Dodge), either directly or indirectly. In the attached Consent Decree, Dodge has admitted to filing numerous applications using pseudonyms and a variety of addresses, including fake addresses, to hide his involvement in the applications, and engaging in related violations of the Commission's rules (Rules), including Sections 1.17, 1.65 and 73.1015.[1] In order to resolve these matters without the expense and delay of a trial-type hearing before an administrative law judge, the Media Bureau (Bureau) and Dodge have agreed that Dodge will pay a civil penalty of $100,000, have certain authorizations cancelled, and dismiss certain petitions for reconsideration. With respect to the remaining Dodge applications, the Consent Decree provides for conditional, short-term license renewal grants for Dodge's FM translator stations, grants of assignment of license applications for three of those stations to allow for improved service by AM stations not owned by Dodge, and a grant of the pending license application for WWNH(AM), Madbury, New Hampshire, upon satisfaction of certain conditions. For the reasons stated below, we approve and adopt the terms of the Consent Decree.

2. The Consent Decree explains that, since 1982, Dodge has participated in filing numerous applications, in his own name and under the names of various persons or entities (including those listed in the caption), for radio service (AM, FM, FM translator and LPFM), primarily in the northeastern United States. Over most of that history, those applications and the radio station operations arising from various granted applications have been under a cloud of unanswered questions about whether the applications were factually accurate, particularly in their representations as to the parties to each application, and whether the stations' operations have violated the Communications Act of 1934, as amended, and the Rules, particularly the Rules on operation of FM translators.[2] FCC enforcement action was inhibited by uncertainty as to which applicants might be secretly controlled by Dodge and Dodge's refusal to provide information to the FCC. As a result, the Bureau placed many of the applications and appeals of Dodge and related entities on hold.

3. Due to a variety of factors, including the number of factual issues and the passage of time (with intervening deaths of certain persons who were named as principals of some applicants), a hearing would be lengthy and complex and would require a significant commitment of Commission resources. In

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[1] *See* 47 CFR §§1.17 (truthful and accurate written and oral statements to the Commission), 1.65 (requirement to amend applications as needed for continuing accuracy and completeness), and 73.1015 (requirement to respond to Commission inquiries regarding broadcast applications).

[2] *See, e.g., Amendment of Section 73.202(b) (Boscawen and Belmont, NH)*, Report and Order, 2 FCC Rcd 7309, para. 3 (MMB 1987) (in opposing an FM allocation submitted by Dodge as a putative consultant to "Timothy Dodge," a party argued that "Dodge has filed pleadings in the name of other family members, friends, and variations of the name Harvest Broadcasting" in proceedings proposing new radio stations or FM translators in 29 different communities); *LaQueth Fleming and Gloria Fleming*, Hearing Designation Order, 3 FCC Rcd 3712, para. 2 (MMB 1988) (Bureau designates the following issue against Dodge as the "sole principal" of Harvest Broadcasting: "(a) To determine the facts and circumstances surrounding Harvest's failure to timely update its application and whether Harvest violated Section 1.65. (b) To determine, in lights of the facts adduced pursuant to issue (a) above, whether Harvest misrepresented facts to or concealed information from, or attempted to mislead the Commission. (c) To determine, in light of the facts adduced pursuant to issues (a) and (b) above, whether Harvest possesses the basic qualifications to be a licensee of the facilities sought herein") (1988 Misrepresentation Issue).

order to resolve these matters without an inordinate commitment of public and private resources, Dodge and the Bureau have negotiated the Consent Decree. In the Consent Decree, Dodge has admitted to being the real party in interest in, and having *de facto* control of, all of the captioned applicants.[3] Dodge has also admitted to numerous related violations of Sections 1.17, 1.65 and 73.1015 of the Rules. As a sanction for these violations, Dodge has agreed to payment of the civil penalty, cancellation of the authorization for WCKL(AM), Catskill, New York, cancellation of two LPFM authorizations, and the dismissals of petitions for reconsideration involving two dismissed FM applications.[4] Dodge will receive conditional, short-term license renewals for his FM translator stations, grants of the pending assignment applications for three of those stations, and a grant of the WWNH license application upon satisfaction of certain conditions.

4. We note that Section 1.93(b) of the Rules provides that, in a case that has been designated for hearing, a consent order may not be negotiated with respect to matters involving a party's basic statutory qualifications.[5] None of the captioned applications has been designated for hearing. The application of Harvest Broadcasting for a new FM station in Poughkeepsie, New York, which was the subject of the 1988 Misrepresentation Issue, was dismissed for failure to prosecute.[6] It would be difficult for the Bureau to prove intent to deceive in that matter because the relevant information—specifically, other pending AM and FM construction permit applications in which Dodge was identified as holding an attributable interest[7]—was information contained in the Commission's records.[8] Under these circumstances, we find that adoption of the Consent Decree is consistent with our Rules and will best serve the public interest in resolving the longstanding Dodge matters.

5. IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,[9] and by the authority delegated by Sections 0.61 and 0.283 of the Commission's rules,[10] the Consent Decree attached hereto IS ADOPTED.

6. IT IS FURTHER ORDERED that the Commission's licensing records for W249AW, W265AM, W261CB, W240AK, W228AU, W228AZ, W257AU, W232AJ, W288AN, and W259AB will be updated to show the licensee as Brian Dodge d/b/a Harvest Broadcasting Association.

7. IT IS FURTHER ORDERED that a copy of this Order shall be sent by First Class and

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[3] Dodge correctly disclosed himself as the controlling principal of Harvest Broadcasting, which is a trade name used by Dodge for WWNH (as well as for certain other applications that were dismissed years ago and are not part of the Consent Decree). Dodge received a construction permit for WWNH in 1988, but his license application has remained pending since 1989 due to concerns over his qualifications.

[4] The LPFM authorizations are for stations in Williamsburg (Fac. ID No. 196802) and Westhampton (Fac. ID No. 196027), Massachusetts. The FM applications were filed under the name of Granite State Educational Fellowship, Inc. (FCC File Nos. BPED-940121MA and BPED-940121MC).

[5] 47 CFR §1.93(b); *see Talton Broad. Co.*, Memorandum Opinion and Order, 67 FCC 2d 1594 (1978).

[6] *See* FCC File No. BPH-870414KH.

[7] *See LaQueth Fleming and Gloria Fleming*, *supra*, 3 FCC Rcd at 3712, para. 2.

[8] *See Arlie L. Davison and Assoc. Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 15382, 15388, para. 15 (1996) (finding a "careless disregard for the Commission's licensing requirements" but no intent to deceive); *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 206, para. 24 (1990) (no intent to deceive where applicant, *inter alia*, disclosed the information at issue on the public record before another agency); *Silver Star Commc'ns-Albany, Inc.*, Decision, 3 FCC Rcd 6342, 6354, para. 49 (Rev. Bd. 1988) ("it is difficult to perceive how an intent to deceive could be proved when the overlap information was on public file with the Bureau").

[9] 47 U.S.C. § 154(i).

[10] 47 CFR §§ 0.61, 0.283.

Certified Mail, Return Receipt Requested, to Brian Dodge, P.O. Box 2401, Brattleboro, VT 05301-2401, as the principal of Harvest Broadcasting, Harvest Broadcasting Association, Family Broadcasting and Media, Inc., Granite State Educational Foundation, Inc., The Love Radio Church, Inc., Hilltown Christmas Stocking, and Citizens For A Better Hilltowns.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief
Media Bureau

CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by and among the Media Bureau, Harvest Broadcasting Association, Family Broadcasting and Media, LLC, Granite State Educational Fellowship, Inc., Costa-Eagle Radio Ventures Limited Partnership (solely for purposes of Paragraph 27), Bouchard Broadcasting, Inc. (solely for purposes of Paragraph 27), by their respective authorized representatives, and Brian A. Dodge (individually and as sole proprietor of Harvest Broadcasting), and Tamara K. Thayer (individually), for the purpose of resolving certain issues related to pending applications and petitions for reconsideration, as set forth herein.

II. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

(a) "1988 Misrepresentation Issue" means the misrepresentation issue designated against Dodge, as the sole proprietor of H/B, in *LaQueth Fleming and Gloria Fleming*, Hearing Designation Order, 3 FCC Rcd 3712 (MMB 1988).

