

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

In the Matter of
HISPANIC CHRISTIAN COMMUNITY NETWORK, INC., aka HCCN
ANTONIO CESAR GUEL
Former President of HCCN
and
JENNIFER JUAREZ, aka Jenifer Juarez,
Licensee of Low Power Television Stations
Applications for Renewal
KHDE-LD, Denver, CO
KJTN-LP, Abilene, TX
KZAB-LP, Abilene, TX
KZTE-LD, Fulton, AR
KTEQ-LP, Fulton, AR
WESL-LP, Jamestown, KY
KRPO-LD, Quartzite, AZ
MB Docket No. 23-267
NAL/Acct. No. 202341420025
FRNS: 0014120505; 0013410998
NAL/Acct. No. 202341420026
FRNS: 0006568448; 0023037682
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Facility ID No. 189604
LMS File No. 0000176579
Facility ID No. 127351
CDBS File No. BRTTL-20160411AAZ and
LMS File No. 0000192978
Facility ID No. 130088
CDBS File No. BRTTL-20160412ABN and
LMS File No. 0000192977
Facility ID No. 128037
LMS File No. 0000132447
Facility ID No. 130047
LMS File No. 0000132448
Facility ID No. 128034
LMS File No. 0000142902
Facility ID No. 128964
LMS File No. 0000192826

ORDER TO SHOW CAUSE WHY A CEASE AND DESIST ORDER SHOULD NOT BE ISSUED,
ORDER TO SHOW CAUSE WHY AN ORDER OF REVOCATION SHOULD NOT BE ISSUED,
HEARING DESIGNATION ORDER,
NOTICE OF OPPORTUNITY FOR HEARING, AND
NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: August 10, 2023

Released: August 10, 2023

By the Chief, Media Bureau:

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I. INTRODUCTION

1. In this *Order to Show Cause Why A Cease and Desist Order Should Not Be Issued, Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture*, we commence a hearing proceeding before the Administrative Law Judge to determine whether Hispanic Christian Community Network, Inc. (HCCN), its former 100% direct owner, Antonio Cesar Guel (Guel), and Jennifer Juarez (Juarez) have lacked candor and/or intentionally misrepresented facts to the Commission, abused Commission processes, and committed violations of the Communications Act of 1934, as amended (Act), and/or the Commission’s rules and regulations (Rules).

2. This proceeding arises from the conduct of HCCN, Guel, and Guel’s niece, Juarez (Party; collectively, Parties). Based upon the recitation of the facts that follow, Guel, former president of and 100% direct owner of the voting and equity rights in HCCN, the prior licensee of the captioned stations (Stations), apparently misrepresented material facts and orchestrated an illusory transaction to transfer the Stations to Juarez. The record developed so far raises substantial and material questions of whether Juarez controls the Stations, or whether HCCN and/or Guel exercise *de facto* control over the Stations. There are also substantial and material questions as to whether HCCN, Guel, and Juarez engaged in misrepresentation and/or lack of candor. Because of substantial common and overlapping facts, we hereby initiate a single hearing proceeding before the Administrative Law Judge, albeit with specific

objectives relative to each designated individual or entity.¹

3. With regard to Jennifer Juarez,² the current named licensee of record for the Stations, there are substantial and material questions of fact as to: 1) whether Juarez abused Commission processes³ by filing a sham application⁴ for the purpose of enabling HCCN or Guel to continue operating and controlling the Stations despite non-compliance with the foreign ownership limitations of section 310(b)(3) of the Act, and by secretly delaying the filing of the requisite consummation notice of the transaction; 2) whether and when Juarez acquired control of and began operating the Stations consistent with the Act and/or the Rules and, based on that, whether Juarez engaged in an unauthorized transfer of control in violation of section 310 of the Act by either operating the Stations without legitimate authority or by ceding control of the Stations to HCCN;⁵ 3) whether she lacked candor and/or intentionally misrepresented facts to the Commission, including in the Assignment Application and in her 1.88 Letter Response; and 4) whether Juarez has the qualifications to be and remain a licensee. As a consequence, we issue this *Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* to determine whether (a) the licenses of the Stations should be revoked; (b) whether the captioned applications for renewal (Renewal Applications) of the licenses of the Stations should be granted, dismissed or denied; and/or (c) whether a forfeiture order should be issued to Juarez.⁶

4. With regard to HCCN and its former 100% direct stockholder, Guel, currently a non-licensee, we find that there are substantial and material questions of fact as to whether HCCN and Guel should be considered one and the same entity for purposes of this proceeding. There are also substantial and material questions of fact as to whether HCCN and/or Guel have exercised and continue to exercise *de facto* control over the Stations. Accordingly, we issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from violating Commission Rules and the Act, including making willfully inaccurate, incomplete, evasive, false, or misleading statements before the Commission in violation of section 1.17 of the Commission's Rules, and engaging in unauthorized control and operation of broadcast stations in violation of sections 301, 308, and 310 of the Act, and to determine whether a forfeiture should be issued to HCCN and Guel. Moreover, we find that there are substantial and material questions of fact as to whether HCCN and/or Guel (1) have misrepresented material information to the Commission and lacked candor; (2) have abused Commission processes first by filing an assignment application that lacked bona fides while maintaining *de facto* control of the Stations, and then by impermissibly and intentionally bifurcating ownership of the Stations for years by

¹ Actions taken as a result of this proceeding do not preclude the Commission from taking other actions stemming from the facts presented here.

² Juarez, a sole proprietor, has created inconsistencies in FCC records concerning the correct spelling of her first name. A sole-proprietor is required to provide its legal name in FCC applications. Juarez filed FCC applications alternatively referring to herself as "Jenifer" Juarez and Jennifer Juarez. She has since clarified that her first name is Jennifer. See, e.g., LMS File No. 0000053092 (changing licensee name to "Jennifer Juarez" for KRPO-LD (filed Apr. 19, 2018)). For clarity, we refer to her as Juarez or Jennifer Juarez.

³ An abuse of process is an attempt to achieve a result our licensing processes were not designed or intended to permit, or an attempt to subvert the underlying purpose of the licensing process; filing a sham application can be an abuse of FCC licensing processes. See, e.g., *Revision of Application for Construction Permit for Commercial Broadcast Station* (FCC Form 301), Report and Order, 4 FCC Rcd 3853, paras. 16, 23 (1989) (*Revised CP Form*).

⁴ A "sham" application is one where, for example, a legal entity serves as a surrogate applicant to acquire licenses that would then be operated by another, undisclosed entity, effectively concealing from FCC scrutiny the real party controlling the licenses/stations. See, e.g., *Revised CP Form*, 4 FCC Rcd at 3853 paras. 16, 23.

⁵ See, e.g., 47 U.S.C. § 310(d).

⁶ See 47 U.S.C. §§ 309(d), 309(e), 309(k), 310(d), 312(a), 312(c), and 503(b); 47 CFR §§ 1.17, 73.1150(a), (b).

not timely filing the requisite consummation notice; and (3) are fit to be Commission licensees in light of these apparent violations, abuses, and lack of candor and/or misrepresentation of facts to the Commission. Accordingly, we issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from operating, controlling, managing or providing any assistance to any stations; from preparing and/or filing applications or other documents regarding HCCN with the Commission; and, to the extent HCCN or Guel is allowed to assist any other licensee/permittee/applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application or form with the Commission, from doing so without also providing a copy of any order issued in this proceeding that finds HCCN or Guel lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which he participates in any way.⁷

II. BACKGROUND

5. This proceeding arises from a Media Bureau (Bureau) investigation into applications filed by HCCN between 2010 and 2014. HCCN sought to assign authorizations for a number of television stations then licensed to HCCN (a private company Guel held as sole stockholder and president) to various entities, including to his niece, Juarez.⁸ We evaluated the proposed assignment based on certifications Guel, as President of HCCN, and Juarez made in their 2010 assignment application (Assignment Application) and the content of the asset purchase agreement (APA) setting out the terms of the Parties' agreement, which they included as an exhibit to the Assignment Application.⁹ Both certified that the "agreements compl[ie]d fully with the Commission's rules and policies,"¹⁰ and that the APA embodied the "complete and final" agreement for the sale of the stations.¹¹ Guel further certified that HCCN "submitted to the Commission as an Exhibit to this application copies of all agreements for the sale/transfer of the station(s),"¹² and each Party certified that its respective statements in the Assignment Application "are true, complete, and correct to the best of my knowledge and belief, and are made in good faith" and "that all certifications and attached Exhibits are considered material

⁷ *Id.* §§ 301, 308, 310, 312(b),(c), and 503(b); 47 CFR § 1.17.

⁸ *See* applications to assign various stations from HCCN to: Centro Cristiano Sion (CDBS File No. BAPTTL-20070606AAF); Iglesia Manmin Toda La Creacion USA, Inc. (CDBS File No. BALTVL-20080811AAB); De Mujer a Mujer International (CDBS File No. BALTVL-20090821ADV); and Juarez (CDBS Lead File No. BALTTTL-20100315AAS). This item addresses only the Juarez transaction, but the Commission continues to investigate the other transactions which may result in future hearing or show cause proceedings.

⁹ *See* FCC Form 345, Application of HCCN for Assignment of Licenses, CDBS Lead File No. BALTTTL-20100315AAS (filed Mar. 15, 2010) at Exh. 4 (APA attached to application).

¹⁰ *See* CDBS Lead File No. BALTTTL-20100315AAS at sections II-6.b, III-5.a. *See also* FCC 345, OMB Control Number: 3060-0075, General Instructions (July 29, 2009) (announcing revised Form 345 Instructions) (Instructions). This Assignment Application sought consent to voluntarily assign the licenses for a total of 16 stations to Juarez. In subsequent years, Juarez surrendered four licenses (WGVI-LP, K13YU, K11WE, and W38FI-D) and transferred one (K09XZ (now KRKG-LP); *see* BALTVL-20161027ACU). Additionally, the Bureau cancelled the licenses for stations KHDE-LP, Laramie, WY, on July 20, 2021, and KXTY-LD on January 27, 2022, because Juarez failed to timely convert the stations to digital facilities. *See, e.g.*, Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to Jennifer Juarez (Aug. 6, 2021) (LMS File No. 0000152101) (re DKHDE-LP cancellation); *see also* LMS File No. 0000151883. Because Juarez no longer holds authorizations for these stations, they are not part of this proceeding.

¹¹ *See* CDBS Lead File No. BALTTTL-20100315AAS at sections II-6, III-5. As shall be discussed in greater detail, Guel as President of HCCN and Juarez certified in the Assignment Application that, other than redacting their payment schedule on the basis of purported "private financial information," their assignment agreement otherwise embodied the Parties' complete and full agreement.

¹² *Id.* at section II-6.a.

representations.”¹³ Based on their representations, the Bureau granted the assignment (Grant).¹⁴ Therein, the Bureau informed HCCN and Juarez they had 90 days to “consummate,” or close, the sale (*i.e.*, by July 25, 2010) and then promptly notify the Commission of such consummation.¹⁵ Then, and only then, could Juarez assume control and operate the Stations. If the Parties could not timely consummate the sale, they were to timely inform the Commission.¹⁶

6. For several years after the July 2010 closing deadline, however, HCCN continued to submit filings for the Stations purportedly assigned to Juarez. The Parties had not filed a notice of consummation and had neither requested an extension nor informed the Commission that the transaction had fallen through. Then, in August 2014, HCCN filed applications for consent to assign all of the HCCN station licenses purportedly assigned to Juarez in 2010 to another entity that is majority-owned by Guel family members (including Juarez).¹⁷ Subsequently, on November 10, 2014, HCCN’s attorney filed a notice certifying that HCCN and Juarez had consummated the assignment of the Stations to Juarez on July 25, 2010 (Consummation Notice).¹⁸ That submission provided no explanation for the four-year delay in filing the Consummation Notice nor made any reference to the then-pending August assignment filings. The following day, November 11, 2014, HCCN filed for bankruptcy protection.¹⁹

7. Due to concerns over who actually controlled and operated the Stations, the Bureau directed Juarez to explain the delinquent Consummation Notice and provide an affidavit attesting to her control of the Stations since July 25, 2010, or to explain why she had not controlled them since that time.²⁰ The Bureau also directed her to provide documents supporting her responses. Juarez filed a timely response (Response).²¹ Juarez claims in her 2018 Response that Guel financed her purchase of the Stations. She also asserts in an affidavit that she controlled the Stations since July 2010. However, the signed closing certificates she provided to demonstrate that the Parties closed the transaction on July 25,

¹³ *Id.* at certification statement immediately above each Party’s signature block.

¹⁴ See BALTTL-20100315AAS, FCC Form 732, Authorization (Apr. 26, 2010).

¹⁵ *Id.* at Grant (“The **actual** consummation of voluntary transactions **shall be** completed within 90 days from the date hereof, and **notice . . . thereof shall promptly be furnished to the Commission . . .** showing the date the acts necessary to effect the transaction were completed.” (Emphasis added)).

¹⁶ The Grant stipulated that: “Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).” *Id.* See also, *e.g.* FCC Consummation Notice form (requiring applicant to select one of three options in reporting the status of a pending transaction: Consummation; Extension of Consummation; or Notification of Non-consummation). *Dan J. Alpert, Esq. et al.*, Letter, 28 FCC Rcd 20, 21 n.6 (MB 2013) (reminding parties of the 90-day period to either consummate or request extension of consummation period). Guel was familiar with this requirement; see, *e.g.*, CDBS File No. BALTVL-20080811AAB (HCCN requested two extensions of consummation of assignment to Iglesia Manmin Toda La Creacion USA, Inc. on Dec. 11, 2008, and Mar. 18, 2009).

¹⁷ See CDBS File Nos. BALTTL-20140807ABQ, 20140807ACD, and 20140807ABF (applications to assign stations from HCCN to Hispanic Family Christian Network, Inc. (HFCN)); see also CDBS File No. BON-20130128AAZ (2013 ownership report certifying that Maria Cristina Guel and Juarez each held 33.3% attributable interests in HFCN). The Bureau later dismissed the HCCN-to-HFCN assignment applications at the request of a bankruptcy trustee. Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, FCC Media Bureau, to Diane G. Reed, Bankruptcy Trustee (Nov. 30, 2016).

¹⁸ See CDBS File No. BALTTL-20100315AAS, Consummation Notice.

¹⁹ Letter from Michael Wiss, Michael J. Wiss & Associates, debtor HCCN’s counsel, to FCC (Nov. 12, 2015 [sic]).

²⁰ See Letter from David Brown, Deputy Chief, Video Division, Media Bureau to Jennifer Juarez and Dan Alpert (Alpert) issued pursuant to section 1.88 of the Rules (Mar. 14, 2018) (1.88 Letter).

²¹ Response to 1.88 Letter, from Alpert, counsel for Juarez, to Marlene Dortch, FCC Secretary, and David Brown, Deputy Chief, Video Division, FCC Media Bureau (Apr. 23, 2018) (Response).

2010, were not dated.²² Juarez also revealed in her Response that Guel is her uncle and that they had “an understanding” that HCCN would hold the closing papers but not file the requisite consummation notice until “payments were made for the stations,” but that Juarez would nevertheless operate the Stations after the July 25, 2010 closing.²³

8. To explain the delinquent Consummation Notice, Juarez referred the Bureau to a Declaration from Guel included in her Response.²⁴ Therein, Guel avers that HCCN’s assets were “under attack” due to a lawsuit against him and HCCN, which purportedly led to HCCN’s bankruptcy. He also averred that, as a result of the lawsuit, “it was realized for the first time” in 2014 that he was unqualified to be an FCC licensee as he was not a U.S. citizen.²⁵ Guel further avers that one of his last acts before filing for HCCN’s bankruptcy was to complete the transactions to ensure that assignees such as Juarez became the “officially recognized licensees at the FCC.”²⁶ Guel adds that he had entered “verbal arrangements” whereby the assignees “could run the stations, but HCCN would remain officially the named licensee with the FCC until such time as the majority of the amounts owed was paid.”²⁷ Neither Guel nor Juarez provided details explaining exactly how Guel “financed” her purchase of the Stations or provided any evidence of payments or terms of such financing.

A. Applicable Legal Standards

9. *License Renewal Standard.* Juarez’s Renewal Applications are currently pending before the Commission. Section 309(k) of the Act provides that the Commission is to grant a license renewal application if it finds, with respect to that station, during the previous license term (a) the station has served the public interest, convenience, and necessity, (b) there have been no serious violations by the licensee of the Act or the Rules, and (c) there have been no other violations of the Act or Rules which, taken together, would constitute a pattern of abuse.²⁸ If the Commission is unable to make such a determination, it may deny the renewal application or grant it on such terms and conditions as are appropriate, including a short-term renewal.²⁹ Prior to denying a renewal application, the Commission must provide notice and opportunity for a hearing conducted in accordance with section 309(e) of the Act and consider whether any mitigating factors justify the imposition of lesser sanctions.³⁰ Allegations of misrepresentation are material considerations in a license renewal review.³¹

10. *Character Qualifications.* The character of an applicant is among those factors that the Commission considers in determining whether the applicant has the requisite qualifications to be a Commission licensee. Section 312(a)(2) of the Act provides that the Commission may revoke any license if “conditions com[e] to the attention of the Commission which would warrant it in refusing to grant a license or permit on the original application.”³² Because the character of the applicant is among those factors the Commission considers in its review of applications to determine whether the applicant has the

²² See Response at Attach. 1 (Buyer’s Officer’s Certificate and Seller’s Certificate) (Certificates).

²³ Response at 1, Question 2.

²⁴ See Attach. 3 to Response, Declaration of Antonio Cesar Guel (Apr. 22, 2018) (Guel Decl.).

²⁵ *Id.* at 3.

²⁶ Guel Decl. at 3.

²⁷ *Id.*

²⁸ 47 U.S.C. § 309(k)(1).

²⁹ 47 U.S.C. § 309(k)(2).

³⁰ 47 U.S.C. § 309(k)(3).

³¹ See, e.g., *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 461 (D.C. Cir. 1980).

³² 47 U.S.C. § 312(a)(2).

requisite qualifications to operate the station for which authority is sought,³³ a character defect that would warrant the Commission's refusal to grant a license in the original application would likewise support a Commission determination to revoke a license or permit.³⁴

11. *Misrepresentation and Lack of Candor.* As courts have noted, “applicants before the FCC are held to a high standard of candor and forthrightness.”³⁵ The Commission licenses tens of thousands of radio and television stations in the public interest, and therefore relies heavily on the completeness and accuracy of the submissions made to it.³⁶ Thus, “applicants . . . have an affirmative duty to inform the Commission of the facts it needs in order to fulfill its statutory mandate.”³⁷ The Commission “refuse[s] to tolerate deliberate misrepresentations” and may also premise a finding of lack of candor on omissions, the core of which is “a failure to be completely forthcoming in the provision of information which could illuminate a decisional matter.”³⁸

12. Misrepresentation is a false statement of fact made with intent to deceive the Commission³⁹ and is proscribed by our Rules. Section 1.17(a)(1) of the Rules states that no person shall, in any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading.⁴⁰ Similarly, lack of candor (a concealment, evasion, or other failure to be fully informative, accompanied by an intent to deceive the Commission) is within the scope of the rule.⁴¹ A necessary and essential element of both misrepresentation and lack of candor is intent to deceive.⁴² Fraudulent intent can be found from “the fact of misrepresentation coupled with proof that the party making it had knowledge of its falsity.”⁴³ Intent can also be found from motive or a logical desire to

³³ See *id.* § 308(b).

³⁴ *Id.* § 312(a)(2). Section 312 of the Act does not contain a statute of limitations provision, so a revocation proceeding under this provision would encompass the Parties' conduct since 2010. See *id.* at § 312; see also *Black Television Workshop of Los Angeles, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 8719, n.9 (1993).

³⁵ *WHW Enterprises, Inc., v. FCC*, 753 F.2d 1132, 1139 (D.C. Cir. 1985) (*WHW*).

³⁶ *Id.*, citing *RKO General, Inc. v. FCC*, 670 F.2d 215, 232 (D.C. Cir. 1981), *cert. denied*, 456 U.S. 927 (1982).

³⁷ *WHW* at 1139.

³⁸ *Id.* (citations omitted).

³⁹ *Fox River Broadcasting, Inc.*, Order, 93 FCC 2d 127, 129 (1983) (*Fox River*); *Discussion Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, 19 FCC Rcd 7433, 7435 (2004) (*Discussion Radio*).

⁴⁰ See 47 CFR § 1.17(a)(1).

⁴¹ See *Fox River*, 93 FCC 2d at 129; *Discussion Radio*, 19 FCC Rcd at 7435.

⁴² See *Swan Creek Communications, Inc. v. FCC*, 39 F.3d 1217, 1222 (D.C. Cir. 1994); *Discussion Radio*, 19 FCC Rcd at 7435.

⁴³ *David Ortiz Radio Corp. v. FCC*, 941 F.2d 1253, 1260 (D.C. Cir. 1991) (quoting *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 462 (D.C. Cir. 1980)); see also *Discussion Radio*, 19 FCC Rcd at 7435.

deceive.⁴⁴ False statements knowingly made to the Commission can be a basis for revocation of a license or construction permit.⁴⁵

13. Section 1.17(a)(2) of the Rules further requires that no person may provide, in any written statement of fact, “material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”⁴⁶ Thus, even absent an intent to deceive, a false statement may constitute an actionable violation of section 1.17 of the Rules if provided without a reasonable basis for believing that the material factual information it contains is correct and not misleading.⁴⁷

14. When reviewing FCC-related misconduct in the licensing context, the Commission evaluates whether the licensee will likely be forthright in future dealings with the Commission and will operate its station consistent with the requirements of the Act, the Rules and FCC policies.⁴⁸ Indeed, the Commission’s *Character Qualifications Policy Statement* acknowledges that, in assessing character qualifications in broadcasting matters, the relevant character traits the Commission is concerned with “are those of ‘truthfulness’ and ‘reliability.’”⁴⁹ Thus, misrepresentation would also demonstrate a lack of candor under the Commission’s character qualifications policy.⁵⁰ Because the Commission relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing, courts have recognized that an applicant who deliberately makes misrepresentations or lacks candor may engage in disqualifying conduct.⁵¹ The Commission also has recognized that “any violations of the Communications Act, Commission rules or Commission policies can be said to have a potential bearing on character qualifications.”⁵² It therefore is appropriate to consider “any violation of any provision of

⁴⁴ See *Discussion Radio*, 19 FCC Rcd at 7435; *Black Television Workshop of Los Angeles, Inc.*, Decision, 8 FCC Rcd 4192, 4198, n.41 (1993) (citing *California Public Broadcasting Forum v. FCC*, 752 F.2d 670, 679 (D.C. Cir. 1985); *Joseph Bahr*, Memorandum Opinion and Order, 10 FCC Rcd 32, 33 (Rev. Bd. 1994); *Scott & Davis Enterprises, Inc.*, Decision, 88 FCC 2d 1090, 1100 (Rev. Bd. 1982)). Intent to deceive can also be inferred when the surrounding circumstances clearly show the existence of an intent to deceive. See *Commercial Radio Service, Inc.*, Order to Show Cause, 21 FCC Rcd 9983, 9986 (2006) (citing *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)).

⁴⁵ 47 U.S.C. § 312(a)(1).

⁴⁶ 47 CFR § 1.17(a)(2).

⁴⁷ See *Amendment of Section 1.17 of the Commission’s Rules Concerning Truthful Statements to the Commission*, Report and Order, 18 FCC Rcd 4016, 4017, para. 4 (2003) (stating that the revision to section 1.17 is intended to “prohibit incorrect statements or omissions that are the result of negligence, as well as an intent to deceive”), *recons. denied*, Memorandum Opinion and Order, 19 FCC Rcd 5790, *further recons. denied*, Memorandum Opinion and Order, 20 FCC Rcd 1250 (2004).

⁴⁸ See *Policy Regarding Character Qualifications In Broadcast Licensing Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and Making of Misrepresentations to the Commission by Permittees and Licensees*, Report, Order, and Policy Statement, 102 FCC 2d 1179, 1209, para. 55 (1986 *Character Policy Statement*), *recon. dismissed/denied*, 1 FCC Rcd 421 (1986).

⁴⁹ 1986 *Character Policy Statement* at 1209, para. 55.

⁵⁰ See 1986 *Character Policy Statement*, *recon. dismissed/denied*, Memorandum Opinion and Order, 1 FCC Rcd 421 (1986); *Policy Regarding Character Qualifications in Broadcast Licensing*, Policy Statement and Order, 5 FCC Rcd 3252 (1990) (1990 *Character Policy Statement*), *modified*, Memorandum Opinion and Order, 6 FCC Rcd 3448 (1991), *further modified*, Memorandum Opinion and Order, 7 FCC Rcd 6564 (1992).

