

SDK Franco LLC

3620 McGowen Street
Houston, Texas 77004

December 19, 2022

Marlene H. Dortch, Esq.
Secretary, Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

**Re: K223CW, Houston, Texas (Facility No. 148239)
K287BQ, Houston, Texas (Facility No. 148244)
Response to Letter of Inquiry
Ref. 1800B3-KV**

Dear Ms. Dortch:

SDK Franco, LLC ("SDK"), the licensee of the above-referenced FM translator stations (collectively, "Stations"), hereby responds to the Letter of Inquiry, dated October 7, 2022 ("LOI"), relating to the Stations. By e-mails dated October 19, 2022 and December 6, 2022, Kim Varner, Esq., of the Commission's Audio Division/Media Bureau, granted extensions of time – until December 16, 2022 – in which to respond to the LOI.

The LOI directed SDK to provide certain information and Documents as requested therein, and in accordance with the Instructions and Definitions set forth therein. Capitalized terms used in this Response but not otherwise defined shall have the meanings ascribed to such terms as are set forth in the LOI.

Below in bold type are the requests set forth in the LOI, followed by SDK's responses.

- 1. Describe the business structure of SDK...In addition, Identify all parent and affiliate companies of SDK and explain their relationship with SDK.**

Response: SDK is a limited liability company having two members: Sara Franco (formerly Guevara) (20 percent) and Karen Guevara (80 percent). There are no parent or affiliate companies of SDK. However, Karen Guevara is the sole shareholder of FC New Orleans, Inc. ("FCNO"), which is the licensee of FM translator K250BA, New Orleans, Louisiana (Facility No. 147981) ("K250BA"). SDK and FCNO are separate and distinct entities, with separate and distinct ownership structures and finances.

- 2. Identify the corporate headquarters address of SDK and the states in which SDK is authorized to do business; indicate whether it is in good standing in each such state. Identify the Tax Identification Number of SDK. Provide a copy of SDK's certificate of incorporation and a current certificate of good standing in the state in which SDK is incorporated.**

Response: The corporate address of SDK is: 3620 McGowen Street, Houston, Texas 77004.

SDK is authorized to do business in the State of Texas and believes that it is in good standing in the State of Texas.

SDK's Tax Identification Number is 84-4883121.

Attached as **Exhibit A** is SDK's Certificate of Amendment, filed with the State of Texas.

The State of Texas issues a "Certificate of Account Status" in lieu of a "Good Standing Certificate." In order to obtain a Certificate of Account Status, SDK has requested reinstatement from the State of Texas. The first step in obtaining reinstatement is to obtain a Tax Clearance Letter. On November 1, 2022, SDK requested a Tax Clearance Letter. SDK has been advised by local Texas counsel that the State should be issuing that Tax Clearance Letter in the near term. SDK will provide the Commission with a copy of the Tax Clearance Letter, followed by a Certificate of Account Status, after those items become available from the State of Texas.

3. Identify the registered agent of SDK within the United States.

Response: SDK's registered agent is Sara Franco (formerly Guevara).

4. Identify the FCC Registration Number (FRN) or FRNs of SDK and any parent and affiliate companies of SDK.

Response: SDK's FRN is 0029490984.

5. Identify any licenses, permits, certificates, or other authorizations, issued by the Commission and held by SDK and/or any parent or affiliate companies of SDK.

Response: SDK is the licensee of the Stations. SDK is not the licensee of any other stations.

6. Identify the current mailing address and email address for SDK.

Response: SDK's mailing address is: 3620 McGowen Street, Houston, Texas 77004. The primary e-mail address is: sarafranco53@yahoo.com.

7. Identify all names under which SDK operates (e.g., all "doing business as," "also known as," trade names, etc.), and the states where the Licensee is authorized or

otherwise uses those names. Also, Identify all web addresses used by SDK, including those web addresses involving fictitious names.

Response: The only name under which SDK operates is SDK. SDK does not maintain any web address.

- 8. Provide a description by category and location of all Documents and tangible things that SDK has in its possession, custody, or control that are responsive to the Inquiries herein.**

Response: All such Documents and tangible things that SDK has in its possession, custody, or control that are responsive to the Inquiries herein are being provided as part of this Response.

- 9. State the date that SDK consummated the assignment of the licenses for K223CW and K223CW from Centro to SDK.**

Response: April 17, 2020.

- 10. Attach copies of all executed documents effectuating the assignment of the licenses for K223CW and K287BQ (i.e. assignment of license agreement, bill of sale etc.).**

Response: The only document to effectuate the assignment of the licenses for K223CW and K287BQ is the Agreed Final Decree of Divorce, which is being attached hereto as **Exhibit B** (“Divorce Decree”). The Divorce Decree previously was provided to the Commission at Exhibit 4 to the application for consent to the assignment of K223CW and K287BQ from Centro Cristiano De Vida Eterna (“Centro”) to SDK (File No. BALFT-20200108AAX) (“Assignment Application”).

Centro is controlled by Martin Guevara (70 percent voting share) and one of his brothers, Roberto Guevara (15 percent voting share). As confirmed by the 312th Judicial District, Harris County Texas (and in the LOI at 6), Centro actually is the “alter ego” of Hector Guevara,¹ the brother of Martin and Roberto Guevara (collectively, the “Guevara Brothers”).

As reported in Response to Inquiry 1, SDK is a company in which Hector Guevara’s ex-wife (Sara Franco (Guevara)) and daughter (Karen Guevara), hold interests.

¹ See Final Order of Enforcement, attached as **Exhibit C** hereto (“Enforcement Order”), at Paragraph 2. Attached at **Exhibit D** hereto is the related Findings of Fact and Conclusions of Law (“District Court Findings of Fact”).

At the time of the closing following Commission approval of the Assignment Application, Centro refused to execute any documents, and indeed refused to cooperate in almost any way associated with the consummation of the Assignment Application. The District Court further found that Hector Guevara, acting as the “alter ego” of Centro, intentionally delayed the transfer of K223CW for the “intended purpose of diminishing the value of the property prior to the transfer,” which caused “actual and monetary damage” to SDK. *See* District Court Findings of Fact, at Paragraphs 20 and 22. As a result of Centro’s intentional and willful acts, the Court awarded over \$565,000 to SDK and ordered Hector Guevara to perform his obligations with respect to the Stations, consistent with the terms of the Divorce Decree.