(b) "Act" means the Communications Act of 1934, as amended.[1]

(c) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.

(d) "Assigned Stations" means the FM radio translator stations that are the subject of the Assignment Applications.

(e) "Assignment Applications" means the pending applications for consent to the assignment of FM translator radio stations W249AW (Fac. ID 26359), W265AM (Fac. ID 26367), and W261CB (Fac. ID 26352).

(f) "Bureau" means the Media Bureau of the Federal Communications Commission.

(g) "Carter" means Carter Broadcasting Corporation.

(h) "Carter Complaint" means the Complaint and Request for Investigation of Carter Broadcasting Corp. (June 18, 1997).

(i) "Commission" or "FCC" means the Federal Communications Commission.

(j) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which each Commission licensee is subject by virtue of its being a Commission licensee.

(k) "Dodge" means Brian A. Dodge.

(l) "Dodge Parties" means H/B, HBA, FBAM, GSEF, Dodge and Thayer.

(m) "Effective Date" means the date on which the Bureau releases the Adopting Order.

(n) "FBAM" means Family Broadcasting and Media, LLC.

(o) "GSEF" means Granite State Educational Fellowship, Inc.

(p) "H/B" means Harvest Broadcasting.

[1] 47 U.S.C. § 151 *et seq.*

(q) "HBA" means Harvest Broadcasting Association.

(r) "LRCI" means Love Radio Church, Inc.

(s) "NCE" means noncommercial educational broadcasting.

(t) "Parties" means each of the Dodge Parties and the Bureau, each of which is a "Party."[2]

(u) "Retained Stations" means the following FM translator radio stations licensed to HBA: W240AK (Fac. ID 6771); W228AU (Fac. ID 26347); W288AZ (Fac. ID 26348); W257AU (Fac. ID 26357; W232AJ (Fac. ID 26369); W288AN (Fac. ID 26371); W259AB (Fac. ID 57730).

(v) "Rules" means the Commission's rules, found in Title 47 of the Code of Federal Regulations.

(w) "STA" means special temporary authority.

(x) "Thayer" means Tamara K. Thayer.

(y) "Violations" means the violations of the Act or the Rules set forth in Appendix D.

(z) "WWNH" means radio station WWNH(AM), Madbury, New Hampshire (Fac. ID 26343).

III. BACKGROUND

A. Dodge's Use of "Tim Allen" and Other Pseudonyms

3. Since 1982, Dodge has participated in filing numerous applications, in his own name and under the names of various persons or entities (including those listed in the caption), for radio service (AM, FM, FM translator and LPFM), primarily in the northeastern United States. Over most of that history, those applications and the radio station operations arising from various granted applications have been under a cloud of unanswered questions about whether the applications were factually accurate, particularly in their representations as to the parties to each application, and whether the stations' operations have violated the Act and the Rules, particularly the Rules on operation of FM translators.[3] FCC enforcement action was inhibited by uncertainty as to which applicants might be secretly controlled by Dodge and Dodge's refusal to provide information to the FCC. As a result, the Commission placed many of the applications and appeals of the Dodge Parties on hold.

4. Bureau staff, when processing LPFM applications in 2014-15, concluded that Dodge used multiple pseudonyms in FCC applications to hide his role in those applications, particularly "Tim Allen" as his primary pseudonym. As the sole principal of "Harvest Broadcasting" (a trade name defined above as H/B), the permittee of WWNH, Dodge was not eligible to apply for any LPFM authorizations in

[2] Costa-Eagle Radio Ventures Limited Partnership and Bouchard Broadcasting, Inc. are not defined as Parties but are signatories to this Consent Decree for purposes of Paragraph 27.

[3] *See, e.g., Amendment of Section 73.202(b) (Boscawen and Belmont, NH)*, Report and Order, 2 FCC Rcd 7309, para. 3 (MMB 1987) (in opposing an FM allocation submitted by Dodge as a putative consultant to "Timothy Dodge," a party argued that "Dodge has filed pleadings in the name of other family members, friends, and variations of the name Harvest Broadcasting" in proceedings proposing new radio stations or FM translators in 29 different communities); *LaQueth Fleming and Gloria Fleming*, Hearing Designation Order, 3 FCC Rcd 3712, para. 2 (MMB 1988) (1988 Misrepresentation Issue designated against Harvest Broadcasting, in which Dodge is the "sole principal," due to the failure to report Dodge's attributable interests in other applications).

the FCC's 2013 LPFM filing window.[4] Using various applicant names and pseudonyms for attributable parties for the applicants, Dodge filed eight LPFM applications in the 2013 filing window in violation of the Rules.[5]

5. When questions arose concerning those applications, the FCC staff blocked filings for Dodge's LPFM applications in the FCC's electronic filing system. Various FCC staff members thereafter received telephone calls about the applications from Dodge, who was identified by Caller ID on the FCC's telephone system as "Brian Dodge." Dodge identified himself to the staff members in each of those calls as "Tim Allen."[6]

6. Dodge's LPFM applications resulted in the grants of two LPFM authorizations, to entities called Hilltown Christmas Stocking and Citizens for a Better Hilltowns. Dodge has consented to the Bureau's cancellation of those authorizations as part of this Consent Decree.

B. H/B and HBA

7. Dodge's other uses of the "Tim Allen" pseudonym mostly involve HBA, the licensee of the FM translator stations listed in the caption. Unlike H/B, the trade name used by Dodge for WWNH,[7] HBA has characterized itself as a legal entity controlled by persons other than Dodge, starting with his mother and grandmother, who are now both deceased.[8] In the past few years, most HBA applications have been certified by two people: Dodge, using the "Tim Allen" identity, and Thayer, his wife, as "President" of HBA.[9] The most recent statement from HBA as to control over of HBA came in a 2015 construction permit application to modify translator station W232AJ: "HARVEST BROADCASTING ASSOC. IS A GROUP UNDER THE CONTROL OF HILLTOP COMMUNITY CHURCH OF BRATTLEBORO, VT[.] PASTOR TIM ALLEN IS IN SOLE CONTROL!!!"[10]

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[4] *See* 47 CFR §73.860(a). Even if Dodge were eligible to apply, all applicants were limited to applying for a single LPFM authorization. *See* 47 CFR §§ 73.860(a) and 73.3518; *Hispanic Broad. Inst.*, Memorandum Opinion and Order, 30 FCC Rcd 10560, 10562, para. 4 (2015). Dodge used a variety of applicant names to break this Rule.

[5] *See* Appendix A.

[6] The complete list of Dodge's pseudonyms is unknown, but Appendix A lists multiple examples (including "Brian Allen" and "Matt Allen" and "Bree Allen") and delineates the commonalities in the addresses specified for those purported applicants and the IP addresses used for their applications and amendments. We note that Dodge's full name is "Brian Alan Dodge" and the "Allen" surname appears to be a revised version of Dodge's middle name. In the case of the "Brian Allen" application listed in Appendix A, the Appendix quotes certain misrepresentations made in the application and cites a February 25, 2015 FCC staff letter upholding the dismissal of the application and finding that the applicant engaged in misrepresentation and lack of candor concerning its identity and submitted altered incorporation records to hide Dodge's involvement with the applicant. That letter is attached as Appendix B.

[7] *See* Ownership Report for H/B, permittee of WWNH(AM), on FCC Form 323, dated May 18, 1990, and listing Dodge as sole proprietor of H/B.

[8] *See* Letter from William Wittik to Mark Rindal, FCC (May 24, 1993) (HBA, a partnership formed in 1984 by Marrian Akley and Etta Dodge, added Susan Chamberlin in 1989 and William Wittik as Managing Partner in 1993, and changed its name in 1993 to Harvest Translators), and Letter from William Wittik to FCC (Aug. 13, 1993) (Harvest Translators is now Harvest Translators, Inc., a New Hampshire corporation). The New Hampshire Secretary of State's records list Harvest Translators, Inc. as dissolved in 1995 and HBA as an inactive trade name. Etta Dodge, Dodge's mother, died in 2011 and Marrian Akley, Dodge's grandmother, died in 2006.

[9] *See* Appendix C.