⁵¹ *Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193, 196 (D.C. Cir. 2000), *citing Schoenbohm v. FCC*, 204 F.3d 243, 247 (D.C. Cir. 2000).

⁵² 1986 *Character Policy Statement*, at 1209, para. 56.

the Act, or of our Rules or policies, as possibly predictive of future conduct and, thus, as possibly raising concerns over the licensee's future truthfulness and reliability."⁵³ Such violations also can be a basis for revocation of a license or construction permit.⁵⁴

15. *Unauthorized Transfer of Control.* Section 310(d) of the Act states that no "station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control . . . to any person except upon application to the Commission and a Commission finding that the public interest, convenience, and necessity will be served thereby."⁵⁵ Thus, under section 310(d) of the Act, the Commission prohibits *de facto*, as well as *de jure*, transfers of control of a station license, or any rights thereunder, without prior Commission consent.⁵⁶

16. In determining whether an entity has *de facto* control of a broadcast applicant or licensee, we have traditionally looked beyond legal title and financial interests to determine who holds operational control of the station.⁵⁷ The Commission, in particular, looks to whether the entity in question establishes the policies governing station programming, personnel, and finances, and has long held that a licensee may delegate day-to-day operations regarding those three areas without surrendering *de facto* control, so long as the licensee continues to set the policies governing those operations.⁵⁸ In addition, the Commission will consider other factors, such as whether someone other than the licensee holds themselves out to station staff and/or the public as one who controls station affairs.⁵⁹

17. *Act and Rule Violations by Non-licensees.* With respect to HCCN and Guel (currently non-licensees), section 312(b) of the Act authorizes the Commission to order a person who "has violated or failed to observe any of the provisions of this chapter," or "has violated or failed to observe any rule or regulation of the Commission authorized by this chapter," to cease and desist from such activity.⁶⁰ The process is laid out in section 312(c), which specifies that, prior to issuing such a cease and desist order, the Commission "shall serve upon the licensee, permittee, or person involved an order to show cause why . . . a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said . . . person to appear before the Commission."⁶¹ Courts have specifically rejected the argument that the Commission lacks authority to sanction non-licensees for violating the Act and Commission rules after notice and an opportunity for hearing,⁶² stating that "such a result would make little sense. If a person who should have

⁵³ *Id.* at 1209-10, para. 57.

⁵⁴ 47 U.S.C. § 312(a).

⁵⁵ 47 U.S.C. § 310(d); *see also* 47 CFR § 73.3540.

⁵⁶ *See id.*

⁵⁷ *See WHDH, Inc.*, 1 FCC 2d 856, 863 (1969), *aff'd sub nom. Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir. 1970); *Paxson Mgmt. Corp. & Lowell W. Paxson (Transferors) & CIG Media LLC (Transferee)*, 22 FCC Rcd 22224, 22234, para. 28 (2007).

⁵⁸ *See, e.g., Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306 (2002).

⁵⁹ *See WQRZ, Inc.*, Decision, 22 FCC 1254, 1332, para. 51 (1957).

⁶⁰ 47 U.S.C. § 312(b).

⁶¹ 47 U.S.C. § 312(c).

⁶² *See, e.g., Amendment of Subpart L, Part 91, to Adopt Rules and Regulations to Govern the Grant of Authorizations in the Business Radio Service for Microwave Stations to Relay Television Signals to Community Antenna Systems*, Second Report and Order in Docket No. 14895, 2 FCC 2d 725, 728, 730, paras. 10, 12 (1966) (rejecting argument that FCC did not possess authority to sanction non-licensees for violating cable television (CATV) rules, stating: "Sections 312 (b) and (c) provide for the issuance of a cease and desist order against 'any

(continued....)

a license but did not obtain one were to start doing what only a licensee can do, why should the Commission not be able to issue a cease and desist order against that person?”⁶³ Moreover, the Act expressly authorizes the Commission to issue a monetary sanction “against a person under this subsection after notice and an opportunity for a hearing before the Commission or an administrative law judge thereof” where a non-licensee engages in activities for which a license, permit, certificate, or other authorization is required.⁶⁴ Thus, although HCCN and Guel do not currently hold licenses, they nevertheless are subject to the Act by virtue of the fact that both satisfy the definition of a “person”⁶⁵ and have apparently violated and/or failed to observe the requirements of section 301 of the Act. This is eminently sensible since, in the alternative, individuals could continue to violate Commission rules with impunity.

18. *Real Party in Interest and Abuse of Process.* Because the Commission must determine whether a potential licensee meets statutory requirements to hold and operate broadcast stations, parties who intend to assign authorizations are required to disclose the “real party in interest” purchasing the stations at issue and must certify that they have disclosed all material information requested in the application. The Commission has noted that the phrase “real party in interest” usually applies to parties to pending applications, while “*de facto*” control is normally applied to persons controlling existing authorizations.⁶⁶ The concern in either context is whether an applicant is, or will be, controlled in a manner that differs from the proposal before, or approved by, the Commission.⁶⁷ Thus, a real party in interest is an undisclosed applicant that “has an ownership interest or is or will be in a position to actually or potentially control the operation of the station.”⁶⁸ Given the concealment from the Commission of a party controlling an applicant, real parties in interest are deemed to exercise *de facto* control over a station in a manner that, “by its very nature, is a basic qualifying issue in which the element of deception is necessarily subsumed.”⁶⁹

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 person’ — not merely any ‘licensee or permittee’ — who has ‘violated or failed to observe any rule or regulation of the Commission authorized in this act.’”).

⁶³ See, e.g., *Buckeye Cablevision, Inc.*, Decision, 3 FCC 2d 798, 801, 802, 806, paras. 8, 140 [sic], 16 (1966) (rejecting challenge to FCC’s authority to issue cease-and-desist to non-licensee CATVs), *aff’d Buckeye Cablevision, Inc. v. FCC*, 387 F.2d 220, 223-26 (D.C. Cir. 1967); *Valley-Vision, Inc. v. FCC*, 399 F.2d 511 (9th Cir. 1968) (opining that section 312(b) is not limited to licensees and noting that “none of the language that Valley quotes says that Congress did not intend that cease and desist orders could be issued against a non-licensee.” (citation omitted)).

⁶⁴ See 47 U.S.C. §§ 301, 503(b)1, (b)(3)(A), (b)(5). See also *Stephen Paul Dunifer*, Memorandum Opinion and Order, 11 FCC Rcd 718, 728, para. 26 (1995) (*subsequent history omitted*) (affirming forfeiture against a non-licensee and rejecting argument that section 503(b) of the Act requires issuance of a citation prior to forfeiture because that section specifically excludes citation requirement for individuals that are “engaging in activities for which a license, permit, certificate or other form of authorization is required.”).

⁶⁵ 47 U.S.C. § 153(39). The Act defines “person” as an “individual, partnership, association, joint-stock company, trust, or corporation.” A “person” is distinct from the Act’s definition of a “licensee” (“the holder of a radio station license granted or continued in force under authority of this chapter.”). 47 U.S.C. § 153(30).

⁶⁶ *Arnold L. Chase*, Decision, 5 FCC Rcd 1642, 1648 n.5 (1990).

⁶⁷ *Univision Holdings, Inc.*, FCC 92-445, released September 30, 1992 (quoting *Arnold L. Chase*, Decision, 5 FCC Rcd 1642, 1648 n. 5 (1990) (concern in a real party in interest inquiry is whether an applicant is, or will be, controlled in a manner that differs from the proposal before the Commission).

⁶⁸ See *Astroline Communications Co. v. FCC*, 857 F.2d 1556, 1564 (D.C. Cir. 1988) (quoting *KOWL, Inc.*, Memorandum Opinion and Order, 49 FCC2d 962, 964 (Rev. Bd. 1974)).

⁶⁹ *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, 26 FCC Rcd 6520, 6534-6535, para. 36 (2011), *citing Fenwick Island Broadcast Corp. & Leonard P. Berger*, Decision, 7 FCC Rcd 2978, 2979 (Rev. Bd. 1992) (citation omitted). See also 47 U.S.C. §

(continued....)

19. Further, it is an abuse of Commission processes to attempt to achieve a result our licensing processes were not designed or intended to permit, or to attempt to subvert the underlying purpose of the licensing process.⁷⁰ As the Commission has noted, “both the potential for deception and the failure to submit material information can undermine the Commission’s essential licensing functions.”⁷¹ Thus, false certifications subvert our licensing process.⁷² Moreover, filing an application in the name of a surrogate is deceptive and denies the Commission and the public the opportunity to review the qualifications of the real party who will control and operate a station; it also constitutes an abuse of process.⁷³ Classic abuse-of-process cases involving surrogate applicants include sisters who served as fronts for their brother to claim a preference once available to female-owned businesses,⁷⁴ or deceased relatives whose names were used by licensees that had reached the limit on the number of authorizations that could be issued in their names.⁷⁵

20. *Foreign Ownership Limitations.* Section 310(b) of the Act limits foreign holdings of broadcast licenses.⁷⁶ The statute limits direct foreign ownership of broadcast licensees to 20%, while allowing for certain indirect holdings of such interests by foreign persons or entities. Specifically, the statute states:

No broadcast . . . station license shall be granted to or held by--

- (1) any alien or the representative of any alien;
- (2) any corporation organized under the laws of any foreign government;
- (3) **any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens** or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

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308(b) (“All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station”); 47 U.S.C. § 310(d) (“Any such application for [assignment or transfer of control] shall be disposed of as if the proposed transferee or assignee were making application under section 308 for the permit or license in question.”).

⁷⁰ See, e.g., *Revised CP Form*, 4 FCC Rcd 3853, paras. 16, 23.

⁷¹ *Intermart Broadcasting Pocatello, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 8822, 8827, para. 8 (2008).

⁷² *San Francisco Unified School District*, Hearing Designation Order and Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 13326, 13334, para. 19, n.40 (2004) (false certifications are abuses of Commission processes which waste Commission resources and which may not only violate 47 CFR § 73.1015 but may subject the applicant to a monetary forfeiture as well as criminal liability under 18 U.S.C. § 1001 (*citing In the Matter of Financial Certifications by Applicants for Broadcast Station Permits*, FCC No. 87-97 (Mar. 19, 1987))).

⁷³ See *Ronald Brasher*, Decision, 19 FCC Rcd 18462, 18477 (2004) (*Brasher*) (quoting *Arnold L. Chase*, Decision, 5 FCC Rcd 1642, 1643, n.7 (1990)); see also *Evansville Skywave, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 1699, 1701 n.7 (1992).

⁷⁴ See, e.g., *Opal Chaldwell*, Decision, 2 FCC Rcd 5502, 5507, para. 6 (Rev. Bd. 1987), *aff’d. sub nom S.L. Communications, Inc. v. FCC*, 168 F.3d 1354 (D.C. Cir. 1999) (*SL Communications*) (affirming FCC decision that two sisters filed applications as surrogates for their brother, who was the real-party-in-interest and had used his sisters as nominal applicants to take advantage of then-applicable affirmative action programs affording preferences to women-owned license applicants).

⁷⁵ *State of Oregon*, Letter, 22 FCC Rcd 17663, 17665, nn.20, 21 (MB 2007) (discussing and citing *SL Communications* and *Brasher*).

⁷⁶ 47 U.S.C. § 310(b).

(4) any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.⁷⁷

Guel avers he created HCCN in 2005 and directly held 100% voting rights of HCCN until 2013. Guel was not a U.S. citizen during that time; he was – and apparently still is – a citizen of Mexico.⁷⁸ There is nothing in the record to indicate that HCCN was owned by any other corporation. Thus, at the time of Guel’s direct ownership of HCCN, the company was subject to section 310(b)(3) of the Act, which limits direct foreign ownership by non-U.S. citizens to no more than one-fifth of the capital stock. The Commission therefore could not have granted a broadcast license to HCCN in accordance with the Act because of Guel’s 100% direct stock ownership in HCCN.⁷⁹

B. Factual Background

1. The Parties

21. ***Antonio Cesar Guel and HCCN.*** Guel avers he founded HCCN, a for-profit, private Texas corporation created in 2005, to acquire low power television (LPTV) stations that would serve the Hispanic Christian community.⁸⁰ Guel was president and sole owner of HCCN⁸¹ and had significant experience in the broadcast industry when he filed the 2010 Assignment Application.

22. As Guel recounts, he became interested in media through his work in radio ministry for Iglesia Jesucristo es mi Refugio, Inc. (Iglesia) from 1994 through 2000.⁸² He states he tried, unsuccessfully, to acquire AM radio stations for different ministries in 2003 and was a sales manager for KDFT(AM) from

⁷⁷ *Id.* (emphasis added). In 2013, the Commission clarified that foreign persons or entities could seek approval to hold indirect interests in broadcast licenses in excess of the 25% limit referenced in section 310(b)(4). See *Commission Policies and Procedures Under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees*, Declaratory Ruling, 28 FCC Rcd 16244 (2013); see also 47 CFR § 1.5000(a)(1). However, in this case, section 310(b)(4), the provision pertaining to indirect foreign ownership of broadcast licensees, is not at issue because Guel’s ownership interest in HCCN was directly held and accordingly falls under section 310(b)(3).

⁷⁸ See Petition of Michael Couzens to Deny Renewal of K23IA, *et al.*, CDBS File No. BRTTL-20140401ABB at 1-2 (filed June 30, 2014); see also Guel Decl. at 3.

⁷⁹ See, e.g., *Caribbean Festival Association, Inc.*, Letter, 22 FCC Rcd 19238, 19239-19241 (MB 2007) (*Caribbean Festival*) (affirming dismissal of application for new radio station because foreign ownership exceeded statutory 20% benchmark imposed by 47 U.S.C. § 310(b)(3)); *Ministerios el Jordan*, Order to Show Cause, Hearing Designation Order, and Opportunity of Opportunity for Hearing, DA18-834, 2018 WL 5004795 (EB 2018) (*Ministerios*) (ordering applicant to show cause why radio license should not be revoked for unauthorized operation by non-U.S. citizens and misrepresentation of U.S. citizenship) (license surrendered Nov. 9, 2018).

⁸⁰ See Guel Decl. at 1. Anyone doing business with the FCC must obtain a Federal Registration Number (FRN). See 47 CFR §§ 1.8001-1.8003. HCCN obtained an FRN (0014120505) on October 11, 2005. See <https://apps.fcc.gov/coresWeb/searchDetail.do?frn=0014120505> (last visited Mar. 5, 2020).

⁸¹ Ownership Report for HCCN, CDBS File No. BOA-20131220HCO (biennial report filed Dec. 20, 2013) (certifying that as of October 1, 2013, Guel was replaced as HCCN’S sole officer and director by “Cesar A. Guel” (Cesar), though it appears Cesar held that position, or claimed to hold that position, earlier in 2013). See CDBS File No. BRTVL-20130401ADR (Renewal Application for WESL-LP, CDBS File No. BRTVL-20130401ADR, certified by Cesar as President, HCCN, as of March 31, 2013). Antonio Guel, however, retained control of HCCN as the result of his 100% voting and equity rights in HCCN.

⁸² Guel Decl. at 1.

2002 to 2004.⁸³ Guel avers HCCN acquired various LPTV stations in 2007, including the Stations at issue here.⁸⁴

23. Although it was not mentioned in Guel's Declaration, HCCN had acquired an LPTV station (KYUM-LD, Yuma, Arizona) as early as 2005. Guel, as President of HCCN, certified on the FCC Form 345 filed with the Commission in connection with the Yuma transaction that HCCN complied with the foreign ownership limitations of section 310 (Yuma Acquisition).⁸⁵ This station was sold shortly thereafter and is not part of this proceeding, but this is the first known instance of a false foreign ownership certification by Guel.

24. Guel avers that, after many of the LPTV stations were "successfully built and operating," HCCN entered into agreements to sell some of those stations to several churches.⁸⁶ According to Guel, many transactions were structured so the buyers could run the stations "under HCCN's supervision," but HCCN would officially remain the named licensee until such time as "the majority of the amounts owed was paid."⁸⁷ For example, in 2006 and 2007, HCCN acquired stations KSSY-LP and K43AG, which HCCN later

⁸³ *Id.* Commission records reveal that Guel participated in filing LPFM applications as early as 2001. *See, e.g.,* Iglesia de Cristo Miel Meza, CDBS File No. BNPL-20010611ADY; and Iglesia de Cristo Miel Tucson, CDBS File No. BNPL-20010611ADZ. Guel apparently consulted during this period too. *See, e.g.,* CDBS File No. BNPFT-20030317HFT (FM permit for Juan Alberto Ayala, listing Guel as consultant and using Guel's FRN). The FM permit ultimately was assigned to Elohim Group Corporation; *see Juan Alberto Ayala and Elohim Group Corporation*, Order, 32 FCC Rcd 3739 (MB 2017) (consent decree to resolve, *inter alia*, allegations that Ayala falsely certified he had consent to rebroadcast programming and to grant consent to assign construction permit from Ayala to Elohim); *see also* CDBS File No. BAPFT-20161207ABD at Attach. (contract executed by Joel Juarez, President of Elohim and listing Jennifer Juarez's 1138 N. Tillery Avenue address). Elohim is owned by Guel's daughters. *See* LMS File No. 0000181653 (Jan. 27, 2022) (Sharai Guel, President, lists Elohim's official address as 2605 Hyacinth Drive, Mesquite, TX 75181 – Guel's address, which is sometimes listed in FCC filings by Guel or Guel entities with erroneous information, such as a "2505" street number or a 75247 zip code) (Hyacinth Drive).

⁸⁴ *See* Guel Decl. at 1. *See also, e.g.,* CDBS File No. BALTVL-20080124ADQ (acquisition by HCCN of various stations (several of which were part of the 2010 Assignment Application)). Guel agreed to pay \$500,000 in monthly installments over five years, secured by a promissory note, and certified compliance with 47 U.S.C. § 310. Alpert was the legal contact on the application for both parties and timely filed a consummation notice.

⁸⁵ CDBS File No. BALTTL-20050615ACE (assignment of KYUM-LD, Yuma, Arizona, facility ID No. 74378, from Powell Meredith Communications Company to HCCN). The application, filed June 15, 2005, was signed by Guel. The KYUM application is relevant to Guel's propensity for truth; *see infra* para. 94.

About six weeks later, the parties updated their application with an amended asset purchase agreement. The amendment noted that, pursuant to *LUJ, Inc.*, the parties were withholding two schedules (tangible property/equipment used to operate the station, and station agreements) as proprietary, non-public information related to the parties' businesses. *See LUJ, Inc., and Long Nine, Inc.*, Memorandum Opinion and Order, 17 FCC Rcd 16980, 16982-84, paras. 6-9 (2002) (*LUJ*) (*aff'g* 2001 staff assignment grant where parties withheld certain proprietary agreements not germane to FCC consideration, and which did not constitute a separate or additional agreement, but cautioning applicants that "failure to submit all material terms of an assignment agreement will delay processing of the application" and may result in an additional thirty-day public notice period). *See also Luis A. Mejia and MSG Radio, Inc.*, Forfeiture Order, 23 FCC Rcd 15242, 15245-46, paras. 11-14 (MB 2008) (imposing forfeiture where parties improperly cited *LUJ* as basis to withhold a schedule regarding "excluded assets" in assignment application; the Bureau found the excluded schedule was essential to fully understanding the proposed transaction). The Bureau consented to the Yuma Acquisition on August 4, 2005. The Commission has no record that the parties' filed the requisite consummation notice.

⁸⁶ Guel Decl. at 1-2.

⁸⁷ *Id.* at 2. Of the three other licensees referenced in Guel's Declaration, one licensee no longer holds authorizations. *See* CDBS File No. BLTTL-20071212ABV (license for K22HB-LD cancelled in May 2018 based on admitted silence by then-licensee Centro Cristiano Sion); CDBS File No. BALDTL-20150501AJX (assigning Sion's other station, K49KS, in 2015). The Commission is investigating the remaining licensees.

assigned to Iglesia.⁸⁸ The sale of these two stations eventually became the basis for a lawsuit against Guel/HCCN that raised questions as to Guel's true citizenship.⁸⁹

25. ***Guel's Direct Interest in HCCN in Excess of 20% Rendered HCCN Noncompliant with Section 310(b) of the Act.*** After acquiring KSSY and K43AG, Iglesia—with Guel as broker—entered into an agreement to sell the two California stations to several pastors for \$1,299,090 in or around 2007.⁹⁰ Guel recounts that the parties signed a letter of intent and payments had commenced.⁹¹ However, “[u]nder the terms of the agreement, the areas of operation of those stations were to be moved [and] [w]hen the relocations did not occur quickly enough,” the pastors sued Guel/HCCN and Iglesia in or around 2014.⁹²

26. On May 14, 2014, counsel for the pastor/plaintiffs in the lawsuit petitioned the court to compel Guel to answer interrogatories on his citizenship.⁹³ On May 19, 2014, Guel complied,

⁸⁸ In 2006, HCCN applied for consent to acquire K43AG, Ridgecrest, CA from Kern Educational Telecommunications for \$80,000. CDBS File No. BALTTL-20061102ABW (Guel, as President of HCCN, certified in FCC Form 345 HCCN's compliance with the foreign ownership limits of 47 U.S.C. § 310; the APA filed with the application disclosed the parties' payment plan of a downpayment followed by monthly payments). Guel timely certified that the transaction closed on March 19, 2007. *See id.* In January 2007, HCCN contracted to buy KSSY-LP, Ford City, CA; Alpert, by then representing HCCN, timely certified the sale had closed. *See* CDBS File No. BALTTL-20070126AFK (Guel certified that HCCN complied with foreign ownership limits of 47 U.S.C. § 310). HCCN then obtained consent to assign KSSY-LP to Iglesia and disclosed the \$250,000 payment schedule (\$50,000 paid upon execution, followed by monthly payments secured by promissory note); Alpert, representing both HCCN and Iglesia, timely filed the consummation notice. *See* CDBS File No. BALTTL-20070918ACP. Also in 2007, HCCN sought to sell K43AG to Iglesia and disclosed the \$250,000 payment plan. CDBS File No. BALTTL-20070918ACO. But Alpert did not file the consummation notice until 2008, a year after the Bureau's November 2007 consent to the transaction. *Id.* (Alpert certified the sale closed Apr. 10, 2008).

⁸⁹ *See* Guel Decl. at 2-3. The lawsuit Guel appears to reference in his Declaration apparently was initiated in 2014 and resulted in a 2016 default judgment finding Guel and his co-defendants liable for civil fraud involving the sale of several LPTV stations. *See Jose Gonzalez et al. v. Iglesia Jesucristo Es Mi Refugio, Inc. et al.*, No. BC 501688, Los Angeles County Superior Court (*Gonzalez v. Iglesia Jesucristo*). This case is what apparently prompted HCCN's bankruptcy filing and belated Consummation Notice. An earlier case involving Guel/HCCN, however, seems to have been the proximate motive for Guel's transfer of the Stations to Juarez. *See Unidad de Fe y Amor Corporation v. Iglesia Jesucristo Es Mi Refugio, Inc., Robert Gomez, HCCN, Inc., Antonio Cesar Guel*, No. C 08-4910 RS, 2009 WL 1813998 (N.D. Cal. June 25, 2009) (*Unidad*). Guel and his co-defendants ultimately settled the *Unidad* fraud/breach of contract case in 2009, agreeing to pay *Unidad* \$5,000 per month until 2011. In February 2010, however, *Unidad* petitioned the court to enforce the settlement. *See infra* note 184. The very next month – March 12, 2010 – Guel executed the APA with his minor niece to assign to her 16 of HCCN's stations scattered over eight states, notwithstanding Juarez's admitted lack of broadcast experience, lack of personnel, apparent lack of legal representation, and apparent lack of funds and ability to legally execute a contract. Ostensibly transferring the Stations to Juarez in 2010, while retaining the option to “consummate” the purported transaction later through the use of possibly backdated closing documents, would have benefitted Guel by shielding HCCN's assets from potential default in *Unidad*.

⁹⁰ *See, e.g.*, Petition of Michael Couzens to Deny Assignment of KEAM-LD from HCCN to HFCN, CDBS File No. BALDTL-20140807ABF, at 1-2 (filed Sept. 22, 2014) (Petition to Deny) (Couzens represented the pastor plaintiffs in *Gonzalez v. Iglesia Jesucristo*).

⁹¹ *See* Guel Decl. at 2-3.