11. Prior to the consummation date identified in response to Inquiry 9, did SDK assume control of K223CW and/or K287BQ?

Response: Prior to April 17, 2020, SDK did not assume control of either K223CW or K287BQ. Because the answer to the primary question is “No,” it is not necessary for SDK to answer Inquiries 11(a) through (c).

As set forth in SDK’s prior pleadings, because SDK had no control over K223CW (or K287BQ) prior to April 17, 2020, there is no way that SDK could go back in time and undo the mistakes made by Centro while it was the licensee of the Stations. Such mistakes include, but are not limited to, Centro’s admission (set forth in the Centro K223CW Permit Petition at 3) to commence the rebroadcasts of a station other than KCOH(AM) on K223CW between October 20, 2016 and April 17, 2020, and Centro’s decision to install an unauthorized antenna associated with K223CW (as set forth in the Response to Inquiry 20 herein). Under the Commission’s rules and policies, the Commission cannot impose penalties on SDK caused by the wrongful behavior of Centro, K223CW’s prior licensee, which took place while Centro was the licensee.²

12. Identify all primary stations that K223CW has retransmitted from the consummation date identified in response to Inquiry 9, to the present.

² *See, e.g.*, Instructions to FCC Form 303-S. Pursuant to the Commission’s rules and policies, in evaluating a license renewal application, if the subject station license was assigned during the subject license term pursuant to a “long-form” application (which is the case with respect to the Stations), the renewal applicant’s certifications are required to cover only the period during which the renewal applicant held the station’s license. *See also WIN Radio Broadcasting Corporation*, 23 FCC Rcd 7113, 7114-15 (Media Bur. 2008) (“To the extent that the Station was silent for periods of time prior to its acquisition by the Licensee, we will not hold the Licensee responsible for the actions of the prior owner of the Station.”); *Citadel Broad. Co.*, 25 FCC Rcd 15060, 15062 (2010) (finding current licensee not responsible for failure of former licensee to place items in public inspection file.)

Response: KLVL(AM), Pasadena, Texas (Facility No. 56148) ("KLVL") (but *see* explanation as part of the Response to Inquiry 16(a)); and KFNC-HD2(FM), Mont Belvieu, Texas (Facility No. 52407) ("KFNC-HD2").

13. Identify and provide a copy of all Documents that provide the legal authority for K223CW to rebroadcast the primary stations identified in the response to Inquiry 12.

Response: Attached as **Exhibit E** is the "Standard 92.5FM Lease Agreement" between SDK and the licensee of KLVL, relating to the rebroadcast of KLVL on K223CW.³ Attached as **Exhibit F** is a Memorandum, executed on October 20, 2020 by Gow Media, LLC ("Gow"), the licensee of KFNC-HD2, confirming that Gow provides for the signal of KFNC-HD2 to be rebroadcast on K223CW, and SDK consents to the rebroadcast of KFNC-HD2 on K223CW.

14. Identify the dates on which K223CW retransmitted each primary station identified in the response to Inquiry 12.

Response: KLVL was permitted to be rebroadcast on K223CW between approximately July 1, 2020 to August 31, 2020 (but *see* explanation as part of the Response to Inquiry 16(a)). KFNC-HD2 has been rebroadcast on K223CW from October 20, 2020 through the date hereof.

15. Did SDK notify the Commission that K223CW was/is rebroadcasting each of the primary stations identified in the response to Inquiry 12? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.

Response: SDK did not notify the Commission that K223CW had authorization to rebroadcast KLVL between approximately July 1, 2020 to August 31, 2020. SDK regrets the omission.

On September 2, 2021, SDK provided notice that KFNC was being rebroadcast on K223CW. Attached as **Exhibit G** is the letter that was filed with the Commission on that date. Although neither the Commission nor the Commission staff provided a formal response, the e-mail transmission of the letter was "read" by two members of the Commission's staff on that date. Attached as **Exhibit H** are the "read" receipts.

16. Has SDK discontinued operations of K223CW at any time? If yes, answer the following:

³ SDK acknowledges that this Agreement is unsigned, but it is the only version of it that SDK has in its files. As indicated in the Response to Inquiry 16(a), this Agreement no longer is in effect.

a. Specify the dates for each instance during which K223CW discontinued operations, and, if applicable, when K223CW recommenced operations and the primary station rebroadcast when K223CW resumed operations.

Response: As indicated above, SDK assumed control of K223CW on April 17, 2020. As set forth in the Divorce Decree, at 4-5, Centro, through its “alter ego” (Hector Guevara) was enjoined from removing any fixtures or equipment from K223CW (or K287BQ), beginning on the effective date of the Divorce Decree (January 29, 2020). The District Court Findings of Fact, at Paragraph 23, confirmed that Centro (through Hector Guevara as its “alter ego”) indeed did remove equipment necessary to operate K223CW. The equipment was stolen by Hector Guevara and Martin Guevara.⁴ As a result of those illegal actions, K223CW was off the air between April 17, 2020 and April 27, 2020.⁵

Shortly before April 27, 2020, SDK was able to obtain replacement equipment and K223CW resumed operations, pursuant to File No. 0000112788 (“April 2020 LTC Application”).⁶

The Divorce Decree, at 4 (“P-12”) also awarded all “rental income and contracts” to SDK. As set forth in the Expert Report (at 5) of Douglas O. Romero, a consultant to SDK, attached hereto as **Exhibit J** and which was submitted to the District Court, as of April 17, 2020, there was a contract in place between Centro and Aleluya Broadcasting/DAIJ Media/Pueblo de Galilea, the licensee of KCOH, regarding the rebroadcast of K223CW on KCOH. However, Centro, through the Guevara Brothers, refused to assign the agreement with Pueblo de Galilea to SDK. The District Court Findings of Fact, at Paragraph 23, found the testimony of Mr. Romero on this issue to be “credible and persuasive.”

As a result of Centro’s intentional act in withholding the assignment of the Pueblo de Galilea agreement to SDK (despite the clear directive of the Divorce Decree), SDK was

⁴ SDK has video of the thievery, which was included as part of the record submitted to the District Court and can be provided to the Commission upon request. The brazen thievery is particularly shocking because Hector Guevara is supposed to be a minister – a man of God.