[10] FCC File No. BPFT-20150804AAI, Exh. 2 (emphasis in original). The application was certified by "Tim Allen" as "Pastor/Director" of HBA, using Dodge's PO Box 84 in Worthington, Massachusetts as the mailing address for "Tim Allen" in the technical certification and Dodge's PO Box 2401 in Brattleboro, Vermont as the mailing address for the applicant and for "Tim Allen" as the contact representative.

8. Dodge, using the "Tim Allen" name, certified all of the license renewal applications filed in 2014 for the HBA translator stations. Those applications, and the prior renewal applications for those stations, failed to disclose the unresolved 1988 Misrepresentation Issue.[11] Dodge now acknowledges that he was a real party in interest in all HBA applications and he was always in *de facto* control of HBA.

9. An earlier FCC staff investigation into Dodge's FCC applications and involvement with HBA and other entities was thwarted by Dodge's refusal to provide information. On March 12, 1993, the FCC staff sent Dodge a detailed inquiry letter requesting: (a) information clarifying his role in certain entities, particularly HBA; (b) an explanation of apparent misrepresentations he made to the Commission; (c) an explanation of his prior failure to respond to certain site availability allegations and a request that he do so; and (d) information about the operation of several FM translators licensed to HBA. Dodge never submitted the required response to this inquiry, which was issued pursuant to Section 308(b) of the Act and Section 73.1015 of the Rules.[12] Since that time, Dodge's actual name has not appeared in any FCC application as a principal of any applicant.

10. In 1997, Carter submitted the Carter Complaint against Dodge and HBA, followed by a Petition to Deny the license renewal applications submitted by HBA that year for its translators.[13] Carter argued that Dodge was the real party in interest behind the licensee and had engaged in numerous violations of the Rules, particularly the Rule (Section 74.1232) prohibiting an FM translator from receiving financial support from a primary station whose protected contour does encompass the coverage contour of the translator.[14] Carter attached extensive documentation to support these claims, which Dodge and HBA never contested. HBA never disclosed the Carter Complaint in its subsequent license renewal applications.[15]

11. HBA has filed the Assignment Applications, seeking consent to assign the licenses of the Assigned Stations to third parties unrelated to the Dodge Parties. This Consent Decree contemplates approval of those applications, approval of the H/B license application, and a conditional short-term renewal of the remaining FM translators licensed to HBA, subject to the terms and conditions set forth herein.

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[11] *See* FCC Form 303-S, Section II, Question 2 (certification that neither the licensee nor any party to the application has had any interest in or connection with any broadcast application in any proceeding where character issues were left unresolved).

[12] *See* 47 U.S.C. § 308(b) and 47 CFR § 73.1015.

[13] *See* Petition to Deny of Carter Broadcasting Corp. (Aug. 14, 1997); Complaint and Request for Investigation of Carter Broadcasting Corp. (June 18, 1997); *see also* 47 CFR §74.1232. Carter also raised a question as to whether Dodge was using false names in FCC applications to avoid having to disclose a felony conviction in 1988 for careless and negligent driving resulting in a fatal car accident. *See* Complaint at 20-21 and Exh. II.

[14] The Complaint alleged that Dodge operated a group of FM translators using the names LOVE Radio and HBA. *See* Complaint at 5-36. Dodge, as President of We Trust In Jesus Broadcasting, Inc., registered "Harvest Broadcasting Association" in New Hampshire as a trade name used by that corporation. *Id.*, Exh. U-V. Dodge also registered We Trust In Jesus Broadcasting, Inc. as a Vermont corporation doing business in New Hampshire, with a mailing address of PO Box 1840, Dover, NH for the company and for Dodge. *Id.* at 14 and Exh. X-Y. At that time (1994), the three named directors of the corporation were Dodge, his mother and his grandmother. *Id.*, Ex. X. (In FCC filings at the time, Dodge was not listed as a director of HBA.) The Vermont Secretary of State's records now list We Trust In Jesus Broadcasting, Inc. as an active corporation with three principals: Thayer (President/Treasurer/Director); "Tim Allen" (Secretary/Director); and Verne Vittum (Vice President/Director) (but with no disclosure by the corporation that Mr. Vittum is deceased). The obituary for Mr. Vittum, who died in 2009, appears at http://www.legacy.com/obituaries/brattleboro/obituary.aspx?pid=131480225. Vermont law requires that a nonprofit corporation have at least three directors. *See* Vt. Stat. Ann. tit.11B § 8.03.

[15] *See* note 11 *supra*.

C. FBAM

12. On September 9, 2012, FBAM acquired the license of WCKL(AM), Catskill, New York. FBAM's portion of the assignment application listed Thayer as the sole principal and 100% owner of FBAM.[16] This application made no mention of Dodge, his other broadcast interests, the unresolved 1988 Misrepresentation Issue or the Carter Complaint.[17]

13. Shortly before FBAM acquired the station, the prior licensee requested and received an STA to operate with an emergency antenna until February 15, 2013.[18] However, in an application filed in August of 2013 for FM translator W296AT (now W295BN), Catskill, New York, the applicant (a subsidiary of Clear Channel Communications, Inc.) advised the Commission that "WCKL (AM) Catskill, NY permanently ceased operating from its authorized transmitter site on November 30, 2012 and removed its transmitting equipment as evidenced in the photographs in figures 1, 2 and 3 below."[19] Similarly, in an application filed in May of 2014 for FM translator W279AL, Catskill, New York, Northeast Gospel Broadcasting, Inc. stated that "WCKL discontinued operation on November 30, 2012 when it was evicted from its authorized transmitter site."[20]

14. On February 28, 2014, FBAM filed a license renewal application for WCKL, certifying that the station was operating and had not been silent for any period of more than 30 days. The application was certified by Dodge using the "Tim Allen" pseudonym. On May 22, 2014, the FCC staff sent an operational inquiry letter to "Tim Allen" to request clarification as to whether the station had suspended operation and, if so, to state when the station went off the air and the reason for suspending operation.[21] In response, Dodge, as "Tim Allen," sent a June 30, 2014 response stating that "WCKL560am Catskill, NY is currently broadcasting and serving the greater Catskill, NY area. We are sorry that someone told you we had stopped broadcasting."[22]

15. On July 30, 2015, FBAM submitted an application for consent to assign the WCKL license from FBAM to Ebony Media. The sole principal and 100% owner of Ebony Media is claimed to

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[16] *See* FCC File No. BAL-20110927AEQ.

[17] *Id.*, Section III, Question 7 (certification that neither FBAM nor any party to the application has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved or any pending application in which character questions have been raised).

[18] *See* FCC File No. BSTA-20120810ABV.

[19] *See* FCC File No. BLFT-20130826AEB. The translator's construction permit contained a special condition requiring the translator licensee to show that the translator modifications did not adversely affect operations by WCKL, which was co-located with the translator. *See* FCC File No. BPFT-20130103AAB. The translator licensee showed that WCKL was not adversely affected because it had gone silent.

[20] *See* File No. BLFT-20140506ABP (referring to a special condition similar to the one for W296AT). The narrative went on to state: "Review of CDBS filings as well as frequent listening tests by the undersigned confirm that the station has not been on the air, certainly not from its authorized site. As such, there is no signal to measure. Curiously, the licensee of WCKL has filed an application for renewal of its license and represents that it has not been off the air for a period greater than twelve months and that [it] was operating at the time of filing the license renewal application." *Id.*

[21] Letter from Lisa Scanlan, Media Bureau, FCC to "Tim Allen" (May 22, 2014).

[22] Letter from "Tim Allen" of FBAM to FCC (June 30, 2014). Between February 15, 2013 and November 30, 2015, FBAM did not seek or obtain FCC approval to operate with STA facilities. On November 30, 2015, FBAM submitted an STA application for operation from an alternative site, stating: "A large broadcast company owns our former broadcast transmitter site and would not renew our lease." FCC File No. BSTA-20151130CDP, certified by Thayer as President of WBAM and "Tim Allen" as its Chief Engineer, using Dodge's PO Box 84, Worthington, MA address and Dodge's mobile phone number as the phone numbers for FBAM, Thayer and "Tim Allen."

be "Bishop Tim Allen."[23] Ebony Media, in its portion of the application, made no mention of Dodge, his other broadcast interests, the unresolved 1988 Misrepresentation Issue, or the Carter Complaint. Dodge and Thayer now acknowledge that Dodge has always been in *de facto* control of FBAM, Ebony Media is controlled by Dodge, and FBAM's applications and Ebony Media's application contained false certifications. All pending FBAM and Ebony Media applications will be dismissed and the WCKL license cancelled in accordance with Section 312(g) of the Act.

