

Character Issues Exhibit
Pacifica Foundation, Inc.

On November 26, 1974, board member James Sagurton plead guilty to one count of possession of marijuana and was fined \$300 by Morris County Court Law Division in Case No. 414-73-Jan. Session, 1974, in Morris County, New Jersey.

The facts in this case involving Mr. Sagurton occurred more than 46 years ago, no jail time was imposed, and State of New Jersey has since legalized marijuana.

In evaluating character qualifications, the Commission has stated:

[A]s a general matter conduct which has occurred and was or should have been discovered by the Commission, due to information within its control, prior to the current license term should not be considered, and that, even as to consideration of past conduct indicating “a flagrant disregard of the Commission's regulations and policies,” a ten year limitation should apply.

Policy Regarding Character Qualifications in Broadcast Licensing, 102 F.C.C.2d 1179, 1229, 1986 FCC LEXIS 4145, *99-100, 59 Rad. Reg. 2d (P & F) 801.

The Commission had as recently as the June 2018 version of the Instructions to the Form 303-S Renewal Application stated that any felony older than 10 years did not need to be reported. *See, e.g.,* <https://transition.fcc.gov/Forms/Form303-S/303s.pdf> (last visited March 29, 2021), at p. 7: “In responding to Item 3, the applicant should consider any relevant adverse finding that occurred within the past ten years.” That instruction to exclude adverse findings beyond ten years, however, no longer exists in the Instructions to Form 2100, Schedule 303-S, currently associated with the application in LMS. As a result, Mr. Sagurton’s adverse finding is reported out of an abundance of caution.

Mr. Sagurton is one of 22 board member on the national board of Pacifica Foundation, Inc., representing a vote of 4.5% of this noncommercial educational radio licensee. Given the passage of time and the change in New Jersey’s state laws with respect to legalizing marijuana, it is respectfully requested that the licensee be permitted to certify it has the requisite character qualifications to be an FCC licensee going forward and that the above-described adverse finding is not disqualifying.