

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

In re Application of)	MB Docket No. 22-76
)	NAL/Acct. No. MB-202241410006
The Marion Education Exchange)	FRN: 0023109846
)	
For Renewal of License for)	Facility ID No. 193826
Station WWGH-LP)	File No. 0000115702
Marion, Ohio)	

ORDER

Adopted: May 31, 2022

Released: May 31, 2022

1. This Order addresses a motion to compel filed by the Enforcement Bureau in the above-captioned proceeding. On April 29, 2022, the Enforcement Bureau served on the Marion Education Exchange (MEE) a request for the production of documents and a set of interrogatories.¹ Pursuant to the Commission's rules, and as specified by the filings, a response to the document request was due on May 9, 2022, and a response to the interrogatories was due on May 13, 2022.² MEE did not respond to either pleading. As a result, on May 16, 2022, the Enforcement Bureau filed a motion to compel MEE to respond to its discovery requests.³ The Bureau notes that it contacted MEE's counsel, George Wolfe, on May 10 to point out that the deadline for document production had passed, indicating that it would seek relief from the Presiding Judge if a response was not forthcoming by May 11.⁴ An employee of Mr. Wolfe responded that he was planning to withdraw as MEE's counsel, and that the Bureau's document request, interrogatories, and May 10 email had been forwarded to a principal of MEE.⁵ Mr. Wolfe filed an unopposed motion to withdraw as counsel for MEE on May 16, indicating that MEE "has failed to cooperate with counsel and is no longer communicating."⁶ MEE did not respond to the Bureau's motion to compel or Mr. Wolfe's motion to withdraw.

2. This proceeding was initiated by the FCC's Media Bureau on February 23, 2022, to determine whether it is in the public interest to grant MEE's application for renewal of its license for Station WWGH-LP.⁷ Among the issues designated for hearing are whether MEE violated the Commission's rules when it repeatedly failed to respond to inquiries from Commission staff, and when it consummated a *pro forma*

¹ Enforcement Bureau's First Request for Production of Documents and Things to the Marion Education Exchange, MB Docket No. 22-76 (filed Apr. 29, 2022); Enforcement Bureau's First Set of Interrogatories to the Marion Education Exchange, MB Docket No. 22-76 (filed Apr. 29, 2022).

² See 47 CFR § 1.325(a)(2) (10 days to respond to document requests); 47 CFR § 1.323(b) (14 days to respond to interrogatories).

³ Enforcement Bureau's Motion to Compel the Marion Education Exchange's Response to the Enforcement Bureau's First Document Requests and First Set of Interrogatories, MB Docket No. 22-76 (filed May 16, 2022) (EB Motion to Compel).

⁴ EB Motion to Compel at 2 & Exh. C.

⁵ EB Motion to Compel at 2 & Exh. D.

⁶ Motion of George M. Wolfe to Withdraw as Counsel, MB Docket No. 22-76 (filed May 16, 2022). Mr. Wolfe states that MEE "will be made aware of all upcoming deadlines."

⁷ *The Marion Education Exchange*, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture, MB Docket No. 22-76, DA 22-187 (MB Feb. 23, 2022) (*MEE HDO*).

transfer of control of its license without notifying the Commission. It is also alleged that MEE has made misrepresentations to and/or lacked candor with the Commission.⁸ MEE's failure to respond in any way to any discovery deadlines in this proceeding, and its apparent lack of communication with its attorney of record are not the actions of a party that genuinely intends to fulfill its burden of proof in this hearing.⁹ Moreover, now that Mr. Wolfe has withdrawn, there is no extant notice of appearance on MEE's behalf, as required by section 1.221(c) of the Commission's rules, 47 CFR § 1.221(c). Accordingly, this proceeding will be dismissed, which will result in denial of MEE's renewal application, unless MEE takes the following actions within 20 days of the release date of this Order:


- (a) MEE shall produce the documents requested by the Enforcement Bureau on April 29, 2022, or shall raise legally supportable objections to production of individual documents, if appropriate;
- (b) MEE shall respond to the interrogatories posed by the Enforcement Bureau on April 29, 2022, or shall raise legally supportable objections to individual questions, if appropriate; and
- (c) A legal representative of MEE shall file a Notice of Appearance in this proceeding pursuant to section 1.221(c) of the Commission's rules.

3. Accordingly, **IT IS ORDERED** that the Motion to Compel the Marion Education Exchange's Response to the Enforcement Bureau's First Document Requests and First Set of Interrogatories, filed on May 16, 2022, by the Enforcement Bureau, **IS GRANTED** to the extent indicated herein.

4. **IT IS FURTHER ORDERED** that the Motion to Withdraw as Counsel, filed on May 16, 2022, by George M. Wolfe, Esq., **IS GRANTED**, conditioned on his immediately notifying the Marion Education Exchange of the obligations set out in this Order, and filing in the record of this proceeding a statement identifying the date that he provided that notice to the Marion Education Exchange and describing the form of that notice, along with the name, mailing address, and, if known, the email address of the representative(s) of the Marion Education Exchange to which he provided the notice.

5. **IT IS FURTHER ORDERED** that the Marion Education Exchange **SHALL FILE** the items specified in paragraph 2 of this Order **WITHIN 20 DAYS** of the release of this Order.¹⁰

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

⁸ *MEE HDO* at para. 39.

⁹ *See Id.* at para. 45 (“the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues listed in paragraph 39 SHALL BE upon the Marion Education exchange”).

¹⁰ A copy of this Order will be sent to the email address of record for the representative of MEE listed on its renewal application.