D. The Love Radio Church, Inc.

16. On February 7, 2013, The Love Radio Church, Inc. (LRCI) submitted an application for consent to acquire WPNI(AM), Amherst, MA.[24] LRCI specified two addresses: (a) Dodge's PO Box 84, Worthington, Massachusetts address; and (b) PO Box 1430, Amherst, Massachusetts, which is a Dodge post office box used for "Tim Allen" in Dodge's LPFM application filed under the name of Hilltown Christmas Stocking.[25] LRCI listed Christopher Gorman, "Tim Allen" and Verne Vittum as its directors.[26] The Vermont Secretary of State's records show that "Love Radio Church, Inc." was incorporated as a nonprofit corporation on August 23, 2012, with Tamara Thayer, "Tim Allen" and Verne Vittum as its directors. LRCI's FCC application made no mention of Dodge, his other broadcast interests, the unresolved 1988 Misrepresentation Issue, the Carter Complaint or Mr. Vittum's death in 2009. The application was dismissed in 2014 and LRCI never acquired the station. Dodge now acknowledges that the LRCI application failed to disclose his *de facto* control of LRCI and contained false certifications.

E. GSEF

17. GSEF has pending petitions for reconsideration of the dismissal of two of its applications filed in 1994 for new NCE FM stations in New Hampshire.[27] GSEF's applications listed four directors, each with a 25% voting interest, of whom two are now deceased (William Wittik, Elizabeth Dodge, the late Etta Dodge and the late Verne Vittum). Dodge was listed on the applications as GSEF's Telecommunication Consultant. GSEF listed its address as PO Box 1840, Dover, NH. This address has been used as an address for HBA, We Trust In Jesus Broadcasting, Inc., LOVE Radio and Dodge.[28] In a 1992 application filed by GSEF to acquire the construction permit of WVNH(FM), Concord, New Hampshire, Dodge signed the application as President and one of five directors of GSEF.[29] The Vermont Secretary of State's records currently list William Wittik, Joseph Lewis and Daniel Nelson as the directors of GSEF. GSEF never amended its 1994 FCC applications to report any change in directors.[30]

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[23] *See* FCC File No. BAL-20150730ACG.

[24] *See* FCC File No. BAL-20130207ABI. The station is now listed in FCC records as "DWPNI."

[25] *See* Appendix A (noting that PO Box 1430, Amherst, MA is listed in a LexisNexis database as a Dodge post office box from 2013-15); *see also* note 14 *supra*, citing other uses of PO Box 1430, Amherst, MA by Dodge and We Trust In Jesus Broadcasting, Inc.

[26] *See* FCC File No. BAL-20130207ABI, Section III, Question 4a. As was noted above, Mr. Vittum died in 2009.

[27] *See* FCC File Nos. BPED-940131MA (Channel 202 in New Castle, NH) and BPED-940131MC (Channel 201 in Rochester, NH).

[28] *Id.*; Complaint at 14 and Exh. Y, Exh. Z, Exh. AA, Exh. BB and Exh. SS.

[29] *See* FCC File No. BAPED-920408HS. The call letters of the construction permit were WQFB(FM) at the time. GSEF ultimately did not acquire the construction permit.

[30] *See* 47 CFR §1.65(a) (whenever a pending application contains information that is no longer substantially accurate and complete in all material respects, the applicant must amend the application as promptly as possible, and in any event within 30 days, to provide correct information; an application is considered "pending" until it is no longer subject to reconsideration by the Commission or review by a court).

18. Dodge now acknowledges that the GSEF applications failed to disclose his *de facto* control of that entity, his broadcast interests or the 1988 Misrepresentation Issue and they also were not amended as required by Section 1.65 of the Rules. GSEF is consenting to the dismissal of the GSEF petitions for reconsideration.

IV. AGREEMENT

19. The Parties acknowledge that any proceeding that might result from the Bureau's investigation of HBA's license renewal applications and the related applications described above could be time-consuming and require substantial expenditure of public and private resources. In order to conserve such resources, resolve the matter, and enable continuation of service to the public by the H/B and HBA stations, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

20. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau into an Adopting Order.

21. **Jurisdiction.** The Dodge Parties each agree that the Bureau had jurisdiction over them and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

22. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

23. **Admission of Liability.** The Dodge Parties each admit for the purpose of this Consent Decree and for Commission civil enforcement purposes that the Violations occurred.

24. **Cancellation of Authorizations.** The Dodge Parties consent to the Bureau's cancellation of all authorizations issued to FBAM, Hilltown Christmas Stocking and Citizens for a Better Hilltowns, the dismissal of all pending applications related to those authorizations, and the cancellation of all related call signs. Dodge represents and warrants that he has full authority to commit to such cancellations for Hilltown Christmas Stocking and Citizens for a Better Hilltowns and that no other person holds such authority. Dodge, Thayer and FBAM represent and warrant that no operation pursuant to any such authorizations is occurring presently and agree that no such operation will occur, either prior to or after the Effective Date.

25. **Dismissal of GSEF Petitions for Reconsideration.** The Dodge Parties consent to the dismissal of GSEF's pending petitions for reconsideration (File Nos. BPED-940131MA and BPED-940131MC).

26. **Assignment Applications.** On or before the Effective Date, HBA will take all actions necessary to remove any "red light" holds on pending applications for the Assigned Stations. The Bureau will grant the Assignment Applications, on the later of the Effective Date or the day after all such "red light" holds have been removed, provided there are no issues other than the Violations that would preclude such action.

27. **Civil Penalty.** HBA agrees to pay a civil penalty to the United States Treasury in the amount of $100,000 from the proceeds of HBA's sale of the Assigned Stations to Costa-Eagle Radio Ventures Limited Partnership and to Bouchard Broadcasting, Inc. HBA agrees that both transactions will close on the same date and the civil penalty will be paid on that date by a wire transfer of $100,000 to ABA number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure proper crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day as the wire transfer. HBA will also send electronic notification of the payment to Tom Hutton at tom.hutton@fcc.gov and James Bradshaw at

james.bradshaw@fcc.gov. In the event such payment is not made, HBA, Costa-Eagle Radio Ventures Limited Partnership and Bouchard Broadcasting, Inc. consent to the Bureau's cancellation of the licenses of the Assigned Stations and the Dodge Parties consent to the Bureau's cancellation of the licenses of the Retained Stations.

28. **Retained Stations.** The Parties agree that:

(a) HBA will take all actions necessary to remove any "red light" holds on the pending applications of the Retained Stations on or before the date the civil penalty payment is due pursuant to Paragraph 27.

(b) If the Dodge Parties have not breached their obligations under this Consent Decree, the Bureau will issue a conditional short-term (one year) renewal for each of the Retained Stations after payment of the civil penalty pursuant to Paragraph 27, provided that there are no other issues that would preclude such action. Each such grant will be subject to the following condition: Within one hundred and eighty days of the renewal grant, HBA must demonstrate to the satisfaction of the Bureau that (i) the operation of each of the Retained Stations currently complies with 47 CFR § 74.1232, and (ii) apart from the Violations, there is no basis in the Complaint for finding either Dodge or HBA to be unqualified to continue to hold FCC authorizations.

29. **WWNH.** The Parties agree that:

(a) The Owners will take all actions necessary to remove any "red light" holds on the pending WWNH license application on or before the date the civil penalty payment is due pursuant to Paragraph 27.

(b) If the Dodge Parties have not breached their obligations under this Consent Decree, the Bureau will grant the WWNH license application upon satisfaction of the condition set forth in Paragraph 28(b) and a showing satisfactory to the Bureau that the WWNH facilities at present are consistent with the facilities authorized in the WWNH construction permit, provided that there are no other issues that would preclude such action, and terminate the Bureau's investigation of the matters raised in the Complaint and the matters described in this Consent Decree.

30. **Final Settlement and Authorized Representatives.** The Parties agree to be legally bound by the terms and conditions of this Consent Decree as a final settlement with respect to the captioned applications. Each of the Dodge Parties agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees. Each of the Dodge Parties and the Bureau represent and warrant that its signatory is duly authorized to enter into this Consent Decree on its behalf.