⁵ As set forth in the Expert Report of Francisco R. Montero, which was submitted to the District Court and is attached hereto as **Exhibit I**, Centro’s actions were tantamount to a spouse who, when required to turn over a house in a divorce, proceeds to flood the basement and set the house on fire. The District Court Findings of Fact, at Paragraph 20, found that Mr. Montero’s testimony on this issue was “credible and persuasive.”

⁶ As indicated in Note 25 to the LOI, on April 29, 2020, twelve days after the consummation of the transaction by which SDK acquired K223CW, somehow Centro was able to file a Notification of Suspension of Operations (“Notification”) associated with K223CW’s operations, even though SDK was the licensee of the station, not Centro. Not only was the filing of the Notification not authorized by SDK, but also it contains several false statements and outright incorrect information. Accordingly, the Commission is obligated to ignore the substance of the Notification.

forced to find alternative arrangements in order to provide programming on K223CW to listeners in Houston.

Shortly after April 27, 2020, SDK engaged in negotiations with the licensee of KLVL regarding the possibility for KLVL to be rebroadcast on K223CW. On June 15-16, 2020, K223CW was on the air, intermittently, for testing purposes only, rebroadcasting the KLVL signal, so that the licensee of KLVL could determine whether station K223CW's signal was suitable for KLVL's purposes. As indicated in the attached Declaration of Douglas Omar Romero, the recording included with the Bame/Gutierrez Complaint (Attachment B to the LOI) included content typically used by KLVL when it evaluates whether to utilize a particular FM translator. That content included calls from listeners where the host asked whether those listeners were tuning into the program on the FM dial and, if so, where the programming could be heard. KLVL's programming was on the air for short periods during June 15-16, and KLVL was rebroadcast on a full-time basis on K223CW beginning on July 1, 2020.

However, soon after July 1, 2020, SDK found that K223CW was not operating properly, and KLVL notified SDK that it was dissatisfied with the arrangement. SDK sought to address KLVL's concerns, but KLVL and SDK ultimately agreed to terminate their agreement, effective as of August 31, 2020. Accordingly, K223CW was off the air for most of the period between April 27, 2020 to October 20, 2020.

SDK soon discovered why K223CW was not operating properly. As indicated in the Engineering Report of Josue Salmeron of JIT Broadcasting Services, dated July 31, 2020, attached hereto as **Exhibit K**, Mr. Salmeron found that there was a signal, also operating on Channel 223 (92.5 MHz), emanating from 5847 San Felipe Street in Houston that was broadcasting modulation only (colloquially known as "dead air"). Mr. Salmeron was familiar with that site, as he previously had erected antennas there. In his opinion, the station operating from the San Felipe address was FM translator K223DH, Houston, Texas (Facility No. 148295), a station that is licensed to Centro. K223DH is licensed to operate from a location in Stafford, Texas but instead had moved its operations illegally – without prior Commission authorization – to San Felipe Street, and broadcast dead air, all in an effort to cause damage to K223CW and SDK, the company in which his ex-wife and daughter hold interests.

Mr. Salmeron's Engineering Report was submitted to the District Court, and Mr. Salmeron testified at trial. The District Court Findings of Fact, at Paragraph 23, found Mr. Salmeron's testimony, as well as that of Mr. Romero, who corroborated Mr. Salmeron's accounts, to be "credible and persuasive." As a result, as set forth in the District Court Findings of Fact, at Paragraph 23, the Court concluded that Centro had intentionally broadcast "dead air" as a way of seeking to "jam" the K223CW frequency. Accordingly,

K223CW was unable to broadcast properly (and may have been off the air altogether) between April 27, 2020 and October 20, 2020 due solely to the fact that Centro, through its broadcasts of K223DH from an unauthorized location, intentionally “jammed” the K223CW frequency as part of the Guevara Brothers’ efforts to damage SDK’s business.

On August 13, 2020, Mr. Romero contacted Mr. Jim Sharp, of Subcarrier Communications, Inc., the company that manages the rooftop of the San Felipe Street building. Mr. Romero advised Mr. Sharp that station K223DH, licensed to Centro, was operating from that location without prior authorization from the Commission (*see Exhibit L* attached hereto). Sometime thereafter, the “jamming” from K223DH ceased. On October 20, 2020, K223CW was able to resume normal operations, and commenced rebroadcasting KFNC-HD2. K223CW has remained on the air at all times since that date.

b. Did SDK notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.

Response: SDK did not file a request for Special Temporary Authority (“STA”) to cover the period between April 27, 2020 to October 20, 2020 when K223CW was operating either at reduced power or not at all. SDK is a small, family-owned company and, at the time, lacked the funds to pay legal fees to make such filing. SDK regrets the oversight.

17. Has K223CW originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 12?

Response: No, at no time while SDK has been the licensee has K223CW originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the Response to Inquiry 12.

18. State the relationship between K223CW/SDK and KFNC(FM), Mont Belvieu, Texas (Facility ID No. 52407) Gow Media, LLC. If there are any contractual agreements or understandings (including verbal agreements) between the parties, provide copies of all such agreements.

Response: K223CW/SDK and KFNC/Gow Media are unaffiliated parties. Pursuant to the Memorandum, attached as **Exhibit F** hereto, Gow Media has provided for the signal of KFNC-HD2 to be rebroadcast on K223CW, and SDK has consented to the rebroadcast of KFNC-HD2 on K223CW. Because K223CW is a “non-fill-in” translator to KFNC, there is no consideration or support being paid or provided to SDK by Gow for the rebroadcast of KFNC on K223CW, in compliance with 47 C.F.R. § 74.1232(e).

19. Has K223CW ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:

a. Identify each such incident along with the dates and times on which K223CW failed to provide the required station identification.

b. Explain fully the circumstances under which K223CW failed to provide the required station identification.

Response: SDK has consistently provided valid station identification on K223CW at the top of every hour (even going above and beyond the station identification requirements for FM translators, as set forth in Section 74.1283(c)(1)). The only times when K223CW failed to provide station identification were the periods when K223CW was off the air, *i.e.*, during much of the period between April 27, 2020 to October 20, 2020, for the reasons set forth in the Response to Inquiry 16(a).