⁹² *Id.* *See also supra* note 89 and *Roberto Gomez*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 10618 (MB 2009) (proposing \$5000 forfeiture for Iglesia's false certification in application that K43AG had been constructed on the tall tower specified in construction permit, when in reality no tall tower had ever been built at the specified coordinates. Guel, as consultant, had certified the accuracy and veracity of the technical section).

⁹³ *See* Petition of Michael Couzens to Deny Renewal Applications of K23IA, KJTN-LP, et al., CDBS File No. BRTTL-20140401ABB, at 2 (filed June 30, 2014) (Couzens's amended civil complaint in *Gonzalez v. Iglesia Jesucristo* alleged fraud and breach of contract by Guel and others in failing to move stations and to return payments to buyers. Couzens argued that Guel had misrepresented his citizenship to the FCC and that HCCN violated statutory

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acknowledging to plaintiffs that he was not a natural born citizen of the United States, had not become a naturalized U.S. citizen and, therefore, was not, at that time, a U.S. citizen.⁹⁴

27. Guel did not disclose his true citizenship to the FCC until almost four years later, when Juarez filed her Response in 2018.⁹⁵ Therein, Guel avers that, as a result of a lawsuit, “it was realized” (purportedly for the first time) that, as a non-U.S. citizen (and holder of a 100% direct stock interest in HCCN), he “was not qualified to be a Commission licensee.”⁹⁶

28. **Jennifer Juarez.** Juarez is the named licensee of the Stations. Juarez states in her Response that she had no broadcast experience when she agreed to acquire the Stations from HCCN, which was 100% directly owned by Guel, her uncle. Publicly available information suggests she was a minor as of the March 12, 2010 date on which she executed the APA.⁹⁷

29. As Juarez explains, she and her father would occasionally meet up with Guel at family events beginning in the 1990s.⁹⁸ Juarez states her father was always interested in Guel’s work in broadcasting; in late 2008, she and her father talked with Guel “to know more about how we could start working in the communications industry.”⁹⁹ Juarez recalls that Guel said “he was struggling financially” due to the economic crisis at that time.¹⁰⁰ Guel “offered to sell us some television channels [sic] and also offered us financing [sic] the channels through his company. We thought it was a great opportunity and agreed to pay a deposit and the rest in monthly payments.”¹⁰¹ Guel also “helped us to contact some vendors to buy our equipment for the stations and that is how we started our new adventure into this business.”¹⁰² Juarez further

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limits on foreign ownership, thus rendering HCCN’s ownership of the stations illegitimate and attempts to assign the licenses a legal nullity).

⁹⁴ See *id.* at 2-3; see also Guel Decl. at 3.

⁹⁵ See *infra* para. 51, note 184.

⁹⁶ See Guel Decl. at 3 (Guel does not clearly identify the name of or parties to the lawsuit he references); see also 47 U.S.C. § 310(b)(3). See also *Review of Foreign Ownership Policies for Broadcast, Common Carrier, and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272, 11277, n.4 (2016) (“Under the Commission’s Section 310(b)(3) forbearance approach applicable to common carrier licensees, common carrier licensees have the option to file a petition for declaratory ruling requesting prior Commission approval to exceed the 20 percent foreign ownership limits in Section 310(b)(3) where the foreign ownership interests would be held in the licensee through intervening U.S.-organized entities that do not control the licensee. . . . [T]he Commission’s forbearance authority does not extend to broadcast . . . licensees covered by Section 310(b)(3)”), *pet. for recon. dismissed*, 32 FCC Rcd 4780 (2017). See also *supra* note 79.

⁹⁷ Public records indicate Juarez was born in April 1992, so she would have been 17 when she executed the APA in March 2010. <https://www.truepeoplesearch.com/details?streetaddress=3332%20Chihuahua%20Ave&citystatezip=Dallas%2C%20TX&rid=0x8>. Juarez thus was a minor at the time, as the age of majority (when individuals can, *inter alia*, legally execute contracts) is 18 in Texas. See <https://statutes.capitol.texas.gov/Docs/CP/htm/CP.129.htm#:~:text=AGE%20OF%20MAJORITY,.%2C%2069th%20Leg.%2C%20ch.> (section 129.001 of Texas statutes).

⁹⁸ See Response at 4, Question 5; Attach. 2 to Response (Declaration of Jennifer Juarez (undated)) (Juarez Decl.)

⁹⁹ *Id.*

¹⁰⁰ *Id.* Juarez makes no mention of Guel’s 2009 *Unidad* fraud/breach of contract case.

¹⁰¹ *Id.*

¹⁰² *Id.*

states that “[m]y dad decided to pursue [another] industry . . . and I decided to stay in the communications industry.”¹⁰³ Juarez claims she has “been learning every day and continue[s] to learn in this industry.”¹⁰⁴

30. Juarez averred in her Response “[t]here are no other stations owned or controlled by me.”¹⁰⁵ But Commission records and documents filed with the FCC indicate that she holds a 33% attributable interest in Hispanic Family Christian Network, Inc. (HFCN), a company Guel founded in 2007.¹⁰⁶ Juarez apparently became a director of HFCN on February 5, 2010 – before she executed the APA with HCCN – and our records indicate that she has held a one-third voting interest in HFCN since.¹⁰⁷

2. The Transaction at Issue

31. ***The Juarez Purchase and Assignment.*** On March 12, 2010, while still legally a minor, Juarez executed the APA with HCCN to acquire 16 stations licensed to HCCN, including the seven at issue here: KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, WESL-LP, and KRPO-LD.¹⁰⁸ Pursuant to the APA, she agreed to pay her uncle \$320,000 for the stations as specified in Schedule 2.1.¹⁰⁹ The Parties further agreed to “comply with any condition imposed on it by the FCC” with respect to Commission consent to the transaction.¹¹⁰ Guel, as 100% stockholder and president of HCCN,¹¹¹ executed the APA and was apparently represented by Alpert.¹¹² It does not appear that Juarez was represented by counsel in this transaction.¹¹³

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Response at 5, Question 9.

¹⁰⁶ *See e.g.*, CDBS File No. BON-20130128AAZ (filed Jan. 28, 2013). *See also* Petition to Deny at 3, Attach. C (incorporation papers filed with the Texas Secretary of State on October 11, 2007, stating Guel founded Hispanic Family Christian Network, Inc., as a non-profit charitable organization designed to operate a Christian radio station. The initial board was comprised of Guel and three other individuals, each of whom listed Guel’s home address (Hyacinth Drive) as their official address). In 2008, Guel became HFCN’s registered agent at his Hyacinth Drive address; he appears to have served in that position into at least early 2013, if not later. *See id.* at Attachs. D, F. According to a recent ownership report filed with the FCC, however, Maria C. Guel certified that HFCN is a for-profit corporation with three owners as of 10/1/21: Maria C. Guel, President and Director with a 33.3% voting interest; Jennifer Juarez, Director, with a 33.3% voting interest; and Ana K. Guel, Director and Stockholder with 33.3% voting and equity interests. LMS File No. 0000171529 (filed Nov. 24, 2021).

¹⁰⁷ On February 16, 2010, HFCN’s president, Maria C. Guel, notified the Texas Secretary of State that, as of February 5, 2010, Juarez had been named a director and would serve as HFCN’s treasurer; on January 28, 2013, HFCN notified the Texas Secretary of State that Juarez’s term as a member of HFCN’s board of directors would run through 5/15/2013. *See* Petition to Deny at Attachs. E, F (listing Maria C. Guel as HFCN’s president); *See also* HFCN Ownership Report, CDBS File No. BON-20130128AAZ (filed Jan. 28, 2013); LMS File No. 0000047758 (filed Mar. 2, 2018) (listing Juarez as a director and holder of a one-third interest in a number of stations licensed to HFCN as of 10/1/17, along with attributable interests in other stations); and LMS File No. 00000171529 (filed Nov. 26, 2021) (listing Juarez as a director and holder of a one-third interest in LPTV and radio stations licensed to HFCN as of 10/1/21, along with attributable interests in other stations).

¹⁰⁸ *See supra* note 97. *See also* Main CDBS File No. BALTTL-20100315AAS at Attach. 4, APA (the 16 stations were located in eight states: Arizona, Arkansas, Kentucky, Mississippi, Missouri, Nevada, Texas, and Wyoming). The other stations listed in the Application were subsequently sold, surrendered, or cancelled. *See supra* note 10.

¹⁰⁹ *See* APA at 3, section 2.1.

¹¹⁰ Assignment Application at Attach. 4, APA. at Section III.3.2(c) (Application for Commission Consent).

¹¹¹ HCCN Ownership Report, CDBS File No. BOA-20100723ATM (biennial ownership report filed July 23, 2010, certifying Guel’s 100% direct equity and voting interest in HCCN as of November 1, 2009).

¹¹² Assignment Application at Section II; APA at ¶¶ 15-16 (specifying that all notices, communications, etc., from Juarez to HCCN be sent to HCCN and counsel Dan Alpert).

32. On March 15, 2010, HCCN filed the Assignment Application to voluntarily assign the stations to Juarez and included a copy of the APA as Exhibit 11.¹¹⁴ The application required each Party to certify to the Commission that “the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that **all certifications and attached Exhibits are considered material representations.**”¹¹⁵ It also cautioned applicants that “WILLFUL FALSE STATEMENTS . . . ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).”¹¹⁶ Guel’s signature as President of HCCN on the Assignment Application affirmatively represented that the Parties’ agreements “complied fully” with FCC rules and policies; that the documents provided “embody the complete and final understanding between” the Parties; and that HCCN had provided copies of all agreements for the sale/transfer of the stations, except for Schedule 2.1, which he represented contained “private financial information, and was properly redacted pursuant to Commission policy established in *LUJ, Inc.*”¹¹⁷ Juarez made a similar certification.¹¹⁸

33. By their signatures, Juarez and Guel also certified they had answered all Assignment Application questions based on their respective review of the form’s instructions and worksheets (Instructions), and that their affirmative certifications were material representations that the Assignment Application satisfied each pertinent standard and criteria set forth in the Instructions.¹¹⁹

34. On April 26, 2010, the Commission consented to the assignment to Juarez¹²⁰ based on the Parties’ certifications in the Assignment Application that the proposed transaction complied with the Commission’s rules and policies.¹²¹ This Grant informed the Parties that consummation of their

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¹¹³ No counsel was identified for Juarez in either the Assignment Application or in the APA. See CDBS Lead File No. BALTTTL-20100315AAS and APA at ¶¶ 15-16.

¹¹⁴ CDBS Lead File No. BALTTTL-20100315AAS.

¹¹⁵ *Id.* (emphasis added).

¹¹⁶ *Id.* (emphasis in original).

¹¹⁷ BALTTTL-20100315AAS at Section II, item 6. As described above, HCCN selected “no” in response to the query asking whether he had submitted copies of all agreements for the sale of the stations and whether these documents embodied the complete and final understanding between assignor and assignee and complied with FCC rules and policies. As required, Guel explained his negative answer at Exhibit 4, *i.e.*, stating that “Schedule 2.1 has been redacted. The document contains private financial information, and is properly redacted pursuant to Commission policy established pursuant to *LUJ, Inc.*”

¹¹⁸ *Id.* at Section III, item 5. Juarez selected “no” as to whether the written agreements embody the complete and final agreement for the sale of the stations and that the agreements comply fully with FCC rules and policies; she explained her response at Exhibit 11 (citing the APA and “See Section II”).

¹¹⁹ CDBS Lead File No. BALTTTL-20100315AAS at Section II, item 1; Section III, item 1. The Form 345 Instructions promulgated in July 2009 required applicants to submit with the form “a complete and final copy of the unredacted contract for the assignment or transfer of the authorizations that are the subject of this application, including all exhibits and attachments.” Instructions at Section II, F. Item 6; Section III, E. Item 4. The Instructions also required applicants “to certify that the contracts/agreements for assignment of the subject authorizations ‘comply fully with the Commission’s rules and policies.’ In order to complete this certification, applicants must consider a broad range of issues. Worksheet #2 provides guidance on key compliance issues to facilitate applicants’ review of their proposed transactions, and to help applicants identify issues where additional explanatory exhibits may be required or helpful.” Instructions at Section II, F. Item 6c; Section III, A. Item 1.

¹²⁰ CDBS Lead File No. BALTTTL-20100315AAS (Grant).

¹²¹ CDBS Lead File No. BALTTTL-20100315AAS at sections II-6, III-5; *see also id.* at sections II-1, III-1 (each party certified it “had answered each question in this application based on its review of the application instructions and

(continued....)

transaction “shall be completed within 90 days from the date” of the Grant (*i.e.*, no later than July 25, 2010) and that “notice in letter form thereof shall promptly be furnished to the Commission by the seller or buyer showing the date the acts necessary to effect the transaction were completed.”¹²² The Grant further informed the Parties that the Commission would consider the assignment complete upon the filing of the consummation notice, at which point Juarez could begin operating the stations as the licensee.¹²³ As specified in the APA, the closing “shall take place within ten (10) business days after the date of Final Order of the FCC’s action [] granting the Assignment Application. . . . ‘Final Order’ means that forty (40) days will have elapsed from the date of the FCC’s issuance of a Public Notice of the Consent to the Assignment;” in this case, the Parties, pursuant to the terms of the APA, should have closed no later than June 25, 2010.¹²⁴

35. The Parties certified that the APA as submitted in the Assignment Application (except for what the Parties claimed was “private financial information” in Schedule 2.1) embodied their complete agreement and complied with FCC rules and policies – to include certification that Juarez had “sufficient net liquid assets [] on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.”¹²⁵ The Parties, however, did not disclose that Guel purportedly was financing Juarez’s purchase of all the stations on a payment plan pursuant to Schedule 2.1, which they withheld by characterizing it as private financial information that could be excluded from the Assignment Application pursuant to the Commission’s *LUJ* decision. (To this day, Guel/HCCN and Juarez have not produced a copy of Schedule 2.1, and it is not clear if such a document ever existed or if the claim in the Assignment Application about Schedule 2.1 was false. As will be shown below, this type of seller financing of a broadcast transaction is not “private financial information,” but rather was required to be included in the Assignment Application because it was directly relevant to the issue of whether the transaction complies with the Rules, particularly the Rule prohibiting a seller from having a reversionary interest in a broadcast station.¹²⁶) They also did not disclose the terms of their unwritten side agreement, whereby payments for the Stations would be made after “consummating” the sale, and Guel would hold the closing papers and not file the requisite consummation notice until some unspecified time after “payments were made.”¹²⁷

36. The Parties did not file the requisite notice (or the requisite ownership report) within 30 days of purportedly consummating the transaction.¹²⁸ Instead, HCCN’s counsel filed the Consummation

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worksheets” and “that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets”). Each party also certified that its respective “statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.” *Id.*

¹²² Grant.

¹²³ *Id.*

¹²⁴ See APA at ¶ 8.1. The Bureau published notice of the Grant on May 3, 2010 (*Broadcast Actions*, Public Notice, Report No. 47227, 2010 WL 1743192); 40 days from May 3 was Saturday, June 12, and 10 business days from June 12 was June 25, 2010.

¹²⁵ CDBS Lead File No. BALTTL-20100315AAS at Section III, item 9 (Financial Qualifications) (Juarez checked the “yes” box).

¹²⁶ 47 CFR § 73.1150(a) and (b). Both the initial withholding of Schedule 2.1 from the Assignment Application and the failure to produce it in response to the Bureau’s subsequent investigation (*see infra* para. 97) raise questions about the Parties’ veracity. See 47 CFR § 1.17.

¹²⁷ Response at 1, Question 2. This non-disclosure similarly raises questions about the parties’ veracity.

¹²⁸ Licensees must file an ownership report (FCC Form 323) within 30 days of consummating authorized assignments, which the Parties did not do. 47 CFR § 73.3615(c). On July 23, 2010, however –two days before the purported consummation – HCCN filed biennial ownership reports for all 16 stations. BOA-20100723ATM (in

(continued....)

Notice on November 10, 2014, certifying that HCCN and Juarez had consummated the sale on July 25, 2010, the deadline indicated in the Grant.¹²⁹ The same counsel obtained an FCC Registration Number (FRN), required to conduct business with the FCC, for Juarez on December 1, 2014.¹³⁰ In the spring of 2016, Juarez filed applications to renew the licenses of three of the captioned Stations, two of which remain pending.¹³¹ In 2021, Juarez filed applications to renew the licenses of four of the captioned Stations, and in 2022 she filed an application to renew the seventh station; these applications are likewise pending.¹³²

37. ***HCCN Actions Taken Concerning the Stations After the Purported Consummation of the Juarez Assignment.*** If the Parties had in fact consummated the sale on July 25, 2010, at which point Juarez should have assumed control of the Stations, the Parties should have notified the Commission no later than August 24, 2010. Yet actions taken by HCCN after that time are inconsistent with the Parties' assertions that the consummation and transfer of control occurred in July 2010. Between July 25, 2010 and November 10, 2014, HCCN filed two biennial ownership reports, one change-of-address notice, and over 30 applications affecting the stations purportedly assigned to Juarez in July 2010.¹³³ Specific HCCN filings include:

- On July 13, 2011, HCCN filed a change-of-mailing-address notice to reflect a PO box.¹³⁴ The new address applied to all stations transferred to Juarez in 2010.

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which Guel certified, apparently falsely, U.S. citizenship). HCCN did not update that report.

¹²⁹ See BALTTL-20100315AAS (Grant and Consummation Notice).

¹³⁰ See FCC Registration, FRN number 0024126237 for registrant "Juarez, Ms. Jennifer" with registration date 12/01/2014 <https://apps.fcc.gov/coresWeb/searchDetail.do?frn=0024126237> (last visited Mar. 3, 2020).

¹³¹ CDBS File Nos. BRTTL-20160411AAZ and BRTTL-20160412ABN. In 2019, the Bureau inadvertently granted the third renewal application Juarez filed in 2016. See CDBS File No. BRDTL-20160412ABO (KRPO-LD).

¹³² LMS File Nos. 0000132447; 0000132448; 0000142902; and 0000176579; and LMS File No. 0000192826. See also LMS File Nos. 0000192977 and 0000192978.

¹³³ These applications specified HCCN as licensee and nowhere referenced Juarez, either as licensee or a signatory.

¹³⁴ FCC Change in Official Mailing Address, certified by Alpert as Legal Counsel (July 13, 2011) (PO Box 542843). See CDBS Station Search for KHDE-LP, Correspondence Folder (https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/forms/prod/cdbsmenu.htm?context=25&appn=101435388&formid=901&fac_num=128721). (This PO Box is the same address identified in Texas records as HFCN's address as of 9/15/14. See Petition to Deny, Attach. B). HCCN's prior official address was listed as 8500 N Stemmons Freeway, Suite 5050, Dallas, TX. See CDBS File No. BLSTA-20100823.

- On May 3, 2012, HCCN filed a biennial ownership report for 41 stations, listing all 16 stations purportedly sold to Juarez.¹³⁵ Guel certified that, as of October 1, 2011, he was the sole officer, director, and owner of HCCN and was a citizen of the U.S.¹³⁶
- On April 1, 2013, HCCN filed a renewal application for WESL-LP.¹³⁷ “Cesar A. Guel” (Cesar), President, signed the application and certified that HCCN complied with statutory foreign ownership limits.¹³⁸
- On December 20, 2013, HCCN filed another biennial ownership report for 40 stations, including those purportedly sold to Juarez.¹³⁹ This report certified that, as of October 1, 2013, Guel was no longer an officer or director of HCCN but retained 100% direct ownership of the voting and equity rights for HCCN’s outstanding stock. Cesar certified that he was HCCN’s sole officer and director¹⁴⁰ and that Guel was a U.S. citizen. Cesar also certified that he and Guel were not related as parent/child.¹⁴¹
- On April 1, 2014, HCCN filed applications to renew the licenses of Stations KZAB-LP and KJTN-LP. Cesar signed the applications, certifying that HCCN complied with statutory foreign ownership limits.¹⁴² HCCN, however, did not timely withdraw or amend these applications that remained pending after the purported May 19, 2014 realization that Guel, as a non-U.S. citizen,

¹³⁵ See CDBS File No. BOA-20120503ABO. Guel listed his address as 8500 N Stemmons Freeway.

¹³⁶ *Id.* at sec. II-B.3.a.copy 2 (“Citizenship: US”); III (certification signed by Antonio Cesar Guel that “I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.”)

¹³⁷ CDBS File No. BRTVL-20130401ADR.

¹³⁸ *Id.* As the Bureau later learned, Cesar Antonio Guel is Antonio Cesar Guel’s son; Cesar was 19 years old when he purportedly became HCCN’s sole officer and director. See CDBS File No. BALED-20180516ABH (filed May 16, 2018) (application to assign licenses from HFCN to Hispanic American Christian Network, Inc., and certifying the transaction presented no issue under FCC policies relating to media interests of immediate family members (sibling or parent/child). After Bureau inquiry, HFCN corrected this false certification; see amended application at Exh. 14 (filed Nov. 19, 2018) (Antonio Cesar Guel is father of Maria C., Ana K., Sharai, and Cesar A. Guel)).

¹³⁹ See CDBS File No. BOA-20131220HCO. This report listed HCCN’s FRN as 0014120505, its official address as PO BOX 542843, and its actual address as 5787 S. Hampton Rd., Suite 200, Dallas, TX. Guel’s address was listed as the Stemmons Freeway location and his FRN as 0006568448. Cesar’s address was listed as Guel’s Hyacinth Drive residence; Cesar listed his FRN as 9990093107 (Commission records currently reflect two FRNs associated with Cesar Guel: (1) 2130006600 (Cesar A. Guel as named registrant; registered by Alpert on 2/27/18) and (2) 0006568448 (affiliated with entity Millington Community Center and listing Cesar C. [sic] Guel as contact for organization Comunidad Cristiana and president, at Hyacinth Drive, as updated 2/27/23. This FRN was initially registered on 2/23/00). *Id.*

¹⁴⁰ This report appears inaccurate. First, it appears that Cesar was an officer/director as early as January 2013; see, e.g., CDBS File No. BAPFT-20130118AIW (filed Jan. 18, 2013) (assignment of station to HCCN). Second, it appears that his sisters Maria C. and Ana K. were also officers/directors at HCCN in October 2013, as reflected in a tax-reporting form Cesar filed with the Texas Secretary of State. Specifically, Cesar reported in November 2013 that, for reporting year 2013, he was a director/president; Maria Cristina Guel was a director/treasurer; and Ana Karen Guel was a director/secretary with all terms expiring on May 15, 2014. Guel was listed as HCCN’s registered agent, and all four Guels listed Hyacinth Drive as their respective addresses. See Petition to Deny, Attach. H. We are unaware of any FCC record of HCCN’s apparent corporate changes by adding Guels’ daughters Maria and Ana as officers/directors.

¹⁴¹ See CDBS File No. BOA-20131220HCO. As the FCC discovered in 2018, Cesar is Guel’s son.

¹⁴² CDBS File Nos. BRTTL-20140401AAX and BRTTL-20140401AAZ, respectively. In 2014, the Bureau granted the applications but later rescinded the grants. See Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, FCC’s Media Bureau to Michael Couzens, Esq. (Jan. 23, 2017). In 2016, Juarez filed renewal applications for these two captioned Stations, both of which remain pending.

could not hold a direct interest greater than 20% in a corporate FCC licensee.¹⁴³

- On June 2, 2014, HCCN filed an application to renew the license of Station KRPO-LD. Cesar signed the application on May 21, 2014, certifying that HCCN complied with statutory foreign ownership limits.¹⁴⁴ This certification was made two days *after* Guel's admission in the *Gonzalez* litigation that he was not a U.S. citizen.
- On June 5, 2014, HCCN filed an application to assign to La Palabra Viviente Ministries LPTV station K48OL-D.¹⁴⁵ The assignment application was signed on June 3, 2014, by "Maria C. Guel, President" of HCCN.¹⁴⁶
- In August 2014, HCCN filed applications to assign to HFCN all the stations that had purportedly been sold to, and purportedly operated by, Juarez since July 25, 2010.¹⁴⁷ Cesar signed these applications on behalf of HCCN, and his sister, Maria C. Guel (Guel's daughter/Juarez's cousin), signed on behalf of HFCN.¹⁴⁸ HCCN described the transaction as a "corporate reorganization to another corporation" for which no consideration was being paid.

¹⁴³ See 47 CFR § 1.65 (requiring applicants to notify FCC within 30 days of a "substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application"). HCCN's 2013 ownership report stated that Guel retained 100% control of its common stock. As such, HCCN exceeded the statutory foreign ownership limits of section 310(b) of the Act. Assuming Cesar Guel was unaware that his father, Antonio Guel, was not a U.S. citizen when HCCN filed the renewal applications, it should have amended or withdrawn them upon discovery of Guel's true citizenship but in no event later than June 19, 2014.