31. **Enforcement.** In the event that any of the Dodge Parties fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any administrative adjudication or enforcement action available pursuant to the Communications Laws or other federal laws with respect to the Assigned Stations, the Retained Stations, WWNH, pending applications or petitions of the Dodge Parties or the violation of this Consent Decree.

32. **Waiver.** The Dodge Parties waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order under the Communications Laws or other federal laws. The Dodge Parties agree that if the Commission, or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Adopting Order, none of the Dodge Parties will contest the validity of the Consent Decree or Adopting Order, and the Dodge Parties will waive any statutory right to a trial *de novo*. The Dodge Parties also agree to waive any claims they may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 CFR § 1.1501 *et seq.*, relating to the matters discussed

in this Consent Decree.

33. **Invalidity.** The Parties agree that, in the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

34. **Counterparts.** This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake, Chief
Media Bureau

10-26-16
Date

Brian A. Dodge (individually and as sole proprietor of Harvest Broadcasting)

Tamara K. Thayer (individually)

Date

HARVEST BROADCASTING ASSOCIATION

Tamara K. Thayer

Brian A. Dodge

Date

FAMILY BROADCASTING AND MEDIA, LLC

Tamara K. Thayer

in this Consent Decree.

33. **Invalidity.** The Parties agree that, in the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

34. **Counterparts.** This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

FEDERAL COMMUNICATIONS COMMISSION

_____
William T. Lake, Chief
Media Bureau

_____
Date

_____
Brian A. Dodge (individually and as sole proprietor of Harvest Broadcasting)

Tamara K. Thayer
Tamara K. Thayer (individually)

10-18-16
Date

HARVEST BROADCASTING ASSOCIATION

Tamara K. Thayer
Tamara K. Thayer

_____
Brian A. Dodge

10-18-16
Date

FAMILY BROADCASTING AND MEDIA, LLC

Tamara K. Thayer
Tamara K. Thayer

Brian A. Dodge

10-18-16
Date

GRANITE STATE EDUCATIONAL FELLOWSHIP, INC.

William A. Wittik

Date

COSTA-EAGLE RADIO VENTURES L.P.
(For purposes of Paragraph 27 only)

Patrick J. Costa

Date

BOUCHARD BROADCASTING, INC.
(For purposes of Paragraph 27 only)

Richard A. Bouchard

Date

HARVEST BROADCASTING ASSOCIATION

_____
Tamara K. Thayer

_____
Brian A. Dodge

_____
Date

FAMILY BROADCASTING AND MEDIA,

_____
Tamara K. Thayer

_____
Brian A. Dodge

_____
Date

GRANITE STATE EDUCATIONAL
FELLOWSHIP, INC.

William A. Wittik
William A. Wittik

10/18/2016
Date

COSTA-EAGLE RADIO VENTURES L.P.
(For purposes of Paragraph 27 only)

_____
Patrick J. Costa

_____
Date

Brian A. Dodge

Date

GRANITE STATE EDUCATIONAL FELLOWSHIP, INC.

William A. Wittik

Date

COSTA-EAGLE RADIO VENTURES L.P.
(For purposes of Paragraph 27 only)

Patrick J. Costa

10/19/2016
Date

BOUCHARD BROADCASTING, INC.
(For purposes of Paragraph 27 only)

Richard A. Bouchard

Date

Date

GRANITE STATE EDUCATIONAL FELLOWSHIP. INC.

William A. Wittik

Date

COSTA-EAGLE RADIO VENTURES L.P.
(For purposes of Paragraph 27 only)

Patrick J. Costa

Date

BOUCHARD BROADCASTING. INC.
(For purposes of Paragraph 27 only).

~~Richard A. Bouchard~~ Roger E. Bouchard, President

10/19/2016

Date

Appendix A

Brian Dodge LPFM Applications (2013 LPFM Filing Window)

Station or Application	**Names Used**	**Notes**
[NEW LPFM], West Brattleboro, VT, Fac. ID 196740 File Number: BNPL-20131113AYK Filed from same IP address as all other applications listed [Application was dismissed due to failure to show LPFM eligibility by the named applicant. February 25, 2015 letter by FCC's Audio Division (Appendix B) upheld that dismissal and also found the applicant engaged in misrepresentation and lack of candor concerning its identity and submitted "altered incorporation records . . . to hide the prior involvement of Brian and Etta Dodge."]	MOUNTAIN TOP COMMUNITY CHURCH (Brian Allen, 100%) Tim Allen – as signatory to technical section of each amendment to the application April 23, 2014 amendment disclaimed any relationship with Brian Dodge: "BRIAN DODGE . . . IS NOT PART OF OUR GROUP AND NEVER HAS BEEN! . . . . WE ARE IN NO WAY RELATED TO THE DODGE FAMILY!!!"	Applicant's address and Brian Allen address (PO Box 2401, Brattleboro VT) is also a post office box used for (a) multiple Harvest Broadcasting Association applications, (b) Tamara (Tammy) Thayer, President of Harvest Broadcasting Association, in multiple applications, and (c) Tim Allen in this application and multiple other applications. (See Appendix C for detailed notes on applications involving Harvest Broadcasting Association.) Tim Allen and Brian Allen are listed in this application as sharing the same telephone number and email address. LexisNexis database records list PO Box 2401 as a post office box for Brian Dodge from 1996-2015. LexisNexis database records show Brian Dodge and Tamara Thayer both residing at 712 Huntington Road (a/k/a Route 112 South), Worthington MA.

WDOE-LP, Westhampton, MA, Fac. ID 196027 File Numbers: BNPL-20131112AWJ (granted) BMPL-20140929ABA (dismissed) BLL-20141017AAD (pending) BMPL-20141031AAE (pending) Filed from same IP address as all other applications listed	HILLTOWN CHRISTMAS STOCKING (J Albert 50%, Destiny Condon 50%) Tim Allen – as signatory to technical section of applications	Applicant's address (PO Box 84, Worthington, MA) is a Brian Dodge post office box, as confirmed by the USPS and LexisNexis database records. Telephone number for applicant and J Albert is Tamara Thayer's telephone number. Email address used in license application is Harvest Broadcasting Association's email address. Address used for Destiny Condon is one digit different (710 instead of 712) from address of Brian Dodge and Tamara Thayer in Worthington MA Addresses listed for Tim Allen include 555 Belchertown Road, Amherst MA, PO Box 2401, Brattleboro VT, and PO Box 1430, Amherst MA. LexisNexis database records list PO Box 2401 as a post office box for Brian Dodge from 1996-2015 and PO Box 1430 as a post office box for Brian Dodge from 2013-2015.
[NEW LPFM], Williamsburg, MA, Fac. ID 196802 File Numbers: BNPL-20131113BKS (granted) BMPL-20140930AAL (dismissed) BLL-20141014ACC (pending) BMPL-20141031AAE (pending) Filed from same IP address as all other applications listed	CITIZENS FOR A BETTER HILLTOWNS (Marcia Welch, 100%) Tim Allen – as signatory to technical section of applications	Applicant's address and Marcia Welch address (PO Box 87, Worthington, MA) is a Brian Dodge post office box, as confirmed by the USPS and LexisNexis database records. Telephone number listed for applicant and Marcia Welch is Tamara Thayer's telephone number. Proposed studio address is 555 Belchertown Road, Amherst MA. Address listed for Tim Allen is PO Box 2401, Brattleboro VT.