20. Identify the make and model of every antenna installed at the K223CW transmitter site on or after the consummation date identified in response to Inquiry 9. If the antenna installed differs from the K223CW license granted on April 19, 2017 (File No. BLFT-20170406ACJ), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.

Response: Between April 17, 2020 to approximately March 1, 2021, during the times that K223CW was on the air, it was operating with a non-directional Nicom BKG77 antenna (but *see* further explanation in this Response to Inquiry 20), and between March 1, 2021 to the date hereof, K223CW has been operating with a Scala CL-FM antenna, as previously authorized by the Commission.

As set forth in SDK's Request for Special Temporary Authority, filed September 13, 2021 (File No. BSTA-20219013AAO) ("September 2021 STA Request"), as part of the closing pursuant to the Assignment Application, as of April 17, 2020, SDK acquired an outstanding construction permit that Centro had prepared and filed associated with K223CW (File No. BPFT-20170407AAY) ("2017 Permit"). The 2017 Permit authorized operation of K223CW with a directional Scala CL-FM antenna, and was set to expire on April 27, 2020.

It turns out, however, that when SDK assumed control of K223CW on April 17, 2020, the station actually was operating with a non-directional Nicom BKG77 antenna, meaning Centro, while it was the licensee, had installed a non-directional antenna without prior Commission authorization. As SDK was scrambling to obtain equipment for K223CW to replace the equipment that was stolen by Hector Guevara (*see* Response to Inquiry 16(a))

in order to meet the 2017 Permit expiration deadline of April 27, 2020, SDK lacked the time to access the K223CW transmitter site to confirm the antenna actually in use; SDK simply assumed that Centro had installed the directional Scala antenna, in keeping with the 2017 Permit. SDK was completely and totally unaware that Centro had installed the non-directional Nicom BKG77 antenna without prior Commission authorization, as Centro had failed to disclose to SDK that it had installed the Nicom antenna.

Very soon after the April 2020 LTC Application was filed, SDK became aware, through phone calls and e-mails from Pastor Gutierrez (the principal of the licensee of low power FM station KJJG-LP, South Houston, Texas, now deceased), that there may have been co-channel interference caused by K223CW to KJJG-LP. As SDK later discovered through filings made at the Commission by Pastor Gutierrez and Paul Bame, including an Informal Objection filed in May 2020 to the April 2020 LTC Application, the issue of the co-channel interference from K223CW to KJJG-LP had been ongoing for periods well before SDK acquired K223CW, but Centro had done nothing to address them.

SDK then undertook its own investigation, and determined that the likely cause of the co-channel interference from K223CW to KJJG-LP was due to the presence of the unauthorized non-directional Nicom antenna that Centro had illegally installed while it was the licensee of K223CW.

On March 1, 2021, SDK installed a directional Scala CL-FM antenna, as stated in the license modification application (File No. 0000137403) filed that same day (“March 2021 Modification Application”). Unfortunately, the March 2021 Modification Application was filed on the improper form in LMS. Instead of selecting “Minor Modification of Licensed Facility (FM Translator),” SDK selected “Modification of License (FM Translator),” a simple mistake, owing to the similarities of how the forms are labeled in LMS.

On September 13, 2021, SDK corrected the innocent mistake, and filed a new modification application, proposing a Scala CL-FM antenna on the proper form (File No. 0000159318) (“September 2021 Modification Application”), and made additional clarifications.

SDK believes that, as of March 1, 2021 and through the date hereof, there has been no interference occurring to KJJG-LP as a result of the manner in which K223CW has been operating, *i.e.*, consistent with the terms of the September 2021 STA Request and the September 2021 Modification Application. Indeed, SDK has not received complaints of interference from any other party regarding the September 2021 STA Request or the September 2021 Modification Application.

21. Identify all primary stations that K287BQ has retransmitted from the consummation date identified in Inquiry 9, until the Present.

Response: KFNC-HD3(FM), Mont Belvieu, Texas (Facility No. 52407) ("KFNC-HD3"), and KKBQ-HD3(FM), Pasadena, Texas (Facility No. 23083) ("KKBQ-HD3").

22. Identify and provide a copy of all Documents that provide the legal authority for K287BQ to rebroadcast the primary stations identified in the response to Inquiry 21.

Response: Attached as **Exhibit F** is a Memorandum, executed by Gow Media, LLC ("Gow"), the licensee of KFNC-HD3, confirming that Gow would provide for KFNC-HD3 to be rebroadcast on K287BQ, and SDK would consent to the rebroadcast of KFNC-HD3 on K287BQ.

Attached as **Exhibit M** is a Multicast Time Brokerage Agreement, between SDK and Cox NY/TX Radio, LLC, dated February 2021, whereby Cox has agreed to provide for KKBQ-HD3 to be rebroadcast on K287BQ, and SDK has consented to the rebroadcast of KKBQ-HD3 on K287BQ.

23. Identify the dates on which K287BQ has been transmitting each primary station identified in the response to Inquiry 21.

Response: KFNC-HD3 was rebroadcast on K287BQ from October 20, 2020 to March 1, 2021, and KKBQ-HD3 has been rebroadcast on K287BQ from March 1, 2021 to present.

24. Did SDK notify the Commission that K287BQ was/is rebroadcasting each of the primary stations identified in the response to Inquiry 21? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.

Response: SDK did not notify the Commission that K287BQ was rebroadcasting station KFNC-HD3.

On December 7, 2022, SDK filed a notification in LMS, indicating that the primary station being rebroadcast on K287BQ is KKBQ-HD3 (File No. 204886), and the Commission granted such notification on December 14, 2022. The reference copy of the Commission's grant, as well as the notification itself and the confirmation page, is being provided as **Exhibit N** hereto.

25. Has SDK discontinued operations of K287BQ at any time? If yes, answer the following:

a. Specify the dates for each instance during which K287BQ discontinued operations, and, if applicable, when K287BQ recommenced operations and the primary station rebroadcast when K287BQ resumed operations.

Response: K287BQ was off the air between June 15, 2021 to August 15, 2021, following a lightning strike that severely damaged the antenna authorized by K287BQ's license (File No. 0000112935). SDK replaced the antenna set forth in its license with an identical antenna. When K287BQ resumed operations on August 15, 2021, it was rebroadcasting KKBQ-HD3.

b. Did SDK notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.

