

Exhibit to Renewal Application for
WTIR(FM-NCE), Brighton Reservation, FL
Facility ID 174484
Seminole Tribe of Florida

Adverse Finding Explanation

An elected member of the licensee's Tribal Council, David Roger Cypress, was sentenced on August 1, 2012 in the United States District Court, Southern District of Florida, Miami Division, in Case Number 1:12-80061-CR-WILLIAMS-1, for filing a false tax return. The Judgment states that the offense ended October 23, 2008. Mr. Cypress served 18 months in prison, was subject to supervised release for 1 year, paid a \$100 criminal penalty, and is paying \$5,457,889 in restitution through 10% deductions from his gross monthly earnings.

The Commission's character qualification policies are described in the instructions to the FCC's renewal application. In the instructions, at page 7, the form states that adverse findings are relevant when they occur within the past ten years. In *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 FCC Rcd 1179, 1228 (1986) (subsequent history omitted), the Commission held that a 10-year limitation should be applied.

In this case, the offense ended in 2008, nearly 11 years ago. The sentencing order, however, is dated within the last 10 years, and is, therefore, reported out of an abundance of caution. Note that the felony was a one-time offense and the convicted council member served his time and is paying for his misconduct to remedy his past wrongdoing. Owing to the passage of time since the offense occurred, the licensee requests that the Commission allow Mr. Cypress to serve as a member of the Tribal Council so that it can uphold the wishes of the tribal electorate and that his service on the Council does not disqualify the Tribe as a licensee.