DWTTV-LP, Goshen, MA, Fac. ID 197193 File Number: BNPL-20131114AVR Filed from same IP address as all other applications listed	HIGHLAND ARTS CLUB (M S Jones, 100%)	Original CP granted in 2014, but returned to FCC due to undeliverable address. Proposed studio address is same as listed for Hilltown Community Church.
DWTTT-LP, Amherst, MA, Fac. ID 197222 File Number: BNPL-20131114AUI Filed from same IP address as all other applications listed	HAMPSHIRE ARTS CON (Matt Allen, 100%)	Address used for Applicant, Matt Allen and proposed studio location is 555 Belchertown Road, Amherst MA.
DWHIL-LP, Norwich Hill, MA, Fac. ID 196316 File Number: BNPL-20131113ADK Filed from same IP address as all other applications listed	HILLTOWN COMMUNITY CHURCH (M R Welch, 100%)	Telephone number for applicant and M R Welch is Brian Dodge telephone number. Email address for applicant and M R Welch is Harvest Broadcasting Association's email address. Mailing address for applicant is one digit different (714 instead of 712) from residence of Brian Dodge and Tamara Thayer in Worthington MA. Vermont state records list Hilltown Community Church Inc. as an inactive corporation in which Brian Dodge and Etta Dodge were directors. Proposed studio address is same as listed for Highland Arts Club.
[NEW LPFM], Worthington, MA, Fac. ID 197169 File Number: BNPL-20131114AWJ Filed from same IP address as all other applications listed	HILLTOWN COMMUNITY ARTS (Jerry Smith, 100%, but also signed by Bree Allen as a director in June 8, 2014 amendment) Bree Allen – as signatory to technical section of June 8, 2014 amendment	Telephone number for applicant and Jerry Smith (in technical certification) and Bree Allen (in her subsequent technical certification) is Brian Dodge's telephone number. Address for applicant and Jerry Smith is 712 Route 12 South in Worthington MA, which is an alternative expression of 712 Huntington Road, the home address of Brian Dodge and Tamara Thayer as confirmed by LexisNexis database records.

[NEW LPFM], Huntington, MA, Fac. ID 197461 File Number: BNPL-20131114BSE Filed from same IP address as all other applications listed	WHAB for BB INC (Dave Reed, 100%)	PO Box 87, Worthington MA address for applicant and Dave Reed (in technical certification) is a Brian Dodge post office box, as confirmed by the USPS and LexisNexis database records. Telephone number for Dave Reed is Tamara Thayer's telephone number. Email address for Dave Reed is Harvest Broadcasting Association's email address. Petition for Reconsideration and Application for Review of dismissal filed by applicant on July 21, 2015, noting that the station had been constructed and was ready to be assigned to another entity.

Appendix B

Mountain Top Community Church LPFM Application
FCC Letter Dated Feb. 25, 2015

Federal Communications Commission
Washington, D.C. 20554

February 25, 2015

In Reply Refer To:
1800B3-ATS

Mr. Brian Allen
Mountain Top Community Church
P.O. Box 2402
West Brattleboro, VT 05303

In re: Mountain Top Community Church
New-LP, West Brattleboro, Vermont
Facility ID Number: 196740
File Number: BNPL-20131113AYK

Petition for Reconsideration

Dear Mr. Allen:

We have before us the Petition for Reconsideration ("Petition") filed by Mountain Top Community Church ("Mountain") seeking review of the Media Bureau ("Bureau") decision[1] dismissing its application for new a LPFM station at West Brattleboro, Vermont ("Application").[2] For the reasons set forth below, we deny the Petition.

Background. As discussed in the *Staff Decision*, Mountain filed the Application during the October 2013 LPFM Filing Window. Mountain provided a copy of a printout from the Vermont Secretary of State's website showing the incorporation records for Love Radio Church, Incorporated ("Love Radio"), and for Mountain Top Community Church, Inc. ("Mountain, Inc.").[3] Prometheus Radio Project ("Prometheus") filed an Informal Objection ("Objection") to the Application on April 7, 2014, arguing that Mountain failed to demonstrate its nonprofit status because, at the time it filed the Application, Mountain was an "inactive" corporation according to the records of the Vermont Secretary of State.[4] Prometheus also noted that in the records provided by Mountain the names of its directors had been redacted.[5]

On April 24, 2014, Mountain filed an amendment to the Application ("April Amendment") in which it explained that Mountain is not the same entity as Mountain Inc., and that the incorporation documentation for Mountain Inc. was erroneously included in the Application.[6] On April 29, 2014,

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[1] *Mountain Top Community Church*, Letter, Ref 1800B3-PPD (MB Sep. 10, 2014) ("*Staff Decision*").

[2] Mountain filed the Petition on October 9, 2014. Mountain filed a supplement to the Petition on October 15, 2014 ("Supplement").

[3] Application at Attachment 10.

[4] Objection at 1.

[5] *Id.* at 2. Prometheus provided a copy of a printout from the website of the Vermont Secretary of State showing the unaltered records of Mountain, Inc., which identified Brian Dodge as President and Etta Dodge as Secretary and Treasurer.

[6] April Amendment at Exhibit 1 ("Do [sic] to likeness of groups our consultant included an exhibit from state of Vermont that was not correct. **We are not Mountain Top Community Church, Inc. We are Mountain Top Community Church of Route 9 West Brattleboro, VT** 05303-2401") (emphasis added). *See also* April Amendment at Exhibit 6 ("It is not the same group as we are Mountain Top Community Church, Inc. was dissolved by the State of Vermont about ten years ago."). The Amendment still included the incorporation documentation for Mountain Inc. and Love Radio. *See* April Amendment at Attachment 10.

Mountain filed a "Reply to Informal Objection" ("Opposition"), in which it again stated that it was not the same organization as Mountain Inc., which was the corporation that Prometheus researched, and that the inclusion of Mountain Inc.'s incorporation documentation with the Application was an error.[7]

The Bureau granted the Objection and dismissed the Application on September 10, 2014. In the *Staff Decision* the Bureau noted that the incorporation records Mountain had submitted were for "Mountain Top Community Church, Inc." and "Love Radio," both of which Mountain claimed to be unaffiliated with, and determined that because Mountain had not established its nonprofit status as of the time of the filing of the Application it was ineligible to be an LPFM licensee. The Bureau accordingly dismissed the Application.[8]

In the Petition, Mountain now states that it and Mountain Inc. are in fact the same organization.[9] The Petition also argues that Mountain is "both an incorporated non-profit Corporation and a church association [ic]" and that the Vermont Secretary of State has reinstated Mountain's corporate status.[10] Mountain also states, for the first time, that a church in Vermont may operate as an unincorporated association.[11] In the Supplement, Mountain provides an updated report from the Vermont Secretary of State which identifies a different board than that identified in the Application and a new address.[12]

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, or raises additional facts, not known or existing at the time of the petitioner's last opportunity to present such matters.[13] As discussed in the *Staff Decision*, an LPFM applicant must be incorporated, registered, or otherwise organized as a nonprofit entity under state law at the time its application is submitted.[14] LPFM applicants are required to

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[7] Opposition at 1 ("Prometheus has assumed that Mountain Top Community Church, Inc. is the same group as Mountain. We are not!" . . . We hereby State [sic] that the information Prometheus based its Objection on is over 11 years old and is not the same as the group that applied for a new Low Power FM Station for West Brattleboro, VT").

[8] The Objection also alleged that, in addition to altering the incorporation records, Mountain had not disclosed all the attributable parties to the Application because the sole director listed in the Application, Brian Allen, did not appear in the incorporation records. Prometheus noted that the Application also included documentation for Love Radio, but "it is unclear how Love Radio is connected to" Mountain. *Id.* at 1-2. The *Staff Decision* did not address the merits of these allegations. *See Staff Decision* at 2.

[9] *See* Petition at 1 ("Mountain Top Community Church AKA Mountain Top Community Church, Inc.").

[10] *Id.*

[11] *Id.* Mountain includes an exhibit, apparently copied from another LPFM application, discussing the legal status of corporate soles. Petition at Addendum to Ownership Exhibits: Implications of a Corporate Sole ("Corporate Sole Exhibit").

[12] Supplement at 1-2. The Supplement identifies the new Board as consisting of Brian Allen (President, Treasurer, and Director), Des Condrin (Secretary and Director) and Chris Vittum (Director). The Supplement also indicates that Mountain is now located at 1590 Rt West, Brattleboro, VT. Viuttu's address is listed as 93 Landmark Dr E3, Brattleboro, VT. In the Opposition, Mountain had indicated that "Mountain . . . has never been at 93 Landmark Dr. Suite E-3 in Brattleboro, VT." Opposition at 1.

[13] *See* 47 C.F.R. § 1.106(c), (d). *See also WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 387 U.S. 967 (1966).

[14] *See Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2213-2214 (2000). *See also* 47 U.S.C. § 397(6)(A); 47 C.F.R. § 73.853(a).

provide an exhibit with the state and date of their incorporation.[15] Mountain has failed to demonstrate that the *Staff Decision* erred in determining that it was not recognized as a nonprofit entity at the time it filed the Application.