Response: SDK did not file the required notification or a request for STA for silent operations. SDK is a small, family-owned company and, at the time, lacked the funds to pay legal fees to make such filing. SDK regrets the oversight.

26. Has K287BQ originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 21?

Response: Prior to April 17, 2020, SDK understands that K287BQ was rebroadcasting KTBZ-FM, Houston, Texas (Facility No. 18516), licensed to iHeart Media. On approximately February 1, 2020, shortly after the Divorce Decree was signed, Mr. Romero reached out to a representative of iHeart Media, regarding the possibility of continuing that rebroadcast arrangement following Commission approval of the Assignment Application and the consummation thereof.

The representative informed Mr. Romero that iHeart was not interested in continuing the arrangement because Centro had defaulted on its payment obligations and therefore iHeart elected to seek other arrangements for its station. iHeart's decision caught SDK by surprise, leaving SDK without a full-power station partner that could be rebroadcast on K287BQ after April 17, 2020. SDK then spent several months searching for alternatives, until finally securing an arrangement with Gow Media. As set forth in the response to Inquiries 22 and 23 above, KFNC-HD3 was rebroadcast on K287BQ beginning on October 20, 2020, and then KKBQ-HD3 has been rebroadcast on K287BQ from March 1, 2021 to present. In an effort to ensure that K287BQ remained on the air between April 17, 2020 and October 20, 2020, so that potential full-power stations could evaluate the K287BQ signal strength and coverage area, SDK originated programming on K287BQ. Such

programming consisted of music only; it did not air any advertisements during that period and accordingly SDK generated no revenue.

27. Has K287BQ ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:

a. Identify each such incident along with the dates and times on which K287BQ failed to provide the required station identification.

b. Explain fully the circumstances under which K287BQ failed to provide the required station identification.

Response: SDK has consistently provided valid station identification for K287BQ at the top of every hour (even going above and beyond the station identification requirements for FM translators, as set forth in Section 74.1283(c)(1)). The only times when K287BQ failed to provide station identification were the periods when K287BQ was off the air, *i.e.*, between June 15, 2021 – August 15, 2021. K287BQ was off the air during that period for the reasons set forth in Response to Inquiry 25(a).

28. Identify the make and model of every antenna installed at the K287BQ transmitter site on or after the consummation date identified in response to Inquiry 9. If the antenna installed differs from the K287BQ license granted on May 1, 2020 (Application File No. 0000112935), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.

Response: Since SDK acquired K287BQ, it has operated with the Scala CL-FM/HRM/50N antenna set forth in license to cover application File No. 0000112935. This antenna does not differ from the K287BQ license granted on May 1, 2020. When lightning damaged this antenna, sometime in the early Summer of 2021, SDK was able to replace the damaged antenna with an identical Scala CL-FM/HRM/50N antenna.

29. Has SDK ever operated K287BQ in a manner other than as authorized under the license granted on May 1, 2020 (Application File No. 0000112935)? If so, explain in detail the manner in which K287BQ's operations differed from its licensed facilities and the date of said operations.

Response: Since SDK acquired K287BQ, it has operated consistent with the license granted on May 1, 2020 (File No. 0000112935).

30. State whether SDK has received any complaints or reports related to the allegations in the Complaints. If so, provide full details of such complaints, including the dates

the complaints or reports were received, a description of the complaint or report, and the contact information of the complainant or reporter. In addition, if SDK has received any such complaints or reports, state what actions, if any, SDK has taken in response.

31. Describe any inaccuracies in the Complaints.

Response:

Bame/Gutierrez Complaint. In early May 2020, SDK became aware of an Informal Objection that was filed by Paul Bame, consultant to the licensee of low power FM station KJJG-LP, South Houston, Texas, claiming co-channel interference with respect to the facilities of K223CW proposed in the April 2020 LTC Application. As indicated in the response to Inquiry 20, in March 2021, SDK took action to resolve the interference by removing the nondirectional Nicom antenna that had been installed illegally by Centro, and replacing it with a directional Scala antenna previously authorized by the Commission. SDK would have taken the steps to correct the problem sooner, but it was having severe financial difficulties, which difficulties were exacerbated by the intentional acts of Centro and the Guevara Brothers to destroy SDK's business operations (including by stealing SDK's equipment associated with the Stations), as confirmed by the Enforcement Order and District Court Findings of Fact.

SDK believes that there is no present co-channel interference occurring to station KJJG-LP as a result of K223CW's operations. SDK also believes that station KJJG-LP's transmission facilities also have suffered lightning strikes and other damage and, as such, may not be operating properly. Accordingly, the reason for any current perceived interference from K223CW to KJJG-LP may be due to technical problems associated with the KJJG-LP antenna. At this time, the Commission staff should resume its processing of the September 2021 Modification Application.

As indicated in the Response to Inquiry 16(a), SDK believes that Pastor Gutierrez (now deceased) heard KLVV being rebroadcast on K223CW on June 15, 2020, but it was for testing purposes only. Again, the recording included with the Bame/Gutierrez Complaint included content typically used by KLVV when it evaluates whether to utilize a particular FM translator. That content included calls from listeners where the host asked whether those listeners were tuning into the program on the FM dial and, if so, where the programming could be heard. KLVV's programming was available only for short periods during June 15-16, 2020.

To the extent that Pastor Gutierrez heard any other programming on 92.5 MHz (Channel 223) between April 27, 2020 and October 20, 2020, SDK believes that the programming

actually came from K223DH, the translator licensed to Centro that Centro was utilizing to intentionally “jam” K223CW’s operations. SDK believes it is likely that during the times when K223DH was not broadcasting “dead air,” Centro was broadcasting programming on K223DH, and such programming was content originated by Centro, and not fed by an AM or FM station. Then, Centro sought individuals (and, if no individuals could be found, their identities could be conjured out of thin air – *see* below Responses to the Garcia and Moody Complaints) to file complaints at the Commission, stating that the offending programming came from K223CW, when such offending programming really was being broadcast by K223DH.