¹⁴⁴ CDBS File No. BRDTL-20140602AUH.

¹⁴⁵ CDBS File No. BAPDTL-20140605AGG (granted July 21, 2014; consummated Oct. 6, 2014). Station K48OL's call sign changed to K80JQ (facility ID number 130352).

¹⁴⁶ *Id.*

¹⁴⁷ CDBS File Nos. BALTVL-20140807ACD, BALDTL-20140807ABF, and BALTTL-20140807ABQ. (Assignment applications at that time did not have a question as to the assignor/seller's citizenship.) These applications remained pending until the Bureau acceded to the bankruptcy trustee's November 2016 request and dismissed the applications, thereby permitting prosecution of the bankruptcy proceeding. Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, FCC Media Bureau, to Diane G. Reed, Bankruptcy Trustee (Nov. 30, 2016). One month later, the Bureau informed Couzens that it had dismissed as moot his Petitions, due to the Bureau's November dismissal of the applications. Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, FCC Media Bureau, to Michael Couzens, Esq. (Dec. 29, 2016). Therein, the Bureau indicated that it intended to investigate on its own motion the HCCN-to-HFCN transfer applications. *Id.* at n.3.

¹⁴⁸ When HCCN filed this application to assign the Stations, HFCN had identified Juarez as holding a one-third attributable interest in HFCN as one of three directors of the company. See Ownership Report, CDBS File No. BON-20130128AAZ (filed Jan. 28, 2013). See also LMS File No. 0000047758 (filed Mar. 2, 2018) listing Juarez as a director with a one-third interest in LPTV stations licensed to HFCN as of October 1, 2017, along with attributable interests in other stations; and LMS File No. 0000103107 (filed July 26, 2021) listing Juarez as a director with a one-third interest in LPTV and radio stations licensed to HFCN as of October 1, 2019, along with attributable interests in other stations.

3. The Investigation

38. **The Bureau's Section 1.88 Letter.**¹⁴⁹ In light of the delinquent Consummation Notice and HCCN's numerous filings affecting the Stations after the purported consummation,¹⁵⁰ the Bureau sent a letter to Juarez on March 14, 2018, pursuant to section 1.88 of the Rules (1.88 Letter), seeking confirmation that the Parties had in fact timely closed the transaction and complied with statutory ownership requirements.¹⁵¹

39. The 1.88 Letter explicitly notified Juarez that the Bureau needed to develop the record and evaluate potential statutory and/or Commission rule violations.¹⁵² Accordingly, the Bureau instructed Juarez to provide a written response, under penalty of perjury, to nine inquiries and explain, inter alia, the delay in filing the Consummation Notice and why HCCN had continued filing applications if Juarez had assumed control of the 16 stations in July 2010.¹⁵³ It instructed her to provide evidence that she controlled the policies governing the Stations' programming, personnel, and finances. It also instructed Juarez to provide documentary evidence supporting her responses. Finally, it instructed her to:

provide an affidavit, signed under penalty of perjury by Jennifer Juarez stating that since July 25, 2010, she has been the licensee and in control of the day-to-day operations of the stations in a manner that is consistent with Commission rules and precedent; each station has operated pursuant to the parameters authorized in its license; and at no time has any station been silent for a consecutive twelve month period. To the extent such statements cannot be provided, please provide a detailed explanation.¹⁵⁴

40. **The Juarez Response.** Juarez timely responded to the 1.88 Letter through Alpert (the same counsel who had represented HCCN).¹⁵⁵ Her Response consisted of five pages of written answers addressing each of the Bureau's inquiries, and she properly attested under penalty of perjury that her answers in the body of the Response were true and correct.¹⁵⁶ She also provided six attachments, including her "affidavit" and declarations from herself and Guel.¹⁵⁷

41. To explain the delinquent Consummation Notice, Juarez refers the Bureau to "the explanation that has been provided by [Guel]. . . ."¹⁵⁸ She adds "the Closing papers were first prepared in May 2010 and were signed July 2010 [sic]. The understanding I had with HCCN was that it would hold onto the papers and that the consummation notice would be filed as soon as payments were made for the

¹⁴⁹ Section 1.88 of the Rules (Pre-designation pleading procedure); 47 CFR § 1.88. This Rule describes the Commission's authority to issue a letter informing a broadcaster that it is investigating the licensee's operation of a station and/or character qualifications and offering the licensee an opportunity to submit a written response for Commission consideration prior to designation. *See, e.g., Shareholders of Stop 26 Riverbend, Inc., et al., Memorandum Opinion and Order, 27 FCC Rcd 6516, 6518 at para. 5 (2012) (after receiving allegations of lack of character qualifications, Bureau issued 1.88 letter to determine whether licensee had the requisite character qualifications to remain a licensee).*

¹⁵⁰ *See supra* para. 37.

¹⁵¹ *See* 1.88 Letter.

¹⁵² *Id.* at 1.

¹⁵³ *Id.* at 1 and para. 2.

¹⁵⁴ *Id.* at 2, para. 6.

¹⁵⁵ *See* Response.

¹⁵⁶ *See id.* at 6.

¹⁵⁷ *See* Response. *See also id.* at 6.

¹⁵⁸ Response at 1, Question 2. Juarez is referring to Attachment 3, the Guel Decl.

stations.”¹⁵⁹ Juarez neither provides the date in July 2010 she claims to have signed the closing papers, nor explains why the closing Certificates she provided were signed but undated and had retained the blank space to indicate when in May 2010 the Parties had signed the Certificates. Juarez does not state when payments were made, the size of such payments, or who made such payments. She avers she “at all times assumed that this was the proper procedure.”¹⁶⁰

42. To explain the fact that HCCN had filed over two dozen applications and two ownership reports concerning the Stations after Juarez had purportedly assumed operational control in July 2010, Juarez states “I am told those applications were filed by HCCN because, at that time, HCCN was the [sic] still the record holder of the licenses for the Stations, and was the only party authorized to file the application[s].”¹⁶¹ She adds “the full explanation of why these things happened the way they did has been provided to me by Antonio Cesar Guel.”¹⁶²

43. Regarding HCCN’s August 2014 applications to reassign the Stations to HFCN, Juarez states she “was not personally aware of any time it was proposed that the stations be assigned to Hispanic Family Christian Network, Inc. If that was done, it was not authorized by me and I was not part of the application.”¹⁶³ She further avers that there are “no other stations owned or controlled by me, Jennifer Juarez.”¹⁶⁴ Documents filed with the Commission from 2010 through 2021 and certified by Maria C. Guel, however, state that Juarez (along with Maria, one of Guel’s daughters¹⁶⁵) held an attributable interest in HFCN through her one-third voting interest from at least 2010 to the present.¹⁶⁶

44. In reply to the Bureau’s request that she provide evidence that, since July 25, 2010, she has controlled the policies governing programming, personnel, and finances of the stations, Juarez avers “there is not a great deal to show, since the stations operate on an automated basis. The free programming is provided by satellite.”¹⁶⁷ With respect to programming on certain stations that, at the time of the response, were analog (WESL-LP, KZAB-LP, KJTN-LP, and KTEQ-LP), she avers they “cannot be received by most of the viewing audience, are not making money at the present time, and not a

¹⁵⁹ *Id.* at 1, question No. 2.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 3, Question No. 3.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Response at 5, Question 9. Commission records indicate Juarez filed her first ownership report for the Stations in 2015. *See* CDBS File No. BOA-20151119ABF (filed Nov. 19, 2015) (Juarez certified she held no interest in other broadcast stations as of 10/1/2015). *See also* LMS File No. 0000046611 (filed Mar. 2, 2018) (Juarez certified she held no interest in other broadcast stations as of 10/1/2017). *But see* LMS File Nos. 000100164 (filed Jan. 24, 2020) and 0000171798 (filed Nov. 26, 2021) (in both reports, Juarez certified reportable interests in other broadcast stations as of 10/1/2019 and 10/1/21, respectively).

¹⁶⁵ Response at 4, Question 5.

¹⁶⁶ *See, e.g.*, CDBS File No. BMJADTL-20100521ACD (May 21, 2010) (HFCN application re K08QJ-D/facility ID 130352, listing Juarez as holding 33% voting interest in HFCN); HFCN Ownership Report, CDBS File No. BON-20130128AAZ (filed Jan. 28, 2013) (listing Juarez as a member holding a one-third voting interest in stations licensed to HFCN as of 1/1/2013, and holding no other broadcast interests). *See also* LMS File Nos. 0000047745, 0000047747, and 0000047758 (all filed Mar. 2, 2018) (variously listing Juarez as a member or director (0000047747 specifying principal position/profession as “HFCN”) holding a one-third voting interest in HFCN as of 10/1/2017); LMS File No. 0000171529 (filed Nov. 24, 2021) (Juarez a director with a one-third voting interest with Ana K. and Maria C. Guel, as of 10/1/2021). Maria C. Guel certified all HFCN reports. *See also* Petition to Deny at Attach. E (documents HFCN filed with the Texas secretary of state indicating Juarez was HFCN’s treasurer as of Feb. 5, 2010, when she presumably would have been 17 years old (we do not know if or when that position expired)).

¹⁶⁷ Response at 3, Question 4.

great deal of effort has been put into those stations, and the stations have been silent for protracted periods of time.”¹⁶⁸ She offers that “Antonio Cesar Guel helps us with keeping the stations on air. He provides programming from some of the churches or pastors that he knows and is also our representative with some advertising agencies.”¹⁶⁹

45. Juarez further avers she has no personnel but that Guel “provides a lot of the technical assistance and advice I need.”¹⁷⁰ She states she receives “a great deal of help from my uncle in getting help with contacts in the industry, contracts, programming, building the stations, moving the stations, etc.”¹⁷¹ Juarez also states that she relies on and receives a great deal of help from her cousin Maria, and some help from another cousin, Ana, “as they also are in the broadcast business. As a result, I have not really had to put much time into the stations.”¹⁷² Juarez further avers she receives “a great deal of help from my attorney and outside engineer,” neither of whom she names.¹⁷³

46. With respect to finances, Juarez states that “[w]e pay [Guel] 10% commission on direct sales and 5% if it is sold through any [sic] agency. Moreover, he also participated as a broker in the sale of an LPTV that we have sold. He has recommended different brokers to put some of our stations [sic] for sale.”¹⁷⁴

47. **Documentary Evidence of Control.** Juarez provides insufficient documentation to establish her purported control of the Stations since July 25, 2010. She submitted only seven invoices from counsel, Dan Alpert, dated January 24, 2015, April 26, 2015, December 13, 2015, June 6, 2016, October 18, 2016, December 20, 2016, and December 21, 2016. All are for services rendered after November 2014¹⁷⁵ (and after Couzens had filed petitions to deny with the FCC). Moreover, Juarez provides no evidence demonstrating that she was responsible for paying these or any other station invoices or expenses.

48. **Documentary Evidence of Consummation.** In response to the Bureau’s request that Juarez “[p]rovide written evidence . . . demonstrating that the consummation of the sale from HCCN took place on July 25, 2010,”¹⁷⁶ Juarez refers the Bureau to “copies of the signed contracts and the Closing papers,” consisting of copies of the APA and closing documents, most notably the Buyer’s Officer Certificate and the Seller’s Certificate.¹⁷⁷

¹⁶⁸ *Id.* at 3, response to Question 4.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.* at 4, Question 5.

¹⁷² *Id.* at 3, Question 4, and 4, Question 5. *See also supra* note 138 relating to CDBS File No. BALED-20180516ABH, amended Exh. 14 (filed May 16, 2018 and amended Nov. 19, 2018) (including certification reflecting Maria’s and Ana’s participation in Hispanic American Christian Network, Inc.).

¹⁷³ Response at 4, Question 5.

¹⁷⁴ *Id.* at 4, Question 5. Juarez does not identify which stations Guel brokered.

¹⁷⁵ *See* Response at Attach. 4. According to the January 2015 invoice, Alpert billed Juarez for one hour of legal services to prepare and file FCC form 317 on December 1, 2014.

¹⁷⁶ Section 1.88 Letter at question No. 1.

¹⁷⁷ *See* Response at 1, Question No. 1, Attach. 1 (this attachment included an email to Cesarguelhccn@aol.com from Alpert, dated May 16, 2010, stating: “These are ready to be signed” and purportedly attached the Assignment of Authorizations, the Assignment of Intangibles, the Bill of Sale, and the Buyer’s Officer’s and Seller’s Certificates. It is unclear whether this email was directed to Guel or to another member of his family). The copy of the APA provided in Attachment 1, like the copy provided with the Assignment Application, does not contain Schedule 2.1. *See* Response at Attach. 1, APA.

49. The first pages of certain closing documents—the Assignment of Authorizations, the Assignment of Intangibles, and the Bill of Sale—each state that the agreement was made and entered into as of July 25, 2010, but the signature pages are undated. Instead, these signature pages each state that the document has been duly executed “as of the date first” written above.¹⁷⁸ With respect to the Buyer’s Officer’s and Seller’s Certificates, the remaining closing documents (each of which is single-paged) with a signature block that reads: “IN WITNESS WHEREOF, I have hereunto set forth my hand this _ day of May, 2010” and leaves blank the specific day on which the Parties purportedly signed their respective Certificate.¹⁷⁹

50. **The Guel Declaration.** Guel provided a Declaration made under penalty of perjury that all statements made therein were true and accurate.¹⁸⁰ Guel discusses the “closing papers,” i.e., the buyer’s and seller’s Certificates that the Parties had signed, but not dated.¹⁸¹ Guel avers that in many of his previous transactions (which includes his transaction with Juarez):

to avoid fraud by the buyers, a verbal arrangement was worked out . . . whereby they could run the stations, but HCCN would remain officially the named licensee with the FCC until such time as the majority of the amounts owed was paid. Therefore, in cases such as those, the closing papers were prepared almost immediately after the transactions were approved by the FCC. The papers were signed by both parties, but were not sent by HCCN to the attorney. In the meantime, however, payments were made by the assignee that were owed to HCCN, and the stations were run by the assignee (programming, etc.) under HCCN’s supervision as the licensee. . . . During all this time, . . . Hispanic Christian Community Network, Inc., remained as the named licensee. . . . **[W]henver applications and reports needed to be filed** for any of those in-transition stations, Hispanic Christian Community Network continued to help file the applications . . . under its name. **I was still the President of [HCCN] at that time**, so I let the applications (and required reports) be filed with my electronic signature.¹⁸²

51. Guel explains that HCCN’s August 2014 applications to transfer all of the stations to HFCN was the result “of [a] lawsuit, [when] in 2014 all of the assets of Hispanic Christian Community

¹⁷⁸ Response at Attach. 1, Assignment of Authorizations. At the top of the document’s first page, the date of July 25, 2010, is typed in the body of the text and reads: “THIS ASSIGNMENT OF AUTHORIZATIONS . . . dated as of July 25, 2010, by HISPANIC CHRISTIAN COMMUNITY NETWORK, INC., a Texas corporation (“Assignor”) in favor of JENIFER JUAREZ (“Assignee”).” The signature page is a separate page. This format is used for the Assignment of Intangibles and the Bill of Sale. *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ See Response at Attach. 3 (Guel Decl.).

¹⁸¹ See Guel Decl. at 2; see also *infra* note 205.

¹⁸² Guel Decl. at 2 (emphasis added). Based on this statement, it appears Guel is asserting that he was president of HCCN in 2014. But HCCN had represented to the FCC in December 2013 that, as of October 1, 2013, Guel was no longer president of HCCN and that Cesar was the sole officer and director. See *supra* ¶ 37; see also CDBS File No. BOA-20131220HCO; Supplement to Petition to Deny of Michael Couzens, File No. BALDTL - 20140807ABF (filed Mar. 24, 2015) (in copies of the Voluntary Petition HCCN filed with the bankruptcy court on November 11, 2014, Guel certified that he was HCCN’s general manager and HCCN’s address was 2727 LBJ Freeway, Dallas, Texas. The filing also included a waiver of notice of consent signed by HCCN’s board of directors, to wit: Cesar Antonio, Ana K. and Maria C. Guel). We do not know when Guel’s daughters became directors of HCCN.

Network, Inc. were under attack.”¹⁸³ He avers that, “as a result of allegations raised in the lawsuit, **it was realized for the first time** that I, Antonio Cesar Guel, was not qualified to be a Commission licensee at that time, due to my Mexican citizenship. This was never told to me by my prior attorney, Mark Denbo, but was very strongly told to me by my present attorney, Mr. Alpert!”¹⁸⁴ Guel further avers that, “to protect the licenses, make all ownership legal under Commission rules, and to protect the interest of those parties that already were in the process of purchasing those licenses, there momentarily was an intention to assign those licenses to a corporation owned and controlled by a third-party family member,” HFCN, which “would then complete the transactions.”¹⁸⁵

52. Guel also avers that, in November 2014, when HCCN was about to file for bankruptcy, “one of the last acts that were [sic] performed prior to the Chapter 7 Bankruptcy filing was to review all [HCCN’s] licenses, and ensure that all parties that were approved by the FCC and **were in the process of completing their transactions** officially [sic] became the officially recognized licensees at the FCC of their stations.”¹⁸⁶ Guel notes that this was done “despite the fact that all payments were not yet complete.”¹⁸⁷

53. Guel concludes by “fully admit[ing] certain mistakes have been made, but [I] have tried my best to clean those up as soon as I could. I have never had any intention to mislead the FCC. . . . I have gotten by [sic] daughters and niece involved in the business . . . [p]lease do not criticize them for

¹⁸³ Guel Decl. at 3. We are aware of at least one other broadcast-related lawsuit involving Guel; see *supra* note 89, discussing *Unidad de Fe y Amor Corporation v. Iglesia Jesucristo Es Mi Refugio, Inc., Robert Gomez, HCCN, Inc., Antonio Cesar Guel*, No. C 08-4910 RS, 2009 WL 1813998 (N.D. Cal. June 25, 2009) (*Unidad*) (not reported). Guel does not provide the case name he avers “settled” in 2017, but his mention of K43AG and Comizion TV suggests he may be referencing *Gonzalez v. Iglesia*, notwithstanding the resolution of that case in 2016 was not by settlement, as Guel claims, but via a default judgment against Guel *et al.* (The court found defendants Guel *et al.* in default in 2015 and, as a result, all properly pleaded allegations by plaintiffs were deemed admissions. The court then entered a default judgment in 2016, finding that “Gomez and Guel made false representations to plaintiffs, that at the time they knew were false” with respect to their claimed ownership of K43AG and 2006 contract to sell K43AG to plaintiffs for \$550,000 and move the station to Los Angeles. By April 2010, Guel and Gomez had run into difficulty with the move, and by August 2010, plaintiffs began to suspect they were being defrauded.) See CDBS File No. BAPDVL-20160526ACZ (Assignment of Permit for K12RB-D from HFCN to MP Global, LLC) at Informal Objection (copy of court’s February 26, 2016 default judgment in *Gonzalez v. Iglesia*, No. BC 501 688).

¹⁸⁴ Guel Decl. at 3 (emphasis added) (we note that Alpert was representing Guel/HCCN in January 2007 with regard to assignments of K43AG and KSSY; see *supra* note 88). We presume Guel apparently is referring to *Gonzalez v. Iglesia*, but it is possible he is referring to *Unidad*. See *supra* note 89. *Unidad* revolved around an HCCN/Iglesia deal to sell two LPTV stations to another pastor in 2007. *Unidad* sued Guel and others in 2008, alleging fraud and unfair business practices; litigation centered on whether the parties had created a valid contract. The suit settled in 2009, with Guel *et al.* agreeing to pay *Unidad* \$5,000 per month until 2011. In February 2010 – just a month before Guel executed the APA with his then-17 year old niece – *Unidad* petitioned the court to enforce the settlement; the court declined, finding defendants were current with payments. But the court then issued an order in June 2010, warning Guel *et al.* of possible contempt if they failed to file a signed original of the settlement agreement. See <https://dockets.justia.com/docket/california/candce/5:2008cv04910/208289> (last visited Apr. 5, 2020). It is possible Guel and/or HCCN were involved in other lawsuits in the 2008-2010 timeframe; see, e.g., *Roy Mayhugh, KFLA-LD Channel 8 Los Angeles v. Hispanic Christian Community Network*, Complaint No. BC400404 (Superior Court of California, Los Angeles County, filed Oct. 22, 2008) (case involving a promissory note/collection; a judgment was entered on Jan. 26, 2010, but the case continued into March 2010 and appears to have closed on May 12, 2015 <https://www.lacourt.org/casesummary/ui/casesummary.aspx?casetype=civil#PTY> (last visited Mar. 31, 2022)).

¹⁸⁵ Guel Decl. at 3.

¹⁸⁶ *Id.* (emphasis added).

¹⁸⁷ *Id.*

mistakes that were made back when I was an owner. I do not have any more involvement with Hispanic Community Christian Network, Inc. . . . At this time, I am a consultant to radio and TV stations.”¹⁸⁸

III. DISCUSSION

54. Based on the totality of the record, there are substantial and material questions of fact as to: 1) whether Juarez abused Commission processes by filing a sham application¹⁸⁹ to enable HCCN or Guel to continue operating and controlling the Stations despite non-compliance with the foreign ownership limitations of section 310(b)(3), and by secretly agreeing to delay indefinitely filing the requisite consummation notice; 2) whether and when Juarez acquired control of and began operating the Stations consistent with the Act and/or the Rules and, based on that, whether Juarez engaged in an unauthorized transfer of control in violation of section 310 of the Act by either operating the Stations without legitimate authority or by ceding control of the Stations to HCCN;¹⁹⁰ 3) whether Juarez lacked candor and/or misrepresented facts to the Commission, including in the Assignment Application and in her 1.88 Letter Response; and (4) whether Juarez has the qualifications to be and remain a licensee.¹⁹¹ As a result, we issue this *Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* to determine whether (a) the licenses of the Stations should be revoked; (b) whether the captioned applications for renewal of the licenses of the Stations should be granted, dismissed or denied; and/or (c) whether a forfeiture order should be issued to Juarez.

55. With respect to HCCN and its 100% direct stockholder Guel, there are substantial and material questions of fact as to whether HCCN and Guel should be considered one and the same entity for purposes of this proceeding. There are also substantial and material questions of fact as to whether HCCN and/or Guel have exercised and continue to exercise *de facto* control over the Stations. Accordingly, we issue an *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from violating Commission rules and the Act, including making willfully inaccurate, incomplete, evasive, false, or misleading statements to the Commission in violation of section 1.17 of the Commission’s rules and engaging in unauthorized control and operation of broadcast stations in violation of section 301, 308, and 310 of the Act, and to determine and whether a forfeiture should be issued to HCCN and Guel. Moreover, we find that there are substantial and material questions of fact as to whether HCCN and/or Guel: 1) have misrepresented material information to the Commission and lacked candor; (2) have abused Commission processes first by filing an assignment application that lacked bona fides while maintaining *de facto* control of the Stations, and then by impermissibly and intentionally bifurcating ownership of the Stations for years by not timely filing the requisite consummation notice; and (3) are fit to be Commission licensees in light of these apparent violations, abuses, and lack of candor and/or misrepresentation of facts to the Commission. Accordingly, we issue an *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from operating, controlling, managing, or providing any assistance to any stations; from preparing and/or filing applications or other documents regarding HCCN with the Commission; and, to the extent HCCN or Guel is allowed to assist any other licensee/permittee/applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application with the

¹⁸⁸ *Id.* at 4. Guel’s Declaration contains not a single reference to his son’s involvement in HCCN.

¹⁸⁹ A “sham” application is one where, for example, a legal entity serves as a surrogate applicant to acquire licenses that would then be operated by another, undisclosed entity, effectively concealing from FCC scrutiny the real party controlling the licenses/stations. *See, e.g., Revised CP Form*, 4 FCC Rcd at 3853, paras. 16, 23.

¹⁹⁰ *See, e.g.,* 47 U.S.C. § 310(d).

¹⁹¹ The Commission “may disqualify an applicant who deliberately makes misrepresentations or lacks candor in dealing with the agency.” *Schoenbohm v. FCC*, 204 F.3d 243, 247 (D.C. Cir. 2000).

Commission, from doing so without also providing a copy of any order issued in this proceeding that finds he lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which he participates in any way.