We reject Mountain's argument that the Application should be reinstated because Mountain is in fact the same entity as Mountain Inc., which it claims is registered as a nonprofit corporation with the State of Vermont. Even if Mountain is the same entity as Mountain Inc., it has still not demonstrated that it is eligible to hold an LPFM license. The Vermont Secretary of State records indicate that Mountain Inc. was an inactive corporation when the Application was filed on November 13, 2013, and that Mountain Inc. only became active again on October 16, 2014, *after* the *Staff Decision*. We give no weight to Mountain's unsupported suggestion that as a church, it was an unincorporated association recognized by Vermont. We have previously stated that an applicant may also provide "a letter signed by a local attorney licensed to practice in the state where the applicant proposes to operate, the citation and text of a state statute permitting unincorporated entities, or any other official documentation showing applicant's existence as a separate legal entity."[16] Mountain provided no such authority to indicate that it was recognized by the state as an unincorporated association when it filed the Application. We are also unpersuaded by the Corporate Sole Exhibit because it discusses neither Vermont law nor whether Mountain qualifies as such an entity. Thus, Mountain was apparently inactive and not recognized by Vermont for a period of over ten years, including the time at which the Application was filed, and is ineligible to hold an LPFM license.[17]

Additionally, even if Mountain were to demonstrate that it satisfied the eligibility rules for the LPFM service, we would also be unable to grant the Application because Mountain has engaged in misrepresentations and shown a lack of candor to the Commission. The trait of truthfulness is a key element of character qualifications necessary to operate a broadcast station in the public interest.[18] Misrepresentation and lack of candor raise immediate concerns as to whether a licensee will be truthful in future dealings with the Commission.[19] Misrepresentation is a false statement of fact made with intent to deceive.[20] Lack of candor is concealment, evasion, or other failure to be fully informative, accompanied by intent to deceive.[21] Intent can be shown in many ways. If a licensee knowingly makes a false

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[15] *See* Instruction for FCC Form 318 at 3 ("Applicants also must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation. Applicants that fail to provide these materials are subject to dismissal.").

[16] *M&M Community Development, Inc.*, Letter, 21 FCC Rcd 7983, 7984 (MB 2006) (dismissed LPFM application reinstated when, on reconsideration, applicant provided a letter for an attorney barred in applicant's state showing that applicant was recognized under state law as an unincorporated association when the application was filed).

[17] *See Application for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13393-96 (2013) (affirming dismissal of LPFM applications where applicants did not incorporate until after filing their respective applications and did not demonstrate that they were recognized nonprofit entities under state law at the time of filing).

[18] *See Policy Regarding Character Qualifications in Broadcast Licensing,* Report, Order and Policy Statement, 102 FCC 2d 1179, 1210-11 (1986) ("*Character Qualifications in Broadcast Licensing*"), *recon. denied,* Memorandum Opinion and Order, 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), and *Policy Regarding Character Qualifications in Broadcast Licensing*, Policy Statement and Order, 5 FCC Rcd 3252 (1990), *modified*, Memorandum Opinion and Order, 6 FCC Rcd 3448 (1991), and Memorandum Opinion and Order, 7 FCC Rcd 6564 (1992).

[19] *Id.*

[20] *See Fox River Broadcasting, Inc.,* Order, 93 FCC 2d 127, 129 (1983).

[21] *Id.*

statement, that is sufficient proof of intent to deceive.[22] Intent to deceive can also be inferred when one has a clear motive to deceive.[23] Moreover, intent can be found when the surrounding circumstances clearly show the existence of intent to deceive, even if there is no direct evidence of a motive.[24]

It is apparent that Mountain misrepresented its corporate status by stating that it both *is* and *is not* the same entity as Mountain Inc. in an attempt to satisfy the Commission's LPFM eligibility requirements.[25] Additionally, Mountain engaged in a lack of candor before the Commission by submitting altered incorporation records with the Application in order to hide the prior involvement of Brian and Etta Dodge with Mountain Inc. – which is to say, their involvement with Mountain itself. Thus, we find that Mountain lacks the character qualifications required to hold a Commission license and would dismiss the Application with prejudice on those grounds,[26] if it had not been previously dismissed. This adverse character determination must be reported in any future application in which Mountain or any of its principals - - identified in the State of Vermont's records as Brian Allen, Des Condrin, and Chris Vittum - - is a party.[27]

Conclusion. Accordingly, for the reasons set forth above, IT IS ORDERED THAT the Petition for Reconsideration filed on October 5, 2014, by Mountain Top Community Church IS DENIED.

IT IS FURTHER ORDERED that Mountain Top Community Church, Inc. (a/k/a Mountain Top Community Church), Brian Allen, Des Condrin, and Chris Vittum shall each report in any pending or future application before the Commission to which they are a party that they have previously been found to lack the character to hold a broadcast license.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

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[22] *See Leflore Broadcasting Co., Inc. v. FCC,* 636 F.2d 454, 462 (D.C. Cir. 1980) ("[T]he fact of misrepresentation coupled with proof that the party making it had knowledge of its falsity [is] enough to justify a conclusion that there was fraudulent intent").

[23] *See, e.g., RKO General, Inc.,* Decision, 4 FCC Rcd 4679, 4684 (Rev. Bd. 1989).

[24] *See American International Development, Inc.,* Memorandum Opinion and Order, 86 FCC 2d 808, 816 n. 39 (1981), *aff'd sub nom. KXIV, Inc. v. FCC,* 704 F.2d 1294 (D.C. Cir. 1983) (stating that "the absence of direct evidence of motive is not significant where the record otherwise clearly establishes that deceptive conduct has occurred").

[25] As noted above, Mountain stated twice in the April Amendment that it was not Mountain Inc., and in the Opposition explained in detail why it was not Mountain Inc. *See* n.6 and n.7 *supra.*

[26] *See RKO General, Inc. v. FCC,* 670 F.2d 215, 231-31 (D.C. Cir. 1981) (affirming Commission's denial of license renewal application without a hearing where evidence of licensee's lack of candor was obvious from documents licensee itself had submitted to the Commission and evidentiary hearing on issue of lack of candor would have served no purpose).

[27] *See Character Qualifications in Broadcast Licensing,* 102 FCC 2d at 1211, and *Allegan County Broadcasters, Inc.*, Memorandum Opinion and Order, 83 FCC 2d 371, 373 (1980).

Appendix C

Harvest Broadcasting Association – Pending Applications

Station	Pending	Notes
W249AW, Lebanon, NH, Fac. ID 26359	BALFT-20151218ATM BRFT-20140328AKA BRFT- 20060411AAF BRFT- 19970530XI	BALFT-20151218ATM (assignment of license application) was signed by Tammy Thayer as President. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; 4132058440 as telephone number; (b) Tammy Thayer: same address and telephone number. BRFT-20140328AKA (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W265AM, Norwich/West Lebanon, VT, Fac. ID 26367	BRFT-20140331ANY BRFT-19970530XJ	No renewal application filed between 1997 and 2014, but no license termination issued to licensee. Proposed assignment of license (included in BALFT-20151218ATM). BRFT-20140331ANY (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W261CB, Norwich/West Lebanon, VT, Fac. ID 26352	BALFT-20160205AFG BRFT-20140328AJR BRFT-20060411AAG BRFT-19970530XK	BALFT-20160205AFG (assignment of license application) was signed by Tammy Thayer as President. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; 4132058440 as telephone number; (b) Tammy Thayer: same address, email and telephone number. BRFT-20140328AJR (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W240AK, Lebanon, etc., NH, Fac. ID 6771	BRFT-20140328AGU BRFT-20060411AAB BRFT-19970611WC	BRFT-20140328AGU (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W228AU, North Bennington, etc., VT, Fac. ID 26347	BRFT-20140328AHZ BRFT-20060411AAS BRFT-19970530XQ	BRFT-20140328AHZ (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.