Garcia Complaint. SDK became aware of the Complaint filed by Elmer Garcia (set forth at Attachment C to the LOI) for the first time on October 7, 2022 when it was provided to SDK as part of the LOI. SDK suspects that “Elmer Garcia” is not a real person, but instead is a false identity conjured by the Guevara Brothers as a ruse, to make it appear as if an “ordinary person” is filing a complaint.

For example, “Mr. Garcia” claims that, as of November 6, 2020, K223CW was utilizing an omnidirectional Nicom antenna. As explained in the above Response to Inquiry 20, the only party who could have known that K223CW was operating with a nondirectional Nicom antenna was Centro; even SDK was unaware of the precise antenna in use by K223CW as of November 6, 2020.

In reality, there is no possible way that “Mr. Garcia” could have any idea what antenna was being used by K223CW because, as indicated in the attached Declaration of Mr. Salmeron, access to the rooftop on which K223CW operates (the Wells Fargo Building) is heavily restricted, and requires multiple levels of security and paperwork in order to proceed. Mr. Salmeron himself, who has accessed the rooftop for multiple clients approximately 25 times over the years, occasionally has difficulty in obtaining access. In addition, attached hereto as **Exhibit O** is an e-mail from Bill Cordell, who manages the Wells Fargo rooftop. Mr. Cordell reviewed the access logs during the period for a one-month period before November 6, 2020, and the only persons who obtained access to the rooftop during such period were Mr. Romero and Mr. Salmeron. There is no person by the name of “Elmer Garcia” who accessed the Wells Fargo building during that period; thus, there is no possible way that the Commission can possibly give any credit whatsoever to the testimony of the purported “Mr. Garcia.”

There is even more evidence to refute the Complaint of “Mr. Garcia,” who claims that, as of November 6, 2020, K223CW was rebroadcasting KLVL. Counsel for KFNC/Gow Media has advised counsel to SDK that Gow Media is able to confirm that, beginning on October 20, 2020 and through the date hereof (including November 6, 2020), station

KFNC-HD2 has been rebroadcast on K223CW. Thus, any claim that K223CW was rebroadcasting a station other than KFNC as of November 6, 2020 is simply untrue. SDK urges the Commission to attempt to contact “Mr. Garcia” via telephone or some other means (other than e-mail) to confirm his identity. SDK expects that the Commission will find that no such person exists. Indeed, it is much more likely that Centro made up the identity of “Elmer Garcia” out of thin air in order to file the complaint.⁷ Such action would not be out of character for Hector Guevara. Not only has Hector Guevara previously sought to steal identities, but, as stated in the District Court Findings of Fact at Paragraph 45, he is not a credible witness. At a minimum, given the impossibility of “Mr. Garcia’s” ability to have first-hand knowledge regarding the K223CW antenna, the veracity of the entirety of “Mr. Garcia’s” complaint is in question.

Moody Complaint.

SDK became aware of the Complaint filed by “Juan Moody” (set forth at Attachment D to the LOI) for the first time on October 7, 2022 when it was provided to SDK as part of the LOI.

In a coincidence that is incredibly hard to believe, the Moody Complaint was filed with the Commission on the very same day as the Garcia Complaint. Like the Garcia Complaint, SDK suspects that no such person named “Juan Moody” exists; instead, the character of “Juan Moody” is a false identity conjured by one or all of the Guevara Brothers as a ruse, to make it appear as if an “ordinary person” is filing a complaint.

As with the Garcia Complaint, “Mr. Moody” claims that the antenna utilized by K287BQ is “incorrect.” In another remarkable act of coincidence, the photo attached to the Moody Complaint is the precise photo of the alleged “incorrect” antenna that was included as Attachment 5 to the Petition to Deny, filed by Centro on July 1, 2021 to the pending K287BQ license renewal application. However, unlike the photo provided as part of the Petition to Deny, the photo included with the Moody Complaint was far more clear. One wonders how “Mr. Moody,” allegedly a private citizen with no ties to Centro or any of the Guevara Brothers, was able to obtain the precise same photograph (but clearer) included with Attachment 5 to the Centro Petition to Deny. Quite obviously, either “Mr. Moody” is yet another “alter ego” for Hector Guevara, or some or all of the Guevara Brothers and “Mr. Moody” are working together in an effort to seek to discredit SDK.

Also as with the Garcia Complaint, it is far more likely that Mr. Moody does not exist. There is no possible way that “Mr. Moody” could have any idea what antenna was being

⁷ The complaint conjured by Centro against SDK – through the “Elmer Garcia” strawman – is akin to selling someone a car, installing a kilo of cocaine to its undercarriage without telling the buyer, and then calling the police to provide an “anonymous” tip that the buyer was illegally possessing and transporting the illegal drugs.

used by K287BQ because, as indicated in the attached Declaration of Mr. Salmeron, access to the Wells Fargo rooftop is heavily restricted, often to Mr. Salmeron himself. It strains credulity to believe that ordinary citizens, such as “Mr. Garcia” or “Mr. Moody” could obtain access to that rooftop. Further, as indicated above, no person named “Juan Moody” accessed the Wells Fargo rooftop during the one month period before November 6, 2020. As such, there is no possible way that the Commission can possibly give any credit whatsoever to the testimony of the purported “Mr. Moody.”

There is even more evidence to refute the Complaint of “Mr. Moody,” who claims that, as of November 6, 2020, K287BQ was rebroadcasting FM translator K236AR. (There also is a vague reference to the possibility that K287BQ was rebroadcasting KTWL). Counsel for KFNC/Gow Media has advised counsel to SDK that Gow Media is able to confirm that, beginning on October 20, 2020 and through February 2021 (including November 6, 2020), station KFNC-HD3 was rebroadcast on K287BQ. Thus, any claim that K287BQ was rebroadcasting a station other than KFNC as of November 6, 2020 is simply untrue.

SDK urges the Commission to seek to contact “Mr. Moody” via telephone or some other means (other than e-mail) to confirm his identity. SDK expects that the Commission will find that no such person exists. Indeed, it is much more likely that Centro made up the identity of “Juan Moody” out of thin air in order to file the complaint. Such action would not be out of character for Hector Guevara, whom the District Court, in the Findings of Fact at Paragraph 45, found to be “not credible.” At a minimum, given the impossibility of “Mr. Moody’s” ability to have first-hand knowledge regarding the K287BQ antenna, the veracity of the entirety “Mr. Moody’s” complaint is in question.