A. THERE ARE SUBSTANTIAL AND MATERIAL QUESTIONS CONCERNING JUAREZ’S QUALIFICATIONS TO BE A COMMISSION LICENSEE

1. Juarez Appears to Have Engaged in A Sham Transaction, Abused FCC Processes

56. Substantial and material questions of fact exist as to whether Juarez abused Commission processes and violated Commission rules by: 1) filing an application to induce the Commission to grant a sham assignment, whereby she was a surrogate licensee who ceded control of the Stations to HCCN and/or Guel, the *de facto* licensee, and 2) entering into an arrangement with HCCN to delay filing the requisite consummation notice until after she had paid for the Stations, during which time HCCN would remain the official, *de jure* licensee, but Juarez would purportedly control and operate the Stations.¹⁹²

57. With respect to the sham application, the APA attached to the 2010 Assignment Application contained a number of clauses representing each Party was legally qualified to enter into the contract to assign the Stations. In fact, however, Juarez appears to have been a 17-year old minor with no broadcast experience when she executed the APA – presumably without benefit of counsel – and filed it with the Commission using a misspelled legal name.¹⁹³ And HCCN, the licensee, could not legally hold the authorizations to the Stations because Guel, a non-U.S. citizen, held 100% direct ownership of HCCN’s stock. The revelation of Guel’s foreign citizenship, after multiple false HCCN certifications of compliance with section 310(b), apparently was the genesis of the HCCN-Juarez “transaction.”

58. Juarez also may have lacked sufficient funds to purchase the Stations. Notably, the APA specified Juarez was to pay HCCN \$320,000 for the Stations.¹⁹⁴ Juarez certified in the FCC Form 345 that she had “sufficient net liquid assets [] on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months. . . .”¹⁹⁵ She did not disclose in the Assignment Application or APA that Guel – whom she claimed was facing financial challenges in 2010 – purportedly would finance her purchase through his company under a payment schedule that was withheld as purportedly confidential.¹⁹⁶ Juarez did not provide the purported “payment plan” in her

¹⁹² This undisclosed arrangement not only circumvented the requirement in section 1.65 of the Rules to timely notify the FCC of material changes to applications, and ignored the express conditions set out in the Grant, it also appears to have permitted Guel to retain a prohibited reversionary interest in the Stations after consummation.

¹⁹³ Using a misspelled name in lieu of an individual’s legal name can indicate fraud. *See, e.g., Hawthorne FM Partnership*, Summary Decision, 5 FCC Rcd 5194, paras. 9-10, 16-18, 25, 30, 32-35 (ALJ 1990) (finding that former attorney Thomas Root and licensee Sonrise Management had duped Gary A. Simpson as a party on various radio applications by listing a Gary “L.” Simpson as a general partner); *Ministerios*, 2018 WL 5004795 at *2, n.16 (individual who had misrepresented his citizenship filed FCC applications using the name “Eliud,” as opposed to Eluid, the applicant’s apparent legal name as reflected in court documents); *Dan Alpert*, Letter, 32 FCC Rcd 10228, 10232, n.31 (MB 2017) (radio applications that Guel, as consultant and certifying engineer, filed in 2013 on behalf of various entities were rife with the names and addresses of apparently fictitious individuals – noting in particular that the “allegedly corrected name of Pilar Gonzalez may also be incorrect, as this individual signs his name as Gonzales Pilar, Jr., i.e., with Gonzales as a first name, rather than Pilar (a feminine name) as a first name.”).

¹⁹⁴ *See* APA at 3, ¶ 2.1 (“In consideration of Seller’s performance of this Agreement, the amount paid for the Stations Assets shall be . . . (\$320,000,00, paid as provided in Schedule 2.1”).

¹⁹⁵ CDBS Lead File No. BALTTL-20100315AAS at Section III, item 9 (Financial Qualifications) (Juarez checked the “yes” box).

¹⁹⁶ The Parties withheld the payment schedule from the Assignment Application based on certifications that Schedule 2.1 contained private financial information and was properly redacted per the Commission’s *LUIJ* decision as immaterial to the Commission. CDBS Lead File No. BALTTL-20100315AAS, Exh. 4. Under *LUIJ*, parties may

(continued....)

Response,¹⁹⁷ although the installment plan she references does not appear to contain any confidential terms.¹⁹⁸ These circumstances raise questions as to the existence of Schedule 2.1 and/or a payment plan and whether she intentionally withheld from Commission scrutiny her unwritten agreement to delay filing a notice of consummation until some unspecified date subject to Guel's control – and with Guel retaining control of FCC filings for the Stations in the meantime. Furthermore, Juarez has provided not a single document that she paid anything for the Stations, let alone that she paid the full purchase price (or when she did so), raising questions as to whether she paid any consideration for the Stations.

59. Even if the HCCN-Juarez transaction had been a legitimate sale transaction, it seems to have been designed to obtain FCC approval of a transaction in which HCCN retained a reversionary interest in the Stations, in violation of an FCC rule prohibiting any such interest. Section 73.1150(a) and (b) of the Rules (collectively, the Reversionary Interest Rule) prohibits any assignment or transfer of an interest in a broadcast station if there is an arrangement or understanding, express or implied, pursuant to which the seller retains a reversionary interest in the station.¹⁹⁹ Both HCCN and Juarez certified in the Assignment Application that the agreements “comply fully with the Commission's rules and policies” and that the documents submitted with the Assignment Application “embody the complete and final” understanding between the parties, except for the redaction of Schedule 2.1 based on the parties' claim that it contained “private financial information.”²⁰⁰ Although Guel claimed that the undisclosed HCCN-Juarez payment arrangement, with a deferred consummation subject to Guel's control of the closing documents, was normal, we are not aware of any case in which such a transaction was disclosed by the parties and approved by the FCC, and Guel cited no such case. Rather, in our experience, a transaction is normally consummated after FCC approval (within the period allowed by the FCC for consummation) and seller financing is normally evidenced by a promissory note from the buyer, backed up with liens held by the seller on the station assets until all payments are completed. In this case, HCCN and Juarez failed to disclose that HCCN was apparently retaining a reversionary interest in the Stations, in violation of the Reversionary Interest Rule, accompanied by a false certification by each party in the Assignment Application that the transaction complied with FCC rules and policies.²⁰¹

60. It further appears that Juarez was not financially qualified to operate the Stations. On the Assignment Application, Juarez certified she possessed net liquid assets or could obtain funds from

(Continued from previous page) _____

withhold non-material contract attachments or schedules that contain proprietary information not germane to FCC consideration, but parties are *not* permitted to exclude information essential to consideration of a proposed transaction. *LUI*, 17 FCC Rcd at 16982-84, paras. 6-9 (affirming staff assignment grant where parties withheld certain proprietary material not germane to FCC consideration and which did not constitute a separate or additional agreement). *See also Luis A. Mejia and MSG Radio, Inc.*, Forfeiture Order, 23 FCC Rcd 15242, 15245-46, paras. 11-14 (MB 2008) (imposing forfeiture where parties improperly cited *LUI* as basis to withhold a schedule regarding “excluded assets” in assignment application; the Bureau found the excluded schedule was essential to fully understanding the proposed transaction).

¹⁹⁷ *See* Response at Attach. 2.

¹⁹⁸ As evidenced with HCCN's 2006 and 2007 assignment applications with the California stations, HCCN did not withhold payment schedules requiring a down payment and subsequent installment payments. *See supra* note 88 re KSSY and K43AG. Based on the Parties' assertions that Juarez had agreed to a similar payment schedule, there does not appear to be any legitimate reason to justify redaction under *LUI*.

¹⁹⁹ 47 CFR § 73.1150(a) and (b).

²⁰⁰ Assignment Application, File No. BALTTL-20100315AAS, Section II, Question 6 and Section III, Question 5.

²⁰¹ *See, e.g.,* Stephen F. Sewell, *Assignments and Transfers of Control of FCC Authorizations Under Section 310(d) of the Communications Act of 1934*, 43 Fed. Comm. L.J. 277, 330-31 (1991) (FCC staff normally review seller financing documents in any broadcast station sale to ensure compliance with the Reversionary Interest Rule. Here, staff were unaware that seller financing was involved because HCCN and Juarez withheld that information from the Assignment Application).

committed sources sufficient to not only consummate the transaction but also operate the Stations for three months. Juarez claims that she operated the Stations from July 2010 to November 2014, but provided no invoices for Station expenses during that time period, let alone proof of payment of any expenses. Yet in her 2018 Response, Juarez repeatedly references an unnamed individual – perhaps her father – who apparently was involved in paying Guel a deposit and then making the remaining monthly payments and helping purchase equipment for the Stations.²⁰² Given Guel’s claimed financial difficulties as the cited reason he sold the Stations, and the lack of any evidence that Juarez paid any consideration for them, it is unclear how she possessed the financial resources to purchase and operate the Stations as of July 2010, or thereafter.

61. It also appears that Juarez willfully ignored the terms of the Commission’s Grant regarding consummation. The Grant required consummation by July 25, 2010 with prompt notice to “the Commission by the seller or buyer showing the date the acts necessary to effect the transaction were completed.”²⁰³ The Grant further informed the Parties that the Commission would consider the assignment complete upon the filing of the consummation notice, at which point Juarez could begin operating the stations as the licensee.²⁰⁴ Yet no consummation notice (or the requisite ownership report) was filed until November 10, 2014, and at that time it was filed by counsel for HCCN, the company Guel controlled. The notice was filed after Guel had admitted in court proceedings he was not a U.S. citizen (and thus could not hold a greater than 20% direct stock ownership interest in a corporate FCC licensee) and the day before HCCN filed for bankruptcy protection. Although the Consummation Notice represents that the closing occurred on July 25, 2010, the deadline indicated in the Grant, the documents submitted by Juarez to substantiate that fact are notably undated.²⁰⁵ Moreover, Juarez, through counsel, did not obtain an FRN to conduct business with the FCC until December 1, 2014,²⁰⁶ three weeks after the four-year late Consummation Notice. No documented actions were taken by Juarez with respect to the Stations’ licenses prior to December 2014. The failure to properly and timely file the requisite notice and/or to produce documents reflecting the claimed July 25, 2010 consummation date raise questions as to the authenticity of the Consummation Notice, whether the transaction was ever in fact consummated, and whether Juarez intended it to be consummated at the time she filed the Assignment Application.

²⁰² Juarez Decl.

²⁰³ Grant.

²⁰⁴ *Id.*

²⁰⁵ Response at Attach. 1, Assignment of Authorizations. At the top of the document’s first page, the date of July 25, 2010, is typed in the body of the text and reads: “THIS ASSIGNMENT OF AUTHORIZATIONS . . . dated as of July 25, 2010, by HISPANIC CHRISTIAN COMMUNITY NETWORK, INC., a Texas corporation (“Assignor”) in favor of JENIFER JUAREZ (“Assignee”).” The signature page is a separate page. This format is used for the Assignment of Intangibles and the Bill of Sale. *Id.* We do not know if the two assignment documents and bill of sale attached to Alpert’s May 16, 2010, email to Cesarguelhccn@aol.com contained the typed-in date of July 25, 2010 and, if so, why Alpert would have sent documents in May with July dates already typed in, especially when the Buyer’s and Seller’s Certificates specified a typewritten entry of May 2010 with a blank space for the Parties to enter the date they actually executed the contracts. *Id.* at Buyer’s Officer’s Certificate, Seller’s Certificate. Furthermore, had the Parties **dated** their respective Certificate, each one would have attested that all representations and warranties set forth in the APA “were true and correct in all material respects when made and are true, correct and accurate in all material respects on and as of the **Closing Date.**” *Id.* (emphasis added). The Seller’s Certificate, if properly signed and dated, would have attested that “All covenants set forth in the Purchase Agreement to be performed on or prior to the Closing Date have been performed in all material respects.” *Id.* Likewise, the Buyer’s Certificate, if properly signed and dated, would have attested that “All covenants set forth in the Purchase Agreement to be performed by the Corporation on or prior to the Closing Date have been performed in all material respects.” The fact that neither Party dated their respective certificate suggests that Guel and Juarez had not performed all covenants and had not legally consummated the assignment.

²⁰⁶ See FCC Registration, FRN number 0024126237 for registrant “Juarez, Ms. Jennifer” with registration date 12/01/2014 <https://apps.fcc.gov/coresWeb/searchDetail.do?frn=0024126237> (last visited Mar. 3, 2020).

62. Taken together, these factors appear to describe an intentional plan to secure Commission consent for an illusory assignment. The record suggests that the Parties' proposed assignment was conceived not as a genuine arms-length sale to a bona fide purchaser, but rather a sham to permit HCCN to ostensibly "park" the Stations with Juarez, a young member of Guel's family with no broadcast experience. Substantial and material questions of fact exist as to whether Juarez participated in the sham transaction by serving as a surrogate for HCCN and Guel and thus abused Commission processes. The Parties' failure to disclose the unwritten agreement to allow HCCN or Guel to apparently retain a reversionary interest in the Stations indefinitely appears to be a separate abuse of Commission processes, designed to permit HCCN or Guel to retain a continued interest in (if not outright control of) the Stations despite HCCN's non-compliance with the foreign ownership limitations of section 310(b)(3) and despite a Commission rule prohibiting such a reversionary interest. We therefore designate for hearing appropriate issues to determine whether the transaction was a sham that Juarez facilitated by agreeing to serve as assignee and thereby allow HCCN or Guel to maintain control over the Stations, and whether the scheme to allow HCCN or Guel to apparently hold an undisclosed reversionary interest in the Stations was a separate abuse of Commission processes enabled by false certifications or lack of candor in the Parties' dealings with the FCC.

2. Juarez Appears to Have Engaged in Unauthorized Transfer of Control of the Stations

63. As described above,²⁰⁷ section 310(d) of the Act²⁰⁸ and section 73.3540 of the Commission's rules,²⁰⁹ require that a licensee request, and the Commission authorize, any transfer of control of a station's license. Therefore, ceding control of a station to anyone other than the licensee of the station is a violation of the Act and Commission rules. In determining whether an entity has *de facto* control of a broadcast applicant or licensee, we look to whether the entity in question establishes the policies governing station programming, personnel, and finances.²¹⁰

64. *Who Controlled the Stations Between 2010 and 2014?* Juarez has presented no reliable evidence to support her claimed control of the Stations between July 25, 2010 and November 10, 2014. In fact, the evidence we have gathered thus far belies this assertion. As an initial matter, Juarez did not obtain the requisite FRN until December 1, 2014, years after the purported consummation. More to the point, Guel (through HCCN) was the only party to file numerous applications affecting the Stations between July 2010 and December 2014, thus holding itself out to the public as the licensee. Additionally, extrinsic evidence Juarez did provide does not demonstrate she exerted any control over the Stations or set policy governing the Stations' operation between 2010 and 2014.²¹¹ Notably, she nowhere claims she set the policies governing the Stations' operations. Instead, Juarez appears to suggest that, to the extent the Stations were operating, they did so on their own, conceding that "I have not really had to put much time into the stations."²¹² As discussed more thoroughly below, there is scant evidence she controlled the

²⁰⁷ See *supra* para. 15.

²⁰⁸ See 47 U.S.C. § 310(d).

²⁰⁹ See 47 C.F.R. § 73.3540 (application for voluntary assignment or transfer of control).

²¹⁰ See, e.g., *Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306 (2002).

²¹¹ In her affidavit, Juarez states she was "the licensee and in control of the day to day operation of [sic] Stations" in a manner consistent with Commission precedent. Juarez Aff. The test for determining *de facto* control of broadcast stations does not revolve around who controls the stations' day-to-day operations, however; thus, Juarez's failure to provide any relevant evidence that she controlled the Stations' policies governing personnel, programming, and finances undercuts her representation that she exercised control of the Stations.

²¹² See Response at 3.

Stations' policies since July 2010. There thus are substantial and material questions of whether she has ever exercised any control of the Stations.

65. *Who Determines and Carries out Management Policy Decisions Regarding Programming, Personnel, and Finances?* In response to the Bureau's request that Juarez provide evidence of her control of "the policies governing programming, personnel, and finances" of the Stations, Juarez explains that "[t]here is not a great deal to show, since the stations operate on an automated basis."²¹³ Juarez offers no evidence that any policies governing programming, personnel, and finances exist or have ever existed, or that she has controlled or would control such policies. In fact, Juarez states she "receive[s] a great deal of help" from her uncle Guel with "contacts in the industry, contracts, programming, building the stations, moving the stations, etc.," and that she also has received "a great deal of help from my attorney and outside engineer, and my cousin, Maria Guel,"²¹⁴ which appears to suggest she may have relinquished control over the Stations to Guel and/or others. As a result, there remain substantial and material questions of fact as to who determines and carries out the policies governing the Stations' programming, personnel, and finances.

66. *Who Sets Policies Pertaining to Personnel?* Despite being the licensee of seven stations, Juarez claimed that, as of April 23, 2018, "I have no personnel."²¹⁵ Although she avers her uncle Guel and cousin Maria provide substantial help, as do an unnamed attorney and an engineer, she fails to explain the full nature and extent of such help provided by each and whether she sets the policies governing these individuals' "help." She also does not state whether she has ever had any other employees or volunteers in the past, and if so, whether she set the policies concerning their employment, supervision, and dismissal. This raises substantial and material questions of fact as to who is (and has been) responsible for setting policies regarding the employment, supervision, and dismissal of Station personnel.

67. *Who Sets Policies Pertaining to Programming?* The record is bereft of evidence demonstrating Juarez controls the policies governing programming of the Stations. She avers that "free programming is provided by satellite" without providing any details of actual programming aired by any of the Stations at any time in her claimed tenure as the licensee or how she selected any such programming.²¹⁶ She further avers that certain Stations were still analog as of April 2018 (e.g., WESL-LP, WGVI-LP, K13TU, KZAB-LP, KJTN-LP, K11 WE, KXTY-LP, and KTEQ-LP) and therefore programming could not be received "by most of the viewing audience, are not making money at the present time . . . and the stations have been silent for protracted periods of time."²¹⁷ Juarez states she receives "a great deal of help from my uncle in getting help with contacts in the industry, contracts, programming, building the stations, moving the stations, etc.," and that Guel "provides programming from some of the churches or pastors that he knows and is also our representative with some advertising agencies. We pay him a 10% of commissions on direct sales and 5% if it is sold through any agency."²¹⁸ Notably, Juarez does not reveal who actually sets the policies governing the Stations' programming, nor does she provide any evidence of what those programming policies might be. This raises substantial and material questions of fact as to who is (and has been) responsible for setting policies governing the Stations' programming.

²¹³ See Response at 3, Question 4.

²¹⁴ See *id.* at 4, Question 5.

²¹⁵ See *id.* at 3, Question 4.

²¹⁶ *Id.* Response at 3, Question 4.

²¹⁷ *Id.*

²¹⁸ *Id.* at 4, Question 5.

68. *Who Sets Policies Pertaining to Finances?* Juarez suggests that she is in control of the Stations' finances.²¹⁹ However, the only documents she provides in support of this assertion are seven invoices for legal services dated sporadically from January 2015 through December 2016.²²⁰ Juarez does not provide any records reflecting she paid these invoices, such as cancelled checks or bank records. She also fails to provide the Commission with any documentation reflecting who pays any of the Stations' other costs and expenses, including but not limited to real estate and business taxes, telephone service, utilities, tower/broadcast equipment, insurance, and programming. Juarez avers she – and another unnamed person – pays Guel 10% of commissions on direct sales for advertising and 5% if it is sold through any agency,²²¹ but she does not support these assertions with any documents related to revenue generated from her ownership of the Stations, or any tax obligations therefrom that would necessitate the filing of Federal or state tax returns. As a result, there are substantial and material questions of fact as to who controls the Stations' financial obligations and payments.

69. *Who Receives Payments from the Stations' Operations?* Juarez also fails to provide any documents reflecting who has received and/or been entitled to receive any monies or income from the Stations' operations. As noted above, Juarez did not provide the Commission with Federal and state tax returns. She also fails to provide any profit and loss statements or any documents reflecting the financial status and/or operations of the Stations. As a result, there remain substantial and material questions of fact not only as to whether the Stations generate monies and/or profits from their operation, but to whom such monies and/or profits are (and have been) paid.

70. Assuming the Parties consummated the sale of the Stations to Juarez in July 2010, these facts suggest Juarez has engaged in an unauthorized transfer of control by ceding *de facto* control of the Stations to HCCN or Guel for some or all of the period beginning in July 2010. We therefore designate for hearing appropriate issues to determine whether Juarez engaged in an unauthorized transfer of control and whether and when she allowed a non-licensee to operate and control the Stations in violation of the Act and Commission rules.

3. Juarez Appears to Have Misrepresented Facts and/or Lacked Candor Before the Commission

71. As noted above, the Commission and the courts have recognized that “[t]he FCC relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing.”²²² Full and clear disclosure of all material facts in every application is essential to the efficient administration of our licensing process, and proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide. Misrepresentation and lack of candor raise serious concerns as to the likelihood that the Commission can rely on an applicant, permittee, or licensee to be truthful.²²³

72. *Misrepresentations and Lack of Candor in Application.* The record suggests that Juarez misrepresented material facts and/or made false statements in the 2010 Assignment Application, as well as lacked candor, in her dealings with the Commission. As an initial matter, she did not provide her legal name as required. Her failure to meet this basic requirement raises questions as to whether she intentionally used

²¹⁹ See *id.* at 3, Question 4 and Attach. 5.

²²⁰ See *id.* at Attach. 4.

²²¹ *Id.* at 4, Question 5.

²²² *Contemporary Media Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000) (citation omitted).

²²³ See *1986 Character Policy Statement*, 102 FCC 2d at 1209-11. The fundamental importance of truthfulness and candor on the part of applicants and licensees in their dealings with the Commission is well established. See *FCC v. WOKO, Inc.*, 329 U.S. 223 (1946); *Nick J. Chaconas*, Decision, 28 FCC 2d 231 (1971); *Lebanon Valley Radio, Inc.*, Decision, 35 FCC 2d 243 (Rev. Bd. 1972).

an altered name to obfuscate her ownership, because there does not appear to be any legitimate reason for Juarez to have certified an application with her name misspelled. This apparent violation also frustrates efforts to locate Commission records related to her, especially since she also failed to provide the requisite FRN. Juarez also certified that, except for the deletion of Schedule 2.1 from the APA because it contained allegedly private financial information, the APA attached as an exhibit to the Assignment Application embodied the full agreement of the Parties and that it complied with FCC rules and policies. Her signature on the Assignment Application certified that her responses, statements, and exhibits therein were material representations that were “true, complete, and correct” to the best of her knowledge and belief. However, her certification appears to be false. First, the undisclosed oral understanding between HCCN or Guel and Juarez apparently violated the Reversionary Interest Rule. Second, the deletion of Schedule 2.1 from the APA submitted with the Assignment Application was based on what appears to be a false or misleading claim that the Schedule contained “private financial information.”

73. Juarez and HCCN succeeded in keeping the FCC in the dark about these issues for several years. In response to the Bureau’s 2018 inquiry, Juarez revealed that she and Guel had an unwritten agreement to delay filing the requisite consummation notice until after some unspecified date when “payments were made” for the Stations. This undisclosed arrangement is just one of the ways in which Juarez failed to comply with the terms of the Grant, which required HCCN and Juarez to consummate the transaction within 90 days (*i.e.*, by July 25, 2010) and “promptly” notify the Commission.²²⁴ Had Juarez disclosed this arrangement to the Commission in 2010, the Bureau could not have granted the transaction because this arrangement apparently violated the Reversionary Interest Rule. Juarez would have had a motive to conceal this plan, namely to secure FCC consent to a transaction that would benefit her uncle but that otherwise could not have been granted. Thus, the facts appear to suggest a plan to conceal the true nature of the transaction in order to induce the Commission to grant the Assignment Application.

74. Now that we are aware of Juarez’s apparent youth at the time she signed the APA, her familial relationship with Guel, the claimed financing arrangement with Guel, and Juarez’s apparent lack of personal involvement in operating the Stations, we have substantial questions both about whether HCCN or Guel and Juarez undertook a legitimate sale of the Stations and about the veracity of Juarez’s certification in the Assignment Application that she had the financial ability to purchase and operate the Stations.²²⁵ She provided no evidence she paid any costs incurred to operate the Stations since July 2010 and no evidence that she actually made any payments of either the \$320,000 purchase price or interest on that amount. In the absence of such evidence, it is hard to accept the claim that Juarez agreed to pay, and over time did pay, \$320,000 for the Stations. Juarez claims Guel offered to sell her the Stations because “he was struggling financially due to the crisis that was going through the country at the time.”²²⁶ If Guel in fact were selling the Stations in the face of said financial struggles, it is hard to understand why he would finance the entire \$320,000 sale to his apparently teen-aged niece with no evident broadcasting experience or business background. Had the Parties disclosed these facts, the Bureau could have questioned their financial arrangement, in part because HCCN or Guel might have retained an impermissibly pervasive influence over the operation of the Stations or held a prohibited reversionary interest. Juarez’s failure to provide Schedule 2.1 and her certifications as to her financial abilities thus raise questions as to whether this was a legitimate transaction and whether Juarez intentionally withheld material details of the purported transaction so as to induce grant of an illusory assignment and then maintain a charade of having the Stations operated by a U.S. citizen.