W288AZ, Bernardston, etc. MA, Fac. ID 26348	BRFT-20140328AKB BRFT-20060411AAK BRFT-19970530XN	BRFT-20140328AJQ (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W257AU, St. Johnsbury, etc., VT, Fac. ID 26357	BPFT-20160205AFB (minor mod) BRFT-20140328AJQ BRFT-20060412AAB BRFT-20060411AAT BRFT-19970530XL	BPFT-20160205AFB (2016 modification application) was signed by Tamara Thayer, President, and Tim Allen, Chief Engineer. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; 4132058440 as telephone number; (b) Tamara Thayer: PO Box 84, Worthington, MA; same email address and telephone number; (c) Tim Allen: 714 Route 112 North, Worthington MA (variant of address used for Hilltown Community Church LPFM application, itself a variant of residence of Brian Dodge and Tamara Thayer); WTTT@LIVE.COM as email address; 4139234486 as telephone number (mobile phone number for Brian Dodge). BRFT-20140328AKB (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same. Duplicative 2006 renewal application presumably was intended as 2006 renewal application for W265AM.
W232AJ, Greenville, etc., NH, Fac. ID 26369	BPFT-20160218ABA BRFT-20140328AJY BRFT-20060411AAI BRFT-19970530XS	BPFT-20160218ABA (2016 modification application) was signed by Tamara Thayer, President, and Brian Allen, Consulting Engineer. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; 4132058440 as telephone number; (b) Tamara Thayer: PO Box 84, Worthington, VT; same email address and telephone number; (c) Brian Allen: same address and email address as Tamara Thayer; telephone number 4139234486 (Brian Dodge mobile). BRFT-20140328AJY (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.
W288AN, West Brattleboro, etc., VT, Fac. ID 26371	BRFT-20140328AJX BRFT-20060411AAN BRFT-19970530XM	BRFT-20140328AJX (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.

W259AB, Marlboro, etc., VT, Fac. ID 57730	BRFT-20140331AMK BRFT-20060412AAA BRFT-19970407TW	BRFT-20140331AMK (2014 renewal application) was signed by Tim Allen, no title listed. Contact details: (a) Harvest Broadcasting Association: PO Box 2401, Brattleboro, VT; WTTT@LIVE.COM as email address; (b) Tim Allen: same.

Appendix D

Brian Dodge Violations

Station or Application	Violations
MOUNTAIN TOP COMMUNITY CHURCH [NEW LPFM], West Brattleboro, VT, Fac. ID 196740 File Number: BNPL-20131113AYK	False certification of ownership/control (use of Brian Allen pseudonym as alleged 100% owner instead of Brian Dodge); false certification of engineering section (use of Tim Allen pseudonym instead of Brian Dodge); use of altered incorporation records to hide the prior involvement of Brian Dodge and Etta Dodge; April 23, 2014 amendment falsely claimed no relationship with Brian Dodge; false certification of no media interests; false certification of no unresolved character issues.
HILLTOWN CHRISTMAS STOCKING WDOE-LP, Westhampton, MA, Fac. ID 196027 File Numbers: BNPL-20131112AWJ (granted) BMPL-20140929ABA (dismissed) BLL-20141017AAD (pending) BMPL-20141031AAE (pending)	False certification of ownership/control (use of J Albert and Destiny Condon pseudonyms instead of Brian Dodge); false certification of engineering section (use of Tim Allen pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
CITIZENS FOR A BETTER HILLTOWNS [NEW LPFM], Williamsburg, MA, Fac. ID 196802 File Numbers: BNPL-20131113BKS (granted) BMPL-20140930AAL (dismissed) BLL-20141014ACC (pending) BMPL-20141031AAE (pending)	False certification of ownership/control (use of Marcia Welch pseudonym instead of Brian Dodge; false certification of engineering section (use of Tim Allen pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
HIGHLAND ARTS CLUB DWTTV-LP, Goshen, MA, Fac. ID 197193 File Number: BNPL-20131114AVR	False certification of ownership/control (use of M S Jones pseudonym instead of Brian Dodge); false certification of engineering section (use of M S Jones pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.

HAMPSHIRE ARTS CON DWTTT-LP, Amherst, MA, Fac. ID 197222 File Number: BNPL-20131114AUI	False certification of ownership/control (use of Matt Allen pseudonym instead of Brian Dodge); false certification of engineering section (use of Matt Allen pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
HILLTOWN COMMUNITY CHURCH DWHIL-LP, Norwich Hill, MA, Fac. ID 196316 File Number: BNPL-20131113ADK	False certification of ownership/control (use of M R Welch pseudonym instead of Brian Dodge); false certification of engineering section (use of RM Welch pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
HILLTOWN COMMUNITY ARTS [NEW LPFM], Worthington, MA, Fac. ID 197169 File Number: BNPL-20131114AWJ	False certification of ownership/control (use of Jerry Smith pseudonym in original application and Bree Allen pseudonym in June 8, 2014 amendment instead of Brian Dodge); false certification of engineering section, as filed and as amended (use of Jerry Smith pseudonym and Bree Allen or B Allen pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
WHAB for BB INC [NEW LPFM], Huntington, MA, Fac. ID 197461 File Number: BNPL-20131114BSE	False certification of ownership/control (use of Dave Reed pseudonym instead of Brian Dodge); false certification of engineering section (use of Dave Reed pseudonym instead of Brian Dodge); false certification of no media interests; false certification of no unresolved character issues.
W249AW, Lebanon, NH, Fac. ID 26359 File Numbers (Pending Applications): BALFT-20151218ATM BRFT-20140328AKA BRFT- 20060411AAF BRFT- 19970530XI	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.

W265AM, Norwich/West Lebanon, VT, Fac. ID 26367 File Numbers (Pending applications): BRFT-20140331ANY BRFT-19970530XJ	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W261CB, Norwich/West Lebanon, VT, Fac. ID 26352 File Numbers (Pending Applications): BALFT-20160205AFG BRFT-20140328AJR BRFT-20060411AAG BRFT-19970530XK	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W240AK, Lebanon, etc., NH, Fac. ID 6771 File Numbers (Pending Applications): BRFT-20140328AGU BRFT-20060411AAB BRFT-19970611WC	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W228AU, North Bennington, etc., VT, Fac. ID 26347 File Numbers (Pending Applications): BRFT-20140328AHZ BRFT-20060411AAS BRFT-19970530XQ	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W288AZ, Bernardston, etc. MA, Fac. ID 26348 File Numbers (Pending Applications): BRFT-20140328AKB BRFT-20060411AAK BRFT-19970530XN	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.

W257AU, St. Johnsbury, etc., VT, Fac. ID 26357 File Numbers (Pending Applications): BPFT-20160205AFB (minor mod) BRFT-20140328AJQ BRFT-20060412AAB BRFT-20060411AAT BRFT-19970530XL	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application and engineering section of 2016 modification application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W232AJ, Greenville, etc., NH, Fac. ID 26369 File Numbers (Pending Applications): BPFT-20160218ABA BRFT-20140328AJY BRFT-20060411AAI BRFT-19970530XS	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge) and engineering section of 2016 modification application (use of Brian Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W288AN, West Brattleboro, etc., VT, Fac. ID 26371 File Numbers (Pending Applications): BRFT-20140328AJX BRFT-20060411AAN BRFT-19970530XM	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
W259AB, Marlboro, etc., VT, Fac. ID 57730 File Numbers (Pending Applications): BRFT-20140331AMK BRFT-20060412AAA BRFT-19970407TW	False certifications of no unresolved character issues and no felony convictions; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); failure to respond to Commission inquiry.
WCKL(AM), Catskill, NY, Fac. ID 63526 File Numbers: BAL-20110927AEQ BR-20140228AAR BAL-20150730ACG	False certifications of ownership/control, no other broadcast interests, no unresolved character issues and no felony convictions in 2011 assignment application; false certifications and lack of candor in 2014 renewal application and June 30, 2014 response to FCC inquiry re operational status; false certification of 2014 renewal application (use of Tim Allen pseudonym instead of Brian Dodge); false certifications of ownership/control, no unresolved character issues and no felony convictions in 2015 assignment application; false certification of 2015 assignment application (use of Bishop Tim Allen pseudonym instead of Brian Dodge).

WPNI(AM) (now DWPNI), Amherst, MA, Fac. ID No. 25907 File Number: BAL-20130207ABI	False certifications of ownership/control, no other broadcast interests, no unresolved character issues and no felony convictions.
Granite State Educational Fellowship, Inc. File Numbers: BPED-940121MA BPED-940131MC	False certification of ownership/control, no other broadcast interests, no unresolved character issues and no felony convictions; failure to amend application pursuant to 47 CFR §1.65.