32. State the date and the names of the SDK representatives who visited the address of Objector Zamora. Describe the purpose of the visit and briefly summarize the visit.

Response: As indicated in SDK’s Opposition to Petition to Deny, filed September 13, 2021 (with respect to the pending K223CW license renewal application), SDK does not believe that there is an actual person named “Jose Zamora.” On December 28, 2020, Mr. Salmeron and Mr. Romero sought to visit “Mr. Zamora” to discuss the statements in his Informal Objection.

As indicated in Attachment 2 to the September 13, 2021 Petition to Deny (attached again hereto as **Exhibit P**), on December 28, 2020, Mr. Salmeron and Mr. Romero visited the address set forth in the Zamora Informal Objection (13319 Indianapolis St, Houston TX 77015). Mr. Salmeron was told by the individual who was present at that address (identified as “Kevin”) that “Mr. Zamora” was not present at that address and that nobody present at that address had filed any document with the Commission regarding K223CW. Mr. Salmeron showed the Informal Objection to “Kevin,” and Kevin reported that he did

not recognize the signature or the name. Kevin then asked a woman and her son, also located at the residence, whether either of them were aware of the Informal Objection. Neither of them indicated that they had any idea what Mr. Salmeron was discussing.

Kevin then asked Mr. Salmeron why he would come to the Indianapolis Street address if there were no Mr. Zamora present. Mr. Salmeron then showed Kevin that the address listed in the Informal Objection was the very residence where they were all standing. Kevin confirmed that the address was correct but no Mr. Zamora was present. Mr. Salmeron then thanked Kevin for his time, and he and Mr. Romero departed. Mr. Salmeron has a recording of the encounter, which can be provided to the Commission staff upon request. As a reminder, the District Court previously found the testimony of Mr. Salmeron and Mr. Romero to be “credible and persuasive.”

The Zamora Complaint is in keeping with the Garcia Complaint and the Moody Complaint. That is, SDK suspects that Hector Guevara (whose testimony was confirmed by the District Court to be “not credible”) made up the identities of three separate persons, and filed complaints under those false identities, all with the purpose of continuing its war of harassment against SDK.

33. Identify any other instance in which SDK or any parent and/or affiliate companies of SDK received or were issued a Letter of Inquiry, Citation, Warning Letter, Notice of Apparent Liability, Forfeiture Order, or Admonishment from the Commission, or entered into a Consent Decree with the Commission.

Response: SDK has never before received any such document from the Commission. FCNO, whose sole shareholder is a member of SDK, was issued a Notice of Violation on February 10, 2020 (File No. EB-FIELDSCR-19-00030256), relating exclusively to K250BA. That matter currently is pending at the Commission.

34. Identify any efforts by SDK to resolve or correct any noncompliance with the Rules, as identified herein, prior to this LOI. Identify any efforts by SDK to disclose to the Commission any noncompliance with the Act or the Rules prior to this LOI.

Response:

Unauthorized Transfer of Control. As indicated herein, SDK did not engage in any unauthorized transfer of control of K223CW or K287BQ. SDK assumed control of the Stations on April 17, 2020.

K223CW Primary Station/Program Origination. As indicated in the Response to Inquiry 16(a), SDK acknowledges that there may have been times between April 27, 2020 to July 31, 2020 in which KLVN was rebroadcast on K223CW. However, as explained therein,

K223CW was off the air for most of the time between April 27, 2020 to October 20, 2020 due to the actions of Centro, the prior licensee, which removed all equipment and canceled all contracts (in defiance of the Divorce Decree) before agreeing to assign K223CW to SDK. Such acts were similar to a spouse who, when required to turn over a house in a divorce, proceeds to flood the basement and set the house on fire.

SDK also acknowledges that it did not notify the Commission that KLVN was authorized to be rebroadcast on K223CW as of July 1, 2020, and did not notify the Commission, until September 2, 2021, that KFNC-HD2 was being rebroadcast on K223CW. SDK also acknowledges that it did not file a request for STA with respect to the period between April 27, 2020 and October 20, 2020 when K223CW was either operating at reduced power or off the air altogether. As indicated in the Response to Inquiry 16(b), SDK is a small, family-owned company and, at the time, lacked the funds to pay legal fees to make such filings. SDK regrets the oversight.

K223CW Unauthorized Equipment. As indicated in the Response to Inquiry 20, SDK acknowledges that K223CW was being operated with a nondirectional Nicom antenna between April 27, 2020 and March 1, 2021 during the periods that K223CW was on the air. However, as set forth therein, the nondirectional Nicom antenna was installed by Centro while it was the licensee of K223CW; SDK assumed (incorrectly, as it turns out) that K223CW was operating with the directional Scala antenna authorized by the 2017 Permit. K223CW has been operating with a Scala antenna since March 1, 2021.

K287BQ Primary Station/Program Origination. As indicated in the Response to Inquiry 26, SDK acknowledges that it originated programming on K287BQ between April 17, 2020 and October 20, 2020. However, as explained therein, as of April 17, 2020, SDK was left without a program source for K287BQ due to Centro's poor behavior. So that K287BQ could remain on the air between April 17, 2020 and October 20, 2020, in order to allow for potential full-power stations to evaluate the K287BQ signal strength and coverage area, SDK originated programming on K287BQ. Such programming consisted of music only; it did not air any advertisements during that period and accordingly SDK generated no revenue.

SDK acknowledges that it did not notify the Commission that KFNC-HD3 was being rebroadcast on K287BQ between October 20, 2020 and March 1, 2021, and did not notify the Commission, until December 7, 2022, that KKBQ-HD3 has been rebroadcast on K287BQ from March 1, 2021 to present. SDK also acknowledges that it did not file a request for "Silent STA" with respect to the period between June 15, 2021 to August 15, 2021 when K287BQ was off the air. As indicated in the Response to Inquiry 25(b), SDK is a small, family-owned company and, at the time, lacked the funds to pay legal fees to make such filings. SDK regrets the oversight.