²²⁴ Grant (BALTTL-20100315AAS, FCC Form 732, Authorization).

²²⁵ Had Juarez disclosed that she was not financially qualified when she filed the Assignment Application, we would have returned or dismissed the application. *See, e.g., Dean F. Abul and Keith W. Horton, et al.*, Hearing Designation Order, 6 FCC Rcd 4117, para. 3 (MMB 1991) (designating for comparative hearing construction permit applications, noting that “[a]ny applicant who knowingly is not financially qualified but deliberately checks ‘Yes’ [on the application] subjects itself to a potential misrepresentation” issue (citation omitted)).

²²⁶ Response at Attach. 2.

75. It further appears that Juarez lacked candor in her dealings with the Commission. By not disclosing either the verbal side agreement with Guel to delay filing the requisite consummation notice, or the Parties' purported payment plan, Juarez failed to provide material information that would have been essential to the Commission's review of the Assignment Application. It also appears that Juarez may have been relying upon and receiving additional support from her father and/or other unspecified individuals, to an unknown extent. Juarez's apparent failure to be completely forthcoming in the provision of information which could illuminate the Commission's decision to grant or deny the proposed assignment raises substantial and material questions as to whether she lacked candor in the Assignment Application.

76. *Misrepresentations and Lack of Candor in the 1.88 Letter Response.* There are material and substantial questions of fact as to whether Juarez lacked candor and/or provided false or misleading information to the Commission in her 2018 response to the Bureau's 1.88 Letter. Specifically, she apparently failed to comply with Bureau instructions that she answer questions regarding her control of the Stations, to include her failure to, inter alia: (a) provide truthful and/or accurate information that the Parties had in fact consummated the assignment on July 25, 2010, and Juarez had in fact controlled and operated the Stations since July 2010; (b) provide documents supporting her answers; and (c) identify all other attributable interests in broadcast stations (other than the 13 listed in the 1.88 Letter) and provide a sworn affirmation whether all statements in her response apply to any additional stations.

77. Juarez's failures to answer, fully and truthfully, Commission inquiries raise substantial and material questions as to whether Juarez lacked candor with the Commission. Most notably, Juarez failed to provide any evidence that she controlled the Stations between 2010 and 2014. In fact, the evidence she did provide demonstrates she did *not* control them in any way and thus undercuts her sworn declaration that she exercised control over the Stations' operations since 2010. This factor – coupled with the historical record that: (a) in August 2014, HCCN and HFCN filed applications for consent to assign the Stations' licenses from HCCN to HFCN while describing the proposed transaction as a "corporate reorganization" involving no financial consideration;²²⁷ (b) Juarez did not obtain an FRN until December 2014; (c) Juarez did not provide fully-executed closing certificates reflecting the date of the purported consummation; (d) Juarez did not file any ownership reports for the Stations prior to October 2015; and (e) Juarez did not provide any other contemporaneous financial evidence documenting her control of the Stations from July 2010 through November 2014 – suggests that Juarez may have attempted to evade answering fully and truthfully the Bureau's 2018 inquiry into who controlled the Stations since July 25, 2010.

78. Additionally, Juarez claims in her Response that Guel offered to finance her purchase of the Stations.²²⁸ She claims she and another person agreed to pay a deposit and the rest in monthly installments. Juarez, however, did not provide documentation to support these claims, as required by the Bureau's LOI. Juarez did not provide clear details in her Response as to all the individuals who might have helped finance the Stations, or offer specific details as to the support her cousins, attorney, and engineer may have provided. Due to these omissions, there are substantial and material questions as to whether Juarez has been fully candid and forthcoming with all material information sought in the 1.88 Letter. We therefore question Juarez's candor and have material and substantial questions as to the veracity of statements made in her Response and whether Juarez deliberately provided false and/or misleading information to avoid disclosing the truth and/or to divert the Commission from discerning the facts surrounding the claimed transaction, including any funds she paid.

79. Finally, there are substantial and material questions of fact regarding the veracity of the statements in the body of Juarez's Response that she (a) "was not personally aware of any time it was proposed" that the Stations be assigned to HFCN in 2014; if that was done, "it was not authorized by me

²²⁷ See *supra* para. 37.

²²⁸ Response at Attach. 2.

and I was not part of the application”; and (b) “[t]here are no other stations owned or controlled by me.” These statements are open to question, based on record evidence and certifications made by Maria Guel in applications filed with the FCC in the 2010-2018 timeframe stating that Juarez was one of three directors of HFCN.

80. With respect to Juarez’s professed lack of awareness of Guel’s attempt to re-assign the Stations to HFCN, it is possible she was genuinely ignorant of HCCN’s 2014 assignment applications. If Guel exercised complete dominion and control over the Stations in August 2014, he may well have withheld his plans from her.²²⁹ But it seems doubtful that Juarez would have been completely ignorant of the attempted assignment to HFCN if she was, in fact, one of three directors of that company (the buyer/transferee) at all relevant times. Although Juarez avers she does not own or control any other stations, HFCN has certified repeatedly that Juarez was a board member with a one-third attributable interest in stations licensed to HFCN since at least 2010 to the present²³⁰ and her cousin, Maria Guel – who Juarez avers has helped her greatly in operating the Stations – is also listed as a board member.²³¹ It thus strains belief that Juarez was completely unaware of that proposed August 2014 transaction involving both her uncle and cousin on whom she claims to rely. Indeed, Juarez had motive to deny knowledge of that abandoned transaction. If Juarez were to acknowledge awareness of Guel’s attempt to assign the Stations to HFCN, it would be tantamount to admitting that Guel was in *de facto* control of the Stations in 2014 and/or that he was operating them, and that Juarez had not, in fact, consummated the purported purchase of the Stations from HCCN. A hearing is thus necessary to enable the untangling of these conflicts, to assess the credibility of these parties, and to determine whether Juarez provided knowingly false statements to the Commission in 2018.

81. Juarez similarly appears to have lacked candor in responding to the 1.88 Letter by failing to provide complete, clear explanations. For example, Juarez repeatedly refers to her father and implies he was involved in initially financing and purchasing the Stations and also buying “our equipment for the stations and that is how we started our new adventure into this business.”²³² She does not, however, explain her father’s role in acquiring the Stations. She then claims her father concentrated on other matters, but later avers that Guel “helps us” keep the Stations on air and “is also *our* representative with some advertising agencies,” and further avers “[w]e pay [Guel] 10% commission on direct sales . . . [and] he also participated as a broker in the sale of an LPTV that *we* have sold. He has recommended different

²²⁹ After all, the record indicates Guel apparently was and had been actually controlling and operating the Stations at that time. The absence of any documentary evidence that Juarez operated the Stations before December 2014, contrasted against the affirmative evidence of Guel’s ongoing control of the Stations (*e.g.*, holding himself out as the licensee by, *inter alia*, filing various applications for the Stations through November 2014, as well as his 2018 disclosure that he was the “official” licensee until he filed the Consummation Notice), tends to suggest that he, not she, was in fact controlling and operating the Stations.

²³⁰ See *supra* notes 106, 107. See also Petition to Deny at Attachs. E, F (Certificate of Amendment filed with the Texas Secretary of State by HFCN on Feb. 16, 2010, named Juarez as HFCN’s treasurer; a Texas franchise tax report filed by HFCN on Jan. 28, 2013, specified Juarez’s term as an HFCN board member was to expire 5/15/2013).

²³¹ Conversely, if HFCN’s president, Maria Guel, withheld this information from Juarez in 2014, and Juarez’s 2018 statement as to her ignorance of the proposed corporate reorganization is true, then questions arise as to whether Guel and/or Maria may have colluded and have or are using Juarez’s name on FCC filings without her knowledge. If so, this could constitute a separate fraud on the Commission. See, *e.g.*, *Baton Rouge Progressive Network*, Memorandum Opinion and Order and Notice of Apparent Liability, 25 FCC Rcd 905 (MB 2010).

²³² Response at Attach. 2 (“My dad was always interested to see how Antonio was working in the communications industry.” “. . . at the end of 2008 we talked with Antonio that we wanted to know more about how we could start working in the communications industry.” Guel “offered to sell us some television channels and also offered us financing the channels through his company. We thought it was a great opportunity and agreed to pay a deposit and the rest in monthly payments.”)

brokers to put some of *our* stations [sic] for sale.”²³³ Juarez provides no details as to whom she is referring when she references “we” or “us,” or to the role that such person(s) may play in “helping” her run the Stations.

82. Juarez also failed to provide the date in July 2010 she claims to have signed the closing papers and failed to adequately explain why the closing Certificates she provided were signed but undated, although the document retained the blank space to indicate a day in May 2010 the Parties should have signed the Certificates. Similarly, she has no explanation as to why she agreed to delay filing the notice of consummation, yet purportedly operate the Stations anyway. Aside from referring us to Guel’s declaration, Juarez simply avers she “assumed that this was the proper procedure.”

83. Based on this record of Juarez’s apparent false certifications, misrepresentations, and lack of candor in both the 2010 Assignment Application and Response to the 1.88 Letter, we therefore designate for hearing appropriate issues to determine whether Juarez misrepresented material facts and/or lacked candor in her dealings with the Commission, either with an intent to deceive and/or in willful and repeated violation of section 1.17 of the Rules.

84. In light of the factors discussed above, the record also raises substantial and material questions of fact as to Juarez’s character, in terms of whether she has the propensity to deal honestly with the Commission in the future and to comply with the Act and our Rules and policies.²³⁴ The integrity of Commission processes cannot be maintained without honest dealings by those appearing before it.²³⁵ Acts of misrepresentation and lack of candor “not only violate[] the Commission’s Rules; [they] also raise[] immediate concerns over the licensee’s ability to be truthful in any future dealings with the Commission.”²³⁶ We thus view “misrepresentation and lack of candor in an applicant’s dealings with the Commission as serious breaches of trust”²³⁷ and can “treat even the most insignificant misrepresentation as disqualifying.”²³⁸ We therefore also designate for hearing appropriate issues to determine whether Juarez has the character qualifications to remain a Commission licensee.

B. GUEL AND HCCN SHOULD BE CONSIDERED ONE AND THE SAME

85. With respect to HCCN and its 100% direct stockholder Guel, there are substantial and material questions of fact as to whether HCCN and Guel should be considered one and the same entity for purposes of this proceeding and whether they should be jointly liable for any penalties and/or forfeitures that may result from a hearing. Although certain acts discussed herein were taken by HCCN in its capacity as licensee or applicant, Guel held a 100% direct ownership interest in HCCN and, as represented in reports filed with the Commission, apparently was the sole officer and director at least until October 2013.²³⁹ As the Commission has noted, where the ownership of stock is used to dominate and control an entity in such a manner and to such extent that the entity becomes a mere agency or instrumentality of the stockholder, separate corporate entities and structures may be disregarded.²⁴⁰ In

²³³ Response at 4, Question 5 (emphasis added).

²³⁴ See *1986 Character Policy Statement*, 102 FCC 2d at 1211, para. 61.

²³⁵ *Id.* at 1188-89, para. 21.

²³⁶ *Id.* at 1121, para. 61.

²³⁷ *Id.*

²³⁸ *Id.* at 1120, para. 60.

²³⁹ CDBS File No. BOA-20131220HCO (biennial ownership report filed Dec. 20, 2013) (certifying that, as of October 1, 2013, Guel was sole stockholder with 100% voting and equity rights in HCCN, and listing “Cesar A. Guel” as officer and director). This report certified no familial relationship between Antonio and Cesar Guel, but given the record as a whole, it appears Cesar A. Guel is Guel’s son.

²⁴⁰ See *Publix Network Corporation*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 11487, 11504-05, para. 39, n.79 (2002) (citation omitted) (designating issue as to whether various entities “should,

(continued....)

other words, the Commission may “pierce the corporate veil” to determine if, as here, Guel’s control of HCCN was so complete that HCCN’s actions may legally be attributed to be Guel’s. In piercing the corporate veil, the Commission may also consider other factors, such as: (1) a common identity of officers, directors and shareholders; (2) sharing the same principal offices; and (3) closeness of relationship between entities.²⁴¹

86. The record here suggests that Guel and HCCN may be and are one and the same. Aside from Guel’s 100% control of HCCN’s stock during all relevant times, other factors reflect Guel’s virtually complete domination and control of HCCN: 1) Guel’s apparent sole ownership of HCCN from 2009²⁴² to at least 2011;²⁴³ 2) Guel’s apparent appointment of his son, Cesar, as HCCN’s sole officer and director, purportedly as of October 1, 2013;²⁴⁴ 3) Guel’s November 2014 signature as HCCN’s “general manager” on the bankruptcy petition, certifying he was the authorized agent acting on behalf of the debtor (*i.e.*, HCCN);²⁴⁵ 4) Guel’s ever-revolving yet shared addresses with HCCN and other Guel-family entities;²⁴⁶ and 5) Guel’s continued use of two email addresses associated with HCCN.²⁴⁷ We therefore designate appropriate issues to determine whether HCCN and Guel should be treated as one entity.

(Continued from previous page) _____
for purposes of this proceeding, be considered one and the same entity”) (*Publix*). See also *Sandwich Isles Communications, Inc.*, Forfeiture Order, 2020 WL 5905313, paras. 59-67 (2020).

²⁴¹ *Publix*, 17 FCC Rcd at 11504-05, para. 39.

²⁴² In 2010, HCCN reported Guel as its sole director, officer, and stockholder as of November 1, 2009. CDBS File No. BOA-20100723ATM (filed July 23, 2010) (HCCN and Guel address listed as 8500 N. Stemmons Freeway; Guel’s email address was CESARGUELHCCN@AOL.COM).

²⁴³ In 2012, HCCN reported Guel as its sole director, officer, and stockholder as of October 1, 2011. CDBS File No. BOA-20120503ABO (filed May 3, 2012) (listing same 8500 N. Stemmons address).

²⁴⁴ In 2013, HCCN reported Guel still held 100% of HCCN’s stock but was no longer an officer or director as of October 2013. CDBS File No. BOA-20131220HCO (filed Dec. 20, 2013) (also changing HCCN’s address to 5787 S. Hampton Rd.). According to the report, Cesar A. Guel had replaced Guel as a new sole officer and director as of October 1, 2013, with the Hyacinth Drive address (Guel’s residence) listed as Cesar’s address; see, e.g., CDBS File No. BALTTTL-20061102ABW). *Id.* Cesar certified on the report that he, Cesar A. Guel, was not Antonio C. Guel’s child; information provided by Cesar Guel in 2018, however, suggests that he was Guel’s 19-year old son in 2013. See *supra* notes 81, 136. Other Commission records suggest additional apparent inaccuracies and/or intentionally false information. See, e.g., CDBS File No. BAPFT-20130118AIW (filed Jan. 18, 2013) (application for HCCN’s acquisition of a station from E-String Wireless, signed by Cesar Guel, president of HCCN, but listing an email address of cesarguelhccn@aol.com, which is the same email address Guel uses. See, e.g., CDBS File No. BLFT-20141031AAR (filed Oct. 31, 2014).

²⁴⁵ Petition to Deny Assignment of KEAM at Attach., p. 5 (supplemented Mar. 15, 2015) (also listing HCCN’s official address as of Nov. 2014 as 2727 LBJ Freeway, Suite 434, Dallas, Texas).

²⁴⁶ See, e.g., CDBS File No. BNPL-20000608ABZ (filed June 8, 2000; amended in 2004) (Antonio Guel of Comunidad Cristiana, with email address of COMCRISTIANA@AOL.COM listed as contact representative for applicant); CDBS File No. BALTTTL-20050615ACE (HCCN acquisition of Yuma station; Guel certified HCCN address as Hyacinth Drive (Guel’s residence) and email of COMCRISTIANA@AOL.COM); CDBS File No. BALTVL-20080811AAB (filed Aug. 11, 2008) (HCCN assignment of stations to Iglesia Manmin Toda la Creacion USA Inc. listing HCCN addresses of both Hyacinth Drive and 8500 N. Stemmons Freeway and email of COMCRISTIANA@AOL.COM); CDBS File No. BALTTTL-20100315AAS (Assignment Application; Guel certified HCCN address of 8500 N. Stemmons Freeway and email of CESARGUELHCCN@AOL.COM); FRN registration for 0006568448 (Cesar Guel, president, Comunidad Cristiana, with address of Hyacinth Drive and email of COMCRISTIANA@AOL.COM (initial registration of Feb. 2, 2002; updated Feb. 27, 2023); CDBS File No. BSTA-20100310ACN (filed Mar. 10, 2010) (Antonio Guel consultant with address of 8500 N. Stemmons Rd. and email of CESARGUELHCCN@AOL.COM); CDBS File No. BPDVL-20120417AAG (filed Apr. 17, 2012) (HCCN application for DWNGA-LD, Salisbury, MD, fac. ID 130442; Guel certified HCCN address of P.O. Box 542843 and email of CESARGUELHCCN@AOL.COM (interestingly, Guel did not provide his citizenship but certified HCCN complied with 47 U.S.C. § 310(b)); CDBS File No. BLDVL-20121219AEJ (filed Dec. 19, 2012) (DWNGA

(continued...)

C. GUEL AND HCCN HAVE APPARENTLY EXERCISED DE FACTO CONTROL OF THE STATIONS WITHOUT A LICENSE IN VIOLATION OF SECTION 301

87. We find that there are substantial and material questions of fact as to whether HCCN and/or Guel have exercised and continue to exercise *de facto* control over the Stations. Accordingly, we issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from violating Commission Rules and the Act, including making willfully inaccurate, incomplete, evasive, false, or misleading statements before the Commission in violation of section 1.17 of the Commission's rules and engaging in unauthorized control or operation of broadcast stations in violation of sections 301, 308, and 310 of the Act, and to determine and whether a forfeiture should be issued to HCCN and Guel.

88. Juarez did not obtain the requisite FRN until December 2014 and there is no reliable evidence she controlled or operated the Stations before that date.²⁴⁸ There is ample, historical evidence suggesting that HCCN may have controlled the Stations at least until November 2014 (when the notice of

(Continued from previous page)

covering license; Guel certified address of PO Box 542843 and email of CESARGUELHCCN@AOL.COM; CDBS File No. BALDTL-20140807ABF (filed Aug. 7, 2014) (HCCN-to-HFCN assignment; Cesar Guel, president, certified HCCN address of 2727 Lyndon B. Johnson Fwy and email of CESARGUELHCCN@AOL.COM. Maria Guel, president, certified HFCN address of PO Box 542843); CDBS File No. BDFCDTL-20140911AAZ (filed Sept. 11, 2014) (Guel, consultant to HCCN, at 2727 LBJ Fwy and email CESARGUELHCCN@AOL.COM; Cesar A. Guel certified HCCN address of 2727 LBJ Fwy and email of CESARGUELHCCN@AOL.COM).

HCCN appears to have gone dormant since its 2014 bankruptcy filing. But Guel, in his ongoing role as a consultant, appears to continue using locations/emails that overlap with HCCN and HFCN (the licensees in which his daughters – and Juarez – are listed as owners. See LMS File No. 0000171529 (filed Nov. 2021) (HFCN ownership report listing Maria C. and Ana K. Guel and Juarez as each holding 1/3 voting interests). For example, HFCN filed an application in 2023 listing 8330 LBJ Freeway, Suite 400, Dallas, TX as its address; see LMS File No. 0000210708 (filed Feb. 13, 2023). Guel currently uses this same address; see, e.g., LMS File No. 0000185909, partial response to Bureau letter of inquiry, from Esteban Handal, President, Iglesia Manmin (filed Aug. 24, 2022) (averring that Guel, who was responsible for the general management and construction of station WNDC, Salisbury, MD, used address 8330 LBJ Fwy, Suite 400, Dallas, TX and email CESARGUELHCCN@AOL.COM) (on Nov. 22, 2022, the Bureau cancelled WNDC's construction permit for failure to construct; petition for reconsideration pending). See also Letter from Carlos Alvarez, Broadcast Consulting & Processing, LLC (BCP), to Reimburse Team, TV Broadcaster Relocation Fund (Fund) (dated Oct. 14, 2022, as supplemented) (BCP was organized by Maria Guel in May 2022 and has no employees or directors; management is reserved to its sole member, Antonio Guel. BCP helps “not only with counseling” stations but also “the full process from obtaining the station all the way to construction and putting the station on the air” and submitting station invoices for reimbursement from the Fund. Alvarez, who did not identify his position, states BCP is located at 8330 LBJ Fwy, Suite 400, Dallas; he failed to provide the requested email addresses and phone numbers). We further note that another Guel-family entity, Mekaddesh Group Corporation (Mekaddesh), uses the 8330 LBJ Fwy, Suite 400 address. See, e.g., LMS File No. 0000211714 (filed Mar. 1, 2023). Mekaddesh also uses the 2605 Hyacinth Drive address; see, e.g., LMS File No. 0000171790 (filed Nov. 26, 2021) (ownership report listing Guel Family Trust at Guel's Hyacinth Drive address and Maria Guel as trustee). According to LinkedIn, Guel is Mekaddesh's General Manager; see <https://www.linkedin.com/in/antonio-cesar-guel-894579b3> (last visited June 5, 2023). See also Mekaddesh's website at <https://mekaddeshgroup.com/> (last visited June 5, 2023) (“We are a corporation that acquires mass media facilities and commercialize them through different forms such as social networks, tv, radio and more,” and advertises Mekaddesh's services, such as building radio and television stations and providing “Legal advice in process and services with the FCC.” The site lists Mekaddesh's location as 8330 LBJ Fwy, Dallas, TX).

²⁴⁷ See, e.g., CDBS File No. BAPDTL-20140605AGG (filed June 5, 2014) (Maria C. Guel, HFCN president, certifying HFCN's address as PO Box 542843 and email of COMCRISTIANA@AOL.COM); CDBS File No. BMPFT-20150204ACU (filed Feb. 4, 2015) (application filed by Iglesia Ebenezer, identifying Guel as consultant with address of 13155 Noel Rd. and email of CESARGUELHCCN@AOL.COM).

²⁴⁸ See *supra* paras. 47-49, 64-69.

consummation was filed). HCCN filed multiple FCC submissions regarding the Stations from 2010 through August 2014, publicly holding itself out as the licensee.²⁴⁹ There is inadequate and conflicting evidence as to whether HCCN and Juarez legally consummated the sale (e.g., no evidence that Juarez paid for the Stations, paid their operating expenses, or ever received income from the Stations' operations or reported any such income on her tax returns). Further, Juarez avers she has "not really had to put much time into the stations" and acknowledges that Guel acts as her "representative with some advertising agencies" and has "participated as a broker in the sale of an LPTV that [Juarez] sold."²⁵⁰ Guel avers that he continues to "have involvement with the licenses held by Jennifer Juarez."²⁵¹ He further avers that, "to avoid fraud by the buyers, a verbal arrangement was worked out . . . whereby [Juarez would] run the stations, but HCCN would remain officially the named licensee with the FCC until such time as the majority of the amounts owed was paid"²⁵² and that in November 2014, HCCN was facing bankruptcy and took steps to move various assets, including the Stations, off of HCCN's books even though not all payments owed to HCCN had been made.²⁵³ The record raises questions as to whether HCCN controlled the Stations from July 2010 through November 2014 (when the notice of consummation was filed) and has done so since that time in light of Juarez's admitted inexperience, inability to produce documents related to the Stations' operations, and apparently minimal familiarity with the Stations, contrasted against HCCN's and/or Guel's ongoing involvement with the Stations.

89. Given the record, there remain substantial and material questions of fact as to the extent of HCCN's and/or Guel's control of the Stations' affairs from July 2010 to the present and, if so, whether HCCN and/or Guel continued to violate section 310(b) of the Act since 2010 and section 73.3540 of the Rules. Accordingly, we issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued* against HCCN and Guel to cease and desist from engaging in unauthorized control and operation of the Stations – or any broadcast stations – in violation of section 301 of the Act.

D. GUEL AND HCCN APPARENTLY VIOLATED COMMISSION RULES, ABUSED COMMISSION PROCESSES, ENGAGED IN MISREPRESENTATION AND LACK OF CANDOR, WHICH RAISE SUBSTANTIAL AND MATERIAL QUESTIONS CONCERNING HCCN'S AND GUEL'S FITNESS TO BE A LICENSEE

90. We find that there are substantial and material questions of fact as to whether HCCN and/or Guel (1) have misrepresented material information to the Commission and lacked candor; (2) have abused Commission processes first by filing an assignment application that lacked bona fides while apparently maintaining *de facto* control of the Stations, and then by impermissibly and intentionally bifurcating ownership of the Stations for years by not timely filing the requisite consummation notice; and (3) are fit to be Commission licensees in light of these apparent violations, abuses, and lack of candor and/or misrepresentation of facts to the Commission. Accordingly, we issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from operating, controlling, managing or providing any assistance to any stations; from preparing and/or filing applications or other documents regarding HCCN with the Commission; and, to the extent HCCN or Guel is allowed to assist any other licensee/permittee/applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application or form with the Commission, from doing so without also providing a copy of any order issued in this proceeding that

²⁴⁹ Response at 3, question No. 3. *See also supra* para. 37.

²⁵⁰ *See* Response at 4, response to Question 5.

²⁵¹ Guel Decl. at 4.

²⁵² *Id.* at 3.

²⁵³ *See supra* paras. 51-52.

finds HCCN or Guel lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which he participates in any way.

1. HCCN and Guel Apparently Abused FCC Processes and Appear to Have Engaged in A Sham Transaction

91. In apparent violation of section 312 of the Act, discussed above,²⁵⁴ HCCN and Guel apparently abused Commission processes and violated Commission rules and the Act by filing an application for consent to assign the licenses of Stations it was not legally authorized to hold. In filing the Assignment Application, HCCN apparently sought to use a surrogate as a purported owner of the Stations and thereby induce the Commission to grant a sham assignment that would allow HCCN or Guel to continue to act as the *de facto* licensee.²⁵⁵ As Guel tells it, HCCN's assets were in jeopardy in 2014, presumably as a result of the *Gonzalez* litigation involving stations KSSY and K43AG. This apparently led to HCCN's filing of the Consummation Notice the day before HCCN filed for bankruptcy.²⁵⁶ Ostensibly transferring the Stations to Juarez in 2010 but not timely consummating the sale would have benefitted HCCN by shielding HCCN's assets from potential default in his civil suits, while at the same time enabling HCCN/Guel's continued control of the Stations indefinitely, despite HCCN's non-compliance with the foreign ownership limitations of section 310(b)(3) of the Act.

92. Furthermore, the record raises questions as to whether HCCN/Guel intended to comply with the terms of the APA submitted to the FCC, and instead operated according to an oral side agreement withheld from the Commission. Specifically, the APA recited a significant number of material terms that Guel knew or should have known were inaccurate, including a covenant that HCCN would expeditiously complete the transaction and comply with FCC conditions.

93. As an initial matter, Guel's assertion that he did not know his lack of U.S. citizenship and 100% direct ownership of HCCN's stock resulted in foreign ownership exceeding what is permissible under section 310(b)—and thus disqualified HCCN from holding FCC licenses—is not credible for multiple reasons. First, Guel does not claim he was unaware of the fact of his foreign citizenship. Yet Guel repeatedly certified in numerous FCC applications and ownership reports filed by HCCN over a period of years that he was a U.S. citizen—despite prominent warnings on those applications that false statements may constitute a crime punishable by fine, imprisonment, or license revocation.²⁵⁷ These certifications, which involved scores of stations, were false. Had Guel disclosed his non-U.S. citizenship, he would have revealed that HCCN was in non-compliance with the foreign ownership limitations of section 310(b)(3) of the Act and thus ineligible to hold broadcast licenses;²⁵⁸ he therefore had a compelling motive to conceal his true foreign citizenship.

94. Second, in his Declaration, Guel claims ignorance of section 310(b) statutory restrictions on foreign ownership. This does not appear credible. The historical record undercuts Guel's assertion in

²⁵⁴ See *supra* para. 17.

²⁵⁵ See, e.g., *Religious Broadcasting Network*, Initial Decision, 2 FCC Rcd 6561, 6566-67, paras. 54-61 (ALJ 1987) (*RBI*) (finding real party-in-interest where applicant transferred his ownership interest to relatives and remained in control by means of a consulting agreement and direct and indirect control over assignee's purse strings); see also *supra* note 89 (discussing Guel's involvement in *Unidad*, the 2009 fraud/breach of contract case where *Unidad* petitioned the court in February 2010 to enforce the settlement out of fear Guel *et al.* might default).

²⁵⁶ See *supra* note 183 (discussing the 2016 *Gonzalez* court's finding that Guel was liable for fraud).

²⁵⁷ See, e.g., CDBS File Nos. BDCCDTL-20061027ADF at sec. II.2 (filed Oct. 27, 2006) (application for digital companion channel for KEGG-LP; Guel certified he was a U.S. citizen); BALED-20070619AAS at sec. III.4 (filed June 19, 2007) (HCCN acquisition of KTNR; Guel certified he was a U.S. citizen). HCCN also certified Guel was a U.S. citizen in ownership reports. See, e.g., CDBS File Nos. BOS-20071211ACL; BOA-20090323AAH; BOA-20100723ATM; BOA-20120503ABO; BOA-20131220HCO (HCCN ownership of 40 LPTV/translator stations).

²⁵⁸ See 47 U.S.C. § 310(b)(3).

his 2018 Declaration that a prior attorney failed to advise that Guel's 100% direct ownership of HCCN would disqualify HCCN from holding broadcast authorizations. In what appears to be one of Guel/HCCN's early forays into television station ownership, HCCN filed two applications to acquire KYUM: 1) an initial application filed June 15, 2005; and 2) a supplemental application filed August 2, 2005.²⁵⁹ Neither application indicates Guel was represented by counsel. Indeed, Guel expressly acknowledged in the initial application that "an attorney was not used to prepare" the parties' sales contract.²⁶⁰ The parties subsequently amended that application to file a revised purchase agreement that makes no mention of legal representation for Guel/HCCN.²⁶¹ Yet Guel certified in his initial 2005 Yuma Acquisition application that HCCN complied with foreign ownership limits.²⁶² It thus appears Guel acted on his own in certifying that HCCN complied with section 310(b) of the Act, and not in reliance on counsel as he now claims. Second, even if HCCN had consulted with counsel before filing the initial 2005 Yuma application, licensees have a duty to know and comply with the Commission's rules and the Act.²⁶³ Moreover, efforts to shift blame to agents, including counsel, do not excuse a licensee's failure to observe the Rules or statutory obligations.²⁶⁴ Thus, even if HCCN had been represented by a prior attorney who had in fact provided faulty advice,²⁶⁵ that would not negate HCCN's duty to comply with

²⁵⁹ CDBS File No. BALTTL-20050615ACE at Attach., Asset Purchase Agreement, filed June 15, 2015 and amended August 2, 2005 (noting the parties had amended their original asset purchase agreement). The Bureau granted consent to the proposed assignment on August 4, 2005.

²⁶⁰ See *id.* at Attach., Asset Purchase Agreement, as amended on August 2, 2005 (the amended agreement made no mention of HCCN/Guel being represented by counsel and, in fact, left blank a section to indicate who (other than HCCN/Guel) should receive copies of documents).

²⁶¹ Neither the original nor amended application provides an FRN for HCCN, which did not obtain an FRN until Oct. 11, 2005—more than two months after Commission consent to the proposed sale. See FCC FRN search for HCCN FRN 0014120505, at <https://apps.fcc.gov/cores/searchDetail.do?frn=0014120505&csfrToken=> (last visited Feb. 22, 2023). HCCN used this FRN in subsequent filings for KYUM. See, e.g., CDBS File No. BRTTL-20060531ADR (KYUM renewal) (Guel certified HCCN's compliance with section 301(b) and provided the name of counsel on the application).

²⁶² See Guel Declaration; see also *supra* para. 23 and note 85. Commission records indicate that HCCN registered for an FRN (number 0013410998) on May 2, 2005 (updated on May 31, 2005) – before the Yuma application was filed – but the FRN was not included on the application.

²⁶³ See, e.g., *Adrian Abramovitch, Marketing Strategy Leaders, Inc. and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4674, para. 32 & n.79 (2018) (“[O]ne may not “claim ignorance of the law as a defense” (internal cites omitted); *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14704, para. 10 (2015) (“PTT’s purported ignorance of the law certainly does not excuse the fact that it . . . [was] out of compliance with all of the provisions of the Act and the [Commission’s] [r]ules to which it was subject.”); *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, para 3 (1991), recon. denied, 7 FCC Rcd 3454 (1992) (stating that “inadvertence . . . is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance”) (internal cite omitted).

²⁶⁴ *Triad Broadcasting Company*, Memorandum Opinion and Order, 96 F.C.C.2d 1235,1242, para. 16 (1984) (well-established principle that “advice of either a legal counsel or a contract engineer cannot excuse a clear breach of duty of a Commission licensee,” citing *Asheboro Broadcasting Co.*, 20 FCC 2d 1, (1969) (legal counsel)). See also *KLDT-TV 55, Inc.*, Memorandum Opinion and Order, 10 FCC Rcd. 3198 3199, para. 7 (1995) (“Allegedly faulty advice of counsel will not excuse a licensee’s failure to comply with the rules”); *Vista Services Corporation*, Forfeiture Order, 15 FCC Rcd 20646, 20650 para. 9, n.24 (2000) (“Employers are routinely held liable for breach of statutory duties, even where the failings are those of an independent contractor”).

²⁶⁵ See, e.g., *Mt. Rushmore Broadcasting, Inc.*, Forfeiture Order, 25 FCC Rcd 95 (EB 2010).

statutory obligations of the Act, and in no way explains or excuses Guel's false certifications as to his citizenship or HCCN's non-compliance with section 310(b) of the Act.²⁶⁶

95. Finally, licensees are expected to correct errors when they learn of them and to update pending applications of any material changes.²⁶⁷ Here, Guel's attorney, Alpert, was apparently in receipt of a letter as early as May 27, 2014, providing documentation that Guel was not a U.S. citizen.²⁶⁸ The letter advised Alpert of Guel's 2014 sworn admission as to his lack of U.S. citizenship.²⁶⁹ HCCN, however, not only filed applications certifying compliance with statutory limits on foreign ownership after Guel's disclosure, HCCN failed to amend those 2014 HCCN renewal applications that were pending²⁷⁰ for months after Guel claims he learned in 2014 about the implications of his status as a non-U.S. citizen on holding an FCC license (that is, his 100% direct stock ownership of HCCN meant HCCN was not in compliance with statutory foreign ownership limitations of section 310(b)(3)). This dereliction suggests HCCN intended to continue the pretense that it held the authorizations legally until all dispositions of stations (including the purported HCCN-Juarez transaction) could be "consummated" with belated consummation notices to the FCC.²⁷¹

96. Further, the APA required HCCN to notify Juarez of any pending litigation or other type of judicial matter that could adversely affect the Stations. At the time HCCN executed the APA, however, HCCN was defending against the *Unidad* civil suit in 2009 and was still under the court's purview in February and June 2010 to ensure HCCN paid the settlement²⁷² (which if HCCN failed to do could jeopardize the financial viability of HCCN). Yet HCCN and Juarez executed the APA in March 2010, in the midst of that ongoing litigation. There thus are questions as to whether HCCN informed Juarez of this litigation when the APA was signed and whether she was aware of this potential liability. HCCN also was defending against another lawsuit in 2014, which Guel admits triggered the bankruptcy filing for HCCN and also the 2014 attempt to assign the Stations to HFCN. Juarez, however, denied any awareness of those applications. Nor could she explain why the Consummation Notice was filed in 2014, instead referring the Bureau to Guel's declaration. If Juarez's statements are true, it appears HCCN had not notified her of the 2014 litigation and its effect on the Stations, which raises additional questions as to whether the APA and assignment to Juarez were illusory *ab initio* and designed to permit HCCN to operate the Stations indefinitely, or at least until a time propitious for HCCN to ostensibly "consummate" the purported transaction with Juarez.

²⁶⁶ Indeed, the record indicates that when HCCN filed 10 renewal applications on June 2, 2014, Guel's lack of U.S. citizenship had already been exposed, yet HCCN certified in those applications that it complied with section 310(b) of the Act. *See, e.g.*, CDBS File Nos. BRDTL-20140602AUI.

²⁶⁷ *See, e.g., Overmyer Communications Co.*, Decision, 54 FCC 2d 1045, 1076, para. 25 (Rev. Bd. 1975) (continuing duty to correct erroneous statement and failure to do so "compounds the initial fraudulent misrepresentation and failure to disclose"); 47 CFR § 1.65.

²⁶⁸ Petition of Michael Couzens to Deny Renewal of KJPO-LD, CDBS File No. BRDTL-20140602AUI, et al., at Attach. B, Supplementary Declaration of Michael Couzens 1-2 (filed Sept. 2, 2014).

²⁶⁹ *Id.* (Couzens provided a true copy of a letter from him to Alpert, dated May 24, 2014, in which Couzens stated that Alpert had "actual knowledge of Guel's lack of U.S. citizenship, since 2009 if not before" and that if he (Alpert) continued to file such applications, he (Alpert) would be doing so with "provable actual knowledge of the falsity.")

²⁷⁰ *See, e.g.*, HCCN renewal applications with CDBS File Nos. BRDTL-20140602AUH; BRDTL-20140807ABQ.

²⁷¹ Guel's claim that his current attorney, Alpert, informed him of the implications of his status as a non-U.S. citizen on holding FCC licenses is open to question based on HCCN's failure to amend applications pending at the time of this purported revelation and Alpert's representation of HCCN at the time those applications were filed.

²⁷² *See supra* notes 89 and 255.

97. The APA further specified that Juarez was to pay HCCN \$320,000 for the Stations.²⁷³ The Parties, however, withheld the payment schedule from the Assignment Application. Instead, they certified that Schedule 2.1 contained private financial information and was properly redacted under the Commission's *LUJ* decision as immaterial to the Commission.²⁷⁴ The Bureau did not learn of this until 2018, however, after the transaction had purportedly been consummated.²⁷⁵ As evidenced by HCCN's 2006 and 2007 assignment applications with the California stations, however, HCCN did not withhold payment schedules requiring a down payment and subsequent installment payments,²⁷⁶ and there does not appear to be any legitimate reason to justify redaction in the Assignment Application under *LUJ*.²⁷⁷ The absence of any record evidence that Juarez made any payments (let alone all payments, or when), and the Parties' failure to provide Schedule 2.1, thus raise questions as to whether Juarez ever paid any consideration as purportedly required by the APA. It also raises questions as to whether HCCN/Guel intentionally and spuriously cited *LUJ* as a basis to conceal the terms of a non-existent or improper payment arrangement and thus induce grant of an illusory assignment.

98. The record further suggests that HCCN/Guel ignored the APA's terms governing the closing. The Parties had agreed to close the transaction within 10 days after the FCC's final order consenting to the assignment and to comply with the terms of the Grant, and that time was of the essence in performing every provision of the contract. There is nothing in the record to indicate why the Parties missed the APA's June 25, 2010 closing deadline. Significantly, the Parties even apparently failed to properly execute the closing documents by the Grant's July 25, 2010 deadline,²⁷⁸ despite the Parties' representations in their respective 2018 affidavits/declarations that they had done so. It thus appears that the transaction was never properly consummated under the terms of the APA or according to Commission rules. HCCN's attempted 2014 assignment of the Stations to HFCN further suggests that HCCN continued to control them and that the transaction with Juarez had been abandoned (assuming it was ever legitimate).

99. Other factors indicate there was no actual consummation. As Guel avers in 2018, "to avoid fraud by the buyers, a verbal arrangement was worked out . . . whereby [Juarez would] run the stations, but **HCCN would remain officially the named licensee with the FCC until such time as the majority of the amounts owed was paid.**"²⁷⁹ Guel further avers that in November 2014, Juarez had not completed paying for the Stations and was "in the process of completing" the transaction, so she "was not

²⁷³ See APA at 3, section 2.1 ("In consideration of Seller's performance of this Agreement, the amount paid for the Stations Assets shall be Three Hundred and Twenty Thousand Dollars (\$320,000,00, paid as provided in Schedule 2.1"). We note that HCCN also should or would have had reason to question Juarez's apparent inability to pay \$320,000 and fund three months of operating 16 Stations located in eight states. According to Juarez, she and her father met at family events with Guel before she agreed to enter into the proposed transaction. As her uncle, Guel presumably had at least a general idea as to her age and financial resources. Moreover, Guel had access to an attorney and thus could have explored the legality of whether executing a contract with a young niece with no broadcasting experience and apparently not represented by counsel was a legitimate arms-length agreement (which he apparently did in 2005, when he transferred the Yuma station to Centro Cristiano Vida Abundante, Inc. See CDBS File No. BALTTL - 20060531AEQ). In light of this record, it appears HCCN chose Juarez to serve as a surrogate in their purported transaction precisely because of her youth, inexperience, and familial ties to Guel, which would facilitate HCCN's ongoing control of the Stations.

²⁷⁴ CDBS Lead File No. BALTTL-20100315AAS, Exh. 4.

²⁷⁵ See Juarez Response at Attach. 2.

²⁷⁶ See *supra* note 88 re KSSY and K43AG.

²⁷⁷ Under *LUJ*, parties may withhold proprietary information not germane to FCC consideration, but asset purchase agreements are essential to consideration of a proposed transaction. See *Luis A. Meija and MSG Radio, Inc.*, Forfeiture Order, 23 FCC Rcd 15242 (MB 2008), *recon. denied*, 26 FCC Rcd 11444 (MB 2011).

²⁷⁸ See *supra* paras. 48-49.

²⁷⁹ Guel Declaration at 3 (emphasis added).

the officially recognized licensee” of the Stations.²⁸⁰ Juarez provided no evidence she paid anything for the Stations. Thus, if HCCN was, as Guel admits, the “official licensee” of the Stations in November 2014, then the Parties had not consummated their transaction to assign the licenses to Juarez in 2010. Given that Guel’s status as a non-U.S. citizen was exposed on May 19, 2014, it appears that his filing a consummation notice in November 2014 was intended to revive an apparently nonexistent or defunct assignment to Juarez and thereby enable HCCN’s continued, post-bankruptcy operation of the Stations regardless of Guel’s status as a non-U.S. citizen.

100. The record suggests that HCCN and or Guel apparently masterminded a scheme to secure FCC consent for an illusory assignment of the Stations to Guel’s young, inexperienced niece, and abused Commission processes by filing a deceptive application. Additionally, the record raises questions as to whether HCCN facilitated and furthered its apparently fraudulent control of the Stations by colluding with Juarez in an undisclosed agreement to intentionally delay filing the purported consummation, contrary to our Rules and the specific terms of the Grant. This would constitute a separate abuse of Commission processes.

101. We therefore designate for hearing appropriate issues to determine whether HCCN and Guel abused FCC processes and engaged in an apparently sham transaction.

2. Whether HCCN and Guel Have Engaged in Misrepresentation, Lack of Candor

102. The record suggests that HCCN and Guel engaged in misrepresentation and/or lacked candor with the Commission. Section 1.17 of the Rules prohibited HCCN from intentionally providing material factual information in an FCC application that is incorrect, or intentionally omitting material information that is necessary to prevent any material factual statement from being incorrect or misleading.²⁸¹ Moreover, section 1.65 of the Rules required HCCN to promptly amend pending applications if the information therein was no longer substantially accurate and complete in all material respects.²⁸² Licensees must comply with this Rule to ensure the efficient administration of the Commission’s licensing process and proper analysis of applications. Because Guel injected himself into the Bureau’s investigation by providing Juarez with a declaration in support of her Response to the 1.88 Letter, he is subject to the Rules regarding candor and honesty before the Commission.²⁸³

103. *Misrepresentations and Lack of Candor in Assignment Application.* Guel and HCCN’s apparently false certifications in the Assignment Application echo and amplify those made by Juarez with respect to their purported completeness and accuracy. HCCN’s apparently false certifications likewise appear to have been intentionally false and/or designed to mislead the FCC. HCCN/Guel, like Juarez, certified that the APA embodied the full agreement of the Parties. The record before the Commission suggests it did not. Instead, it suggests that the Parties may have knowingly withheld their scheme to delay filing the consummation notice. Unlike Juarez, however, HCCN and Guel, its President and sole

²⁸⁰ See *id.* at 2-3.

²⁸¹ 47 CFR § 1.17(a); see *supra* paras. 12-13.

²⁸² 47 CFR § 1.65.

²⁸³ See 47 CFR § 1.17(b)(3) (any “person performing without Commission authorization an activity that requires Commission authorization” is subject to this section); 1.17(b)(4) (“[a]ny person that has received a . . . letter of inquiry from the Commission or its staff, or is otherwise the subject of a Commission or staff investigation” must adhere to 1.17(a)’s requirements). Both by submitting FCC applications as a principal of HCCN and by providing a declaration in response to the 1.88 Letter, Guel became subject to section 1.17’s requirements. He also appears to have been operating the Stations without authorization. As described above in para. 17, the Commission may issue a cease and desist order against a non-licensee in order to prevent individuals – like Guel, who appears to have controlled broadcast stations without proper Commission authority – from continuing to violate and evade FCC rules.

owner, had extensive experience with buying/selling stations and was represented by communications counsel. These facts suggest that HCCN concocted this scheme to shield its continued, illicit operation of the Stations, particularly since HCCN faced losing the Stations. HCCN's and Guel's experience in filing numerous assignment applications, and the probability that his attorney drafted the APA, suggest that his citing *LUJ* as a basis to withhold the Parties' payment schedule was an intentional feint to secure Commission consent to what appears to have been an illusory transfer of stations to Juarez that included a hidden reversionary interest held by HCCN/Guel. As discussed above, HCCN and Guel had been involved in a number of transactions assigning stations in which fraud was ultimately adjudged or alleged to have occurred. HCCN and Guel thus had direct, personal knowledge that failure to comply with Commission licensing practices could result in loss of a station and/or sanction.²⁸⁴ In light of these factors, it would appear that HCCN and Guel had compelling motives to conceal relevant information from the FCC. There are thus questions concerning whether HCCN/Guel's certification that the APA was complete and accurate and embodied the Parties' full agreement was knowingly and intentionally false.

104. *Misrepresentation in Other Commission Filings.* Licensees are expected to know and comply with our Rules, which includes providing true, complete, and correct information in FCC applications.²⁸⁵ Applicants seeking to acquire broadcast licenses must attest to compliance with statutory foreign ownership limits, and broadcast licensees must file periodic ownership reports disclosing their citizenship. In June 2005, HCCN certified in the KYUM assignment application that HCCN complied with statutory foreign ownership limits, despite the fact that it was non-compliant due to the 100% direct ownership interest held by Guel, a non-U.S. citizen.²⁸⁶ Guel also made false representations about his citizenship when he signed an HCCN ownership report on November 30, 2007, and certified that he was a U.S. citizen.²⁸⁷ The report was filed pursuant to HCCN's acquisition of a Texas radio station, KTNR(FM).²⁸⁸ The KTNR(FM) assignment application was filed on June 19, 2007 and HCCN certified that HCCN complied with statutory limits on foreign ownership.²⁸⁹ HCCN, however, had not completed Section III, Block 4 of the application, which required disclosure of Guel's citizenship. On September 13, 2007, the parties filed an amendment in which Guel, as President of HCCN, entered his citizenship as "US" and certified to the truth and accuracy of his representations.²⁹⁰ There is nothing in the record to suggest that Guel was unaware that he was not a U.S. citizen. Indeed, Guel nowhere claims he did not

²⁸⁴ See, e.g., *Roberto Gomez*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 10618 (MB 2009); *Unidad de Fe y Amor Corporation v. Iglesia Jesucristo Es Mi Refugio, Inc.*, *Robert Gomez, HCCN, Inc., Antonio Cesar Guel*, No. C 08-4910 RS, 2009 WL 1813998 (N.D. Cal. June 25, 2009); *Jose Gonzalez et al. v. Iglesia Jesucristo Es Mi Refugio, Inc. et al.*, No. BC 501688, Los Angeles County Superior Court).

²⁸⁵ See, e.g., *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, para. 3 (1991), *recon. den.*, 7 FCC Rcd 3454 (1992) (stating that "inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance"); see also *Commil USA, LLC v. Cisco Systems, Inc.*, 135 S. Ct. 1920, 1930 (2015) ("In the usual case, 'I thought it was legal,' is no defense."). See *Belo Broadcasting Co.*, Decision, 68 FCC 2d 1479, 1490, para. 33 (1978) (applicant primarily responsible for accuracy of its application, especially where applicant has not shown he was an unwitting victim of counsel's conduct, and the record established that applicant "either endorsed, *sub silentio*, the actions of his attorney or actually participated in the deception, e.g., by failing to notify counsel and the Commission" of material information and/or by failing to take steps to rectify filings with the Commission which he knew were incorrect).

²⁸⁶ See *supra* para. 23 (discussing Guel's acquisition of KYUM, CDBS File No. BALTTL-20050615ACE). Guel repeated the false certification when he filed HCCN's ownership report for KYUM in May 2006. CDBS File No. BRTTL-20060531ADR (HCCN ownership report filed May 31, 2006).

²⁸⁷ CDBS File No. BOS-20071211ACL (HCCN ownership report for KTNR(FM) filed Dec. 11, 2007).

²⁸⁸ See CDBS File No. BALED-20070619AAS (Form 314, Application for Consent to Assignment of Broadcast Station from Good News Broadcasting of Texas to HCCN) (filed June 19, 2007).

²⁸⁹ *Id.*

²⁹⁰ *Id.*, amended Sept. 13, 2007.

know his true citizenship.

105. Significantly, Guel repeatedly certified in applications filed by HCCN over many years that HCCN was in compliance with the foreign ownership limitations of section 310(b), which would have been accurate only if his interest was 20% or less, when in fact his actual direct interest was 100%.²⁹¹ Guel's consistent and repeated false certifications of HCCN's compliance with foreign ownership limitations of 47 U.S.C. § 310(b)²⁹² suggest he knew full well that the Commission could not grant his applications if he disclosed his true citizenship. Guel also made false certifications as to his own citizenship in HCCN's May 2012 and December 2013 ownership reports.²⁹³ Moreover, HCCN made false certifications of compliance with 47 U.S.C. § 310(b) in the April 2013 and April and June 2014 renewal applications, including at a time when Guel concedes he was aware of the limitations on holding an FCC license presented by his status as a non-U.S. citizen.²⁹⁴ Thus, Guel has apparently made intentionally false certifications and misrepresented material information to the Commission.

106. Guel as President of HCCN appears to have made a number of other dubious or outright false certifications in applications filed with the FCC. For example, HCCN's 2013 ownership report represented that, as of October 1, 2013, Cesar was its sole officer and director and was not related to Guel. That certification appears to have been false because Cesar is Guel's son. Moreover, in an April 2013 renewal application, Cesar certified he was HCCN's president and sole officer/director. According to corporate documents HCCN filed with state officials, however, HCCN reported that for the 2013 reporting year, Cesar was president and Maria C. and Ana K. Guel were treasurer and secretary, respectively.²⁹⁵ Although it is unclear why Guel would permit these particular false certifications in FCC filings, he may have been attempting to minimize his illicit control and influence over the Stations.

107. *Misrepresentations and Lack of Candor in 1.88 Letter Response.* With respect to his 2018 Declaration, Guel stated under penalty of perjury in 2018 that he only learned, sometime in 2014, as a result of litigation, of the limitations on holding an FCC license presented by his status as a non-U.S. citizen. He further avers that his attorney, Alpert, "very strongly told" him of this.²⁹⁶ As discussed above in paragraphs 93 through 95, however, Guel never claims he was mistaken as to the fact of his foreign citizenship, and the record indicates that it is highly unlikely that Guel did not know until 2014 that it disqualified him from holding a direct stockholder interest in HCCN in excess of 20%. The record is clear that Guel misrepresented his citizenship in FCC filings prior to 2014. And 2014 is when Guel allegedly refused to answer interrogatories regarding his citizenship in the *Gonzalez* suit until directed by the court to do so.²⁹⁷ Guel's declaration fails to reveal the date of his purported epiphany, but he officially acknowledged his citizenship to the court on May 19, 2014. Yet neither Guel, HCCN, nor attorney Alpert, ever corrected the then-pending KZAB-LP and KJTN-LP renewal applications HCCN filed April 1, 2014, as required by section 1.65 of the Rules, to reflect HCCN's noncompliance with the statutory

²⁹¹ See, e.g., HCCN ownership report CDBS File No. BOA-20100723ATM. See also CDBS File No. BALED-20070619AAS at sec. III-9 (Guel certified he was a U.S. citizen). See also *supra* para. 23 (in the 2005 Yuma Acquisition, Guel certified compliance with the foreign ownership limits of section 310 of the Act).

²⁹² See, e.g., CDBS File Nos. BAPTTL-20070517AJC at III.8; and BALTVL-20080124ADQ at III.8.

²⁹³ CDBS File No. BOA-20120503ABO; CDBS File No. BOA-20131220HCO.

²⁹⁴ See *supra* paras. 37 and 51.

²⁹⁵ See *supra* note 140.

²⁹⁶ Alpert does not appear to have been counsel of record for Guel in the *Gonzalez* case. See Petition to Deny at Attach. A (listing Victor J. Daniels as counsel for Guel, *et al.*).

²⁹⁷ It is unclear why Guel refused to disclose his citizenship, but accurate citizenship information is required on numerous FCC applications and forms, and those documents are accessible to the public via online FCC databases. Just as flight from a crime can indicate consciousness of guilt, Guel's refusal to disclose his citizenship may indicate consciousness of culpability on this front.

foreign ownership limitations, given Guel's status as a non-U.S. citizen and holder of a direct stockholder interest in excess of 20%. More damning are the renewal applications filed on June 2, 2014, each of which certified HCCN's compliance with statutory foreign ownership limitations – *after* Guel had already disclosed he was not a U.S. citizen and his attorney apparently was aware of such fact. Based on all of the foregoing factors, it thus appears that Guel's 2018 Declaration that he only learned in May 2014 of the implications of his status as a non-U.S. citizen under section 310(b) lacks candor or is knowingly false.

108. Guel's explanation as to why HCCN continued to file applications for the Stations after the purported July 2010 closing with Juarez is not credible. Guel recounts that "whenever applications and Reports needed to be filed for any of those in-transition stations" during the July 2010 to August 2014 period, HCCN "continued to help file the applications, and it filed those applications under its name."²⁹⁸ Guel avers that "I was still the President of Hispanic Christian Community Network, Inc. at that time, so I let the applications (and required Reports) be filed with my electronic signature."²⁹⁹ Record evidence says otherwise.

109. As discussed above, HCCN filed a renewal application in April 2013 that was signed by Cesar on March 31, 2013, as HCCN's president. In HCCN's 2013 ownership report, Cesar certified that, as of October 1, 2013, Guel was no longer an officer or director and that he, Cesar, was HCCN's sole officer and director (that report also falsely certified that Cesar and Guel were not related; Cesar is in fact Guel's son).³⁰⁰ In light of filings made by HFCN and HCCN in that timeframe, and the conflicting or false information Guel provided in his 2018 Declaration that he was President of HCCN from July 2010 through August 2014, we cannot reconcile the historical record with Guel's statements regarding the circumstances of why HCCN continued filing applications after Juarez had purportedly controlled and operated the Stations since July 2010.

110. With regard to his reasons for filing the August 2014 HCCN-HFCN assignment applications, Guel explains "to protect the licenses, make all ownership legal under Commission rules, and to protect the interest of those parties that already were in the process of purchasing those licenses, there momentarily was an intention to assign those licenses to a corporation owned and controlled by a third-party family member (Hispanic Family Christian Network, Inc.), which would then complete the transactions."³⁰¹ This statement raises considerable doubt as to its truthfulness. First, the applications were prepared, filed, and pending for more than four months, which hardly qualifies as evidence of a "momentary" intent. Second, the scheme clearly conflicts with the version of facts Guel offers the Commission, namely that the transaction with Juarez was consummated in June 2010. By filing those 2014 applications, Guel was publicly holding out HCCN as owner/licensee of the Stations.

111. In light of these illogical, conflicting, and inaccurate statements, Guel's 2018 Declaration appears to be knowingly false and evasive and lacking in candor and designed to deceive or mislead the FCC, in willful and repeated violation of sections 1.17 of the Rules. We therefore designate for hearing appropriate issues to determine whether HCCN and Guel engaged in misrepresentation and/or lack of

²⁹⁸ Guel Decl. at 2.

²⁹⁹ *Id.*

³⁰⁰ In 2013, the Commission was not aware of the Guels' family relationship based on apparently false certifications in various applications. The Guel siblings confirmed their familial relationship in response to a 2018 Bureau inquiry. *See supra* note 138, discussing CDBS File No. BALED-20180516ABH. This would not be the first time that Guel provided incomplete or inaccurate information in FCC filings. In February 2013, Guel filed applications containing apparently false or fictitious information as to the applicants' corporate members, resulting in the Bureau's Audio Division issuing Guel a letter of inquiry in 2014 regarding dubious certifications on radio applications. Guel failed to properly answer. *See, e.g., Dan Alpert, Esq., Letter, 32 FCC Rcd 10228 (MB 2017)* (affirming staff dismissal of applications certified by Guel, consultant, due to irregularities regarding the authenticity of the applicants).

³⁰¹ Guel Decl. at 2.

/candor before the Commission.

3. Misrepresentation and Lack of Candor, Rule Violations, and Abuse of Commission Processes Raise Substantial and Material Questions of Guel's and HCCN's Character to be a Licensee

112. Finally, “[t]he integrity of the Commission’s processes cannot be maintained without honest dealing with the Commission by licensees.”³⁰² We thus view “misrepresentation and lack of candor in an applicant’s dealings with the Commission as serious breaches of trust”³⁰³ and can “treat even the most insignificant misrepresentation as disqualifying.”³⁰⁴ Based on the record before us, HCCN and Guel have apparently violated the Act and the Rules and have a propensity for filing false certifications and inaccurate, incomplete, and/or evasive information with the Commission. We therefore conclude that there are substantial and material questions of fact as to whether HCCN and Guel possess the “propensity to deal honestly with the Commission and comply with the Communications Act or the Commission’s rule or policies.”³⁰⁵ Although neither HCCN nor Guel appear to be a current applicant or an officially recognized licensee/permittee, Guel’s admitted continued involvement with the Stations, and his apparent *de facto* control of the Stations, warrant a determination of HCCN’s and Guel’s character and whether they possess the requisite qualifications to be or become a Commission licensee, and whether they can deal truthfully with the FCC, either directly or as a party/consultant to, or participant in, other applications. Thus, even though Guel is not currently a *de jure* licensee, there is a substantial likelihood of his continued deceptive activities that bear upon the potential operation of any other station Guel may seek to acquire, either through the creation of fictitious entities or through “consulting” services, particularly to entities held by his family members. The allegations at issue here involve Guel and HCCN’s truthfulness and reliability. Under these circumstances, we find it appropriate to prohibit Guel’s acquisition and/or control of any licenses pending the outcome of the hearing.³⁰⁶ We therefore issue this *Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* against HCCN and Guel to cease and desist from operating, controlling, managing or providing any assistance to any stations; from preparing and/or filing applications or other documents regarding HCCN with the Commission; and, to the extent HCCN or Guel is allowed to assist any other licensee/permittee/applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application with the Commission, from doing so without also providing a copy of any order issued in this proceeding that finds HCCN or Guel lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which it/he participates in any way.

IV. CONCLUSION

113. Accordingly, **IT IS ORDERED** that, pursuant to sections 308, 309(d), 309(e), 309(k), and 312(a)-(c) of the Act, 47 U.S.C. §§ 308, 309(d), 309(e), 309(k), and 312(a)-(c), the above-captioned applications and licenses **ARE DESIGNATED FOR HEARING** before an FCC administrative law judge, at a time and location specified in a subsequent Order, upon the following issues:

- (a) To determine whether Jennifer Juarez abused Commission processes by misrepresentation, concealment, or otherwise.
- (b) To determine whether Jennifer Juarez abused Commission processes by entering into an

³⁰² *1986 Character Policy Statement*, 102 FCC 2d at 1211, para. 61.

³⁰³ *Id.*

³⁰⁴ *Id.* at 1210, para. 60.

³⁰⁵ *Id.* at 1188-89, para. 21.

³⁰⁶ See *Terry Keith Hammond*, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, 21 FCC Rcd 10267, para. 26 (MB 2016).

- undisclosed agreement to delay indefinitely the filing notice of the Parties' purported consummation.
- (c) To determine when and whether Jennifer Juarez is and/or has been exercising affirmative control of KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP.
 - (d) To determine whether Antonio Cesar Guel and Hispanic Christian Community Network, Inc. is (and/or has been, during the most recent license term) a real-party-in-interest to the captioned applications for Stations KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP.
 - (e) To determine whether there has been a *de facto* transfer of control of KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP to Antonio Cesar Guel or Hispanic Christian Community Network, Inc. in violation of section 310(d) of the Act, 47 U.S.C. § 310(d) and sections 73.1150(a), (b), and 73.3540 of the Commission's rules, 47 CFR §§ 73.1150(a), (b), and 73.3540.
 - (f) To determine whether Jennifer Juarez engaged in misrepresentation and/or lack of candor in applications and communications with the Commission or otherwise violated sections 1.17, 1.65, and 73.1015 of the Commission's rules involving KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP.
 - (g) To determine, in light of the evidence adduced regarding issues (a)-(f) and (i)-(j), whether the captioned license renewal applications should be granted with such terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted, or denied due to failure to satisfy the requirements of section 309(k)(1) of the Act, 47 U.S.C. § 309(k)(1), and the licenses cancelled.
 - (h) To determine, in light of evidence adduced regarding the foregoing issues (a)-(f) and (i)-(j) whether Jennifer Juarez possesses the character qualifications to be or remain a Commission licensee and whether the licenses for KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP should be revoked.
 - (i) To determine whether Antonio Cesar Guel and Hispanic Christian Community Network, Inc. should, for purposes of this proceeding, be considered one and the same entity.
 - (j) To determine whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. have exercised and continue to exercise *de facto* control over KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP.
 - (k) To determine whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. have misrepresented material information to the Commission and/or lacked candor.
 - (l) To determine whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. have abused Commission processes first by filing an assignment application that lacked bona fides while maintaining *de facto* control of the KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-L, and then by impermissibly and intentionally bifurcating ownership of KHDE-LD, KJTN-LP, KZAB-LP, KZTE-LD, KTEQ-LP, KRPO-LD, and WESL-LP for years by not timely filing the requisite consummation notice.
 - (m) To determine, in light of evidence adduced regarding issues (i), (k), and (l), whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. shall be ordered to cease and desist from violating Commission Rules and the Act, including making willfully inaccurate, incomplete, evasive, false, or misleading statements before the Commission in violation of section 1.17 of the Commission's rules, 47 CFR § 1.17, and engaging in unauthorized control and operation of broadcast stations in violation of sections 301, 308, and 310 of the Act, 47

U.S.C. §§ 301, 308, and 310.

- (n) To determine, in light of evidence adduced regarding issues (i), (k), and (l), whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. shall be ordered to cease and desist from operating, controlling, managing or providing any assistance to any stations;
- (o) To determine, in light of evidence adduced regarding issues (i), (k), and (l), whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. shall be ordered to cease and desist from preparing and/or filing applications or other documents regarding Hispanic Christian Community Network, Inc. with the Commission;
- (p) To determine, in light of evidence adduced regarding issues (i), (k), and (l), whether Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc., to the extent Antonio Cesar Guel or and/or Hispanic Christian Community Network, Inc. is allowed to assist any other licensee/permittee/applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application with the Commission, shall be ordered to cease and desist from doing so without also providing a copy of any order issued in this proceeding that finds Hispanic Christian Community Network, Inc. or Antonio Cesar Guel lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which he participates in any way.
- (q) To determine, in light of evidence adduced regarding issues (i), (k), and (l), whether Antonio Cesar Guel and and/or Hispanic Christian Community Network, Inc. possesses the character qualifications to be Commission licensees.

114. **IT IS FURTHER ORDERED** that, pursuant to sections 312(b) and (c) of the Act, 47 U.S.C. §§ 312 (b) and (c), and sections 1.91 and 1.92 of the Commission's rules, 47 CFR §§ 1.91, 1.92, Antonio Cesar Guel and Hispanic Christian Community Network, Inc. **ARE DIRECTED TO SHOW CAUSE WHY THEY SHOULD NOT BE ORDERED TO CEASE AND DESIST:**

- (a) from violating Commission Rules and the Act, including making willfully inaccurate, incomplete, evasive, false, or misleading statements before the Commission in violation of section 1.17 of the Commission's rules, 47 CFR § 1.17, and engaging in unauthorized control and operation of broadcast stations in violation of sections 301, 308, and 310 of the Act, 47 U.S.C. §§ 301, 308, and 310;
- (b) from operating, controlling, managing or providing any assistance to any stations;
- (c) from preparing and/or filing applications or other documents regarding Hispanic Christian Community Network, Inc. with the Commission; and
- (d) to the extent Antonio Cesar Guel or Hispanic Christian Community Network, Inc. is allowed to assist any other licensee/permittee/ applicant in any way with the operation or construction of any station, or to provide any assistance or input in any way in preparing or filing any application with the Commission, from doing so without also providing a copy of any order issued in this proceeding that finds Antonio Cesar Guel or Hispanic Christian Community Network, Inc., lacks the character to be a Commission licensee in any and all filings with the Commission in every matter in which he participates in any way.

115. **IT IS FURTHER ORDERED** that, pursuant to section 312(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 312(c), and sections 1.91(b) and (c) of the Commission's rules, 47 CFR §§ 1.91(b) and (c), to avail themselves of the opportunity to be heard and to present evidence at a hearing in this proceeding, Antonio Cesar Guel and Hispanic Christian Community Network, Inc., in person or by an attorney, **SHALL FILE** with the Commission, within twenty (20) days of the mailing of this *Order to Show Cause Why A Cease and Desist Order Should Not Be Issued, Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture*, a written appearance stating that he will appear at the hearing and present evidence on the issues specified above at a hearing. If Antonio Cesar

Guel or Hispanic Christian Community Network, Inc. waive their rights to a hearing pursuant to section 1.92(a)(1) or (a)(3) of the Rules, 47 CFR §§ 1.92(a)(1) or (a)(3), they may submit a timely written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause.³⁰⁷

116. **IT IS FURTHER ORDERED** that, pursuant to sections 1.91 and 1.92 of the Commission's rules, 47 CFR §§ 1.91 and 1.92, that if Antonio Cesar Guel or Hispanic Christian Community Network, Inc. fails to file a written appearance within the time specified above, or has not filed prior to the expiration of that time a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the right to a hearing shall be deemed waived. Where a hearing is waived, the Administrative Law Judge shall issue an order terminating the hearing proceeding and certifying the case to the Commission.

117. **IT IS FURTHER ORDERED** that, in addition to the resolution of the foregoing issues, it shall be determined, pursuant to section 503(b)(1) of the Act, 47 U.S.C. § 503(b)(1), whether an **ORDER OF FORFEITURE** should be issued against Jennifer Juarez in an amount not to exceed the statutory limit for the willful and/or repeated violation of each rule section above, including sections 1.17, 1.65, 73.1015, 73.1150, and 73.3540 of the Commission's rules, 47 CFR §§ 1.17, 1.65, 73.1015, 73.1150, and 73.3540, and each statutory provision noted above, including sections 310(b) and (d) of the Act, 47 U.S.C. §§ 310(b) and (d), for which the statute of limitations in section 503(b)(6) of the Act, 47 U.S.C. § 503(b)(6), has not lapsed.

118. **IT IS FURTHER ORDERED** that, irrespective of the resolution of the foregoing issues, it shall be determined, pursuant to sections 503(b)(1) of the Act, 47 U.S.C. § 503(b)(1), whether an **ORDER OF FORFEITURE** should be issued against Antonio Cesar Guel and/or Hispanic Christian Community Network, Inc. in an amount not to exceed the statutory limit for the willful and/or repeated violation of each rule section above, including section 1.17 of the Commission's rules, 47 CFR § 1.17, and each statutory provision noted above, including sections 301 and 308 of the Act, 47 U.S.C. §§ 301 and 308, for which the statute of limitations in section 503(b)(6) of the Act, 47 U.S.C. § 503(b)(6), has not lapsed.

119. **IT IS FURTHER ORDERED** that, pursuant to sections 309(d) and 312(c) of the Act, 47 U.S.C. §§ 309(d), 312(c), and sections 1.91(c), and 1.221(c) of the Commission's rules, 47 CFR §§ 1.91(c) and 1.221(c), to avail herself of the opportunity to be heard and to present evidence at a hearing in this proceeding, Jennifer Juarez, in person or by an attorney, **SHALL FILE** with the Commission, within twenty (20) days of the mailing of this *Order to Show Cause Why A Cease and Desist Order Should Not Be Issued, Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture*, a written appearance stating that she will appear at the hearing and present evidence on the issues specified above.

120. **IT IS FURTHER ORDERED** that, pursuant to section 1.221(c) of the Commission's rules, 47 CFR § 1.221(c), if Jennifer Juarez fails to file within the time specified above a written appearance, a petition to dismiss without prejudice, or a petition to accept for good cause shown an untimely written appearance, the captioned applications shall be dismissed with prejudice for failure to prosecute.

121. **IT IS FURTHER ORDERED**, pursuant to sections 1.91 and 1.92 of the Commission's rules, 47 CFR §§ 1.91 and 1.92, that if Jennifer Juarez fails to file a written appearance within the time specified above, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days,

³⁰⁷ The Commission will not accept such a statement if it is not submitted within the time period set out in 1.91(c), absent some well-justified explanation of why it was filed late.

the right to a hearing shall be deemed waived. Where a hearing is waived, the Administrative Law Judge shall issue an order terminating the hearing proceeding and certifying the case to the Commission. If Jennifer Juarez waives her right to a hearing pursuant to section 1.92(a)(1) or (a)(3), 47 CFR §§ 1.92(a)(1) or (a)(3), she may submit a timely written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause.³⁰⁸

122. **IT IS FURTHER ORDERED** that the Chief, Enforcement Bureau, shall be made a party to this proceeding without the need to file a written appearance.

123. **IT IS FURTHER ORDERED** that, in accordance with section 312(d) of the Act, 47 U.S.C. § 312(d), and section 1.91(d) of the Commission's rules, 47 CFR § 1.91(d), the **BURDEN OF PROCEEDING** with the introduction of evidence and the **BURDEN OF PROOF** with respect to the issues (h), (i), and (k)-(q) of Paragraph 113, above, **SHALL BE** upon the Commission's Enforcement Bureau.

124. **IT IS FURTHER ORDERED** that, pursuant to section 309(e) of the Act, 47 U.S.C. § 309(e), and section 1.254 of the Commission's rules, 47 CFR § 1.254, the **BURDEN OF PROCEEDING** with the introduction of evidence and the **BURDEN OF PROOF** shall be upon Jennifer Juarez as to issues (a)-(g) and (j) at Paragraph 113 above.

125. **IT IS FURTHER ORDERED** that, in accordance with section 312(d) of the Act, 47 U.S.C. § 312(d), and section 1.91(d) of the Commission's rules, 47 CFR § 1.91(d), the **BURDEN OF PROCEEDING** with the introduction of evidence and the **BURDEN OF PROOF** shall be upon the Commission as to issues (a)-(d) at Paragraph 114 above.

126. **IT IS FURTHER ORDERED** that a copy of each document filed in this proceeding subsequent to the date of adoption of this document **SHALL BE SERVED** on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations & Hearings Division of the Enforcement Bureau at (202) 418-1420. Such service copy **SHALL BE ADDRESSED** to the named counsel of record, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

127. **IT IS FURTHER ORDERED** that the parties to the captioned application shall, pursuant to section 311(a)(2) of the Act, 47 U.S.C § 311(a)(2), and section 73.3594 of the Commission's rules, 47 CFR § 73.3594, **GIVE NOTICE** of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the satisfaction of such requirements as mandated by section 73.3594 of the Commission's rules, 47 CFR § 73.3594.

128. **IT IS FURTHER ORDERED** that copies of this *Order to Show Cause Why A Cease and Desist Order Should Not Be Issued, Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture* shall be sent via Certified Mail, Return Receipt Requested, and by regular first-class mail to:

Antonio Cesar Guel
2605 Hyacinth Drive
Mesquite, TX 75181

³⁰⁸ The Commission will not accept such a statement if it is not submitted within the time period set out in 1.91(c), absent some well-justified explanation of why it was filed late.

Hispanic Christian Community Network, Inc.
8500 N. Stemmons Freeway
Suite 5050
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Dan J. Alpert, Esq.
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Arlington, VA 22201

129. **IT IS FURTHER ORDERED** that the Secretary of the Commission shall cause to have this Order to Show Cause Why A Cease and Desist Order Should Not Be Issued, Order to Show Cause Why an Order of Revocation Should Not Be Issued, Hearing Designation Order, and Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture or a summary thereof published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Holly Saurer
Chief, Media Bureau