As indicated in the Response to Inquiry 29, since SDK acquired K287BQ, it has operated consistent with the license granted on May 1, 2020 (File No. 0000112935).⁸

In sum, SDK acknowledges that it has committed various violations of the Commission's rules that were not previously disclosed to the Commission. However, as set forth herein, good cause exists to excuse SDK from such violations. Moreover, any violations committed by SDK pale in comparison to those of Centro, including its "alter ego" Hector Guevara.

35. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that SDK believes may be helpful in our consideration and resolution of this matter.

Response: This entire proceeding stems from the fact that Centro, by its "alter ego" Hector Guevara, has engaged in a series of actions best described as a "scorched earth" policy towards SDK and Hector Guevara's ex-wife, Sara Franco. Indeed, it is hard to overstate Hector Guevara's malfeasance following the end of his marriage to Sara Franco. As confirmed herein, Hector Guevara has, among other things: (a) stolen equipment belonging to SDK; (b) failed to cooperate in any way with the terms of the Divorce Decree requiring the assignment of the Stations' licenses to SDK; (c) used K223DH to "jam" the broadcast offerings of K223CW; and (d) made up identities of persons, and used those identities to file complaints against SDK.

There appears to be no end to Centro's harassment campaign. Within just the past few days, Centro has re-commenced broadcasting K223DH with "dead air" only, in an obvious effort to, once again, "jam" the 92.5 frequency so that listeners to K223CW will not be able to hear any actual programming. Currently, K223DH is operating from the location set forth in a construction permit (File No. 0000203006). However, there is no license to cover application on file; accordingly, Centro has committed yet another violation of the Commission's rules. SDK intends to file an interference complaint in the near term, so that the Commission can order K223DH to cease broadcasting.

Further evidence of Hector Guevara's war against SDK is in the form of yet another station licensed to operate on 92.5 in Houston: KHGF-LP (Facility No. 195789). In February

⁸One of the objectors referenced in the LOI, Jonathan Andrew Guevara, is Roberto Guevara's son (Hector Guevara's nephew). As such, he is an interested party whose complaint cannot be taken at face value. To the extent that Jonathan Andrew Guevara is making any claims regarding the type of antenna utilized by K287BQ, his claims have no value. As reported in the Salmeron Declaration, Jonathan Andrew Guevara has no knowledge whatsoever of FM antennas and there is no possible way he could identify the make and model of an FM antenna based on a simple viewing thereof.

2021, the Commission granted an application for the transfer of the “old board” of Fundacion Arte Catolico Christiano, to the “new board.” Curiously, the person who holds 51 percent of the voting control of Fundacion Arte Catolico Cristiano is Zulma Nava Sanchez, who is Hector Guevara’s new wife. As indicated in the photographs attached as **Exhibit Q**, which were taken on December 19, 2022 by Mr. Romero (whose testimony previously has been found to be credible), KHGF-LP is not operating with a one-bay non-directional Nicom BKG-77 (as required by the terms of the license for KHGF-LP in File No. BLL-20180405AAJ), but rather with a two-bay antenna. As a result, it is very likely that KHGF-LP is not operating with 100 watts ERP, but rather with 1000 watts ERP. Because the obvious purpose of KHGF-LP is to promote interference to K233CW, SDK urges the Commission to launch an investigation into the manner in which KHGF-LP is being operated.

SDK further urges the Commission order Centro to cease its harassment of SDK through its filing of an unending stream of pleadings in opposition of nearly application that SDK has filed with the Commission since April 17, 2020. None of any of the various oppositions that Centro has filed – or that Centro has caused false persons to file – have any merit whatsoever. One example of Centro’s lack of candor is its submission to the Commission of photographs from the Wells Fargo rooftop that are purportedly of the K223CW and K287BQ antennas. *See, e.g.*, Centro’s Reply to Opposition to Petition to Deny, filed October 1, 2021 (with respect to File No. 0000142847 (K287BQ license renewal application), at Exhibits 1 and 3-8 to Attachment 1). SDK also understands that representatives of Centro accessed the Wells Fargo rooftop on December 17, 2022, likely to provide the Commission with additional photographs, again purportedly of the K223CW and K287BQ antennas, in connection with its response to the LOI being filed today.

SDK urges the Commission to recognize that the photographs that were submitted by Centro as part of its October 1, 2021 pleading and any photographs that may be submitted as part of its response to the LOI **are not the antennas in use by K223CW and K287BQ**. Centro’s tactics are in keeping with the conclusions of the District Court Findings of Fact at Paragraph 45, in which the testimony of Hector Guevara was found to be not credible. The Commission simply cannot take any testimony from Hector Guevara or Centro at face value.

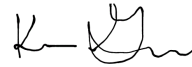
Not only must Centro’s purported photographic “evidence” be discounted, but also Centro should be sanctioned for submitting false evidence to the Commission and for filing frivolous petitions, pursuant to *Public Notice – Commission Taking Tough Measures Against Frivolous Pleadings*, 11 FCC Rcd 3030 (1996).

I hereby declare and affirm, under penalty of perjury, that the statements of fact set forth in this Response to the LOI, of which I have personal knowledge, are true and correct to the best

Marlene H. Dortch, Esq., Secretary
December 19, 2022
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of my knowledge and belief. All of the information requested by the LOI that is in SDK's possession, custody, control, or knowledge has been produced, and any and all Documents (as such term is defined in the LOI) are true and accurate copies of the original Documents. In making this declaration, I am relying in part on the personal knowledge of Douglas Omar Romero, a consultant to SDK, and Josue Salmeron, SDK's Chief Engineer. The Declarations of Messrs. Romero and Salmeron are attached hereto, as **Exhibits R and S**, respectively.

Sincerely,



Karen Guevara, Member

Exhibits

cc: Christopher Clark (*via e-mail*: Christopher.Clark@fcc.gov)
Kim Varner (*via e-mail*: Kim.Varner@fcc.gov)
Mark B. Denbo, Smithwick & Belendiuk, P.C. (*via e-mail*)
Dan Alpert, Esq.
"Jose Zamora" - 13319 Indianapolis St., Houston TX 77015
Jonathan Andrew Guevara – 730 Onaleigh Drive, Channelview, TX 77530
Paul Bame⁹ - Prometheus Radio Project, Engineering Director, P.O. Box 42158,
Philadelphia, PA 19101

⁹ Although the LOI directed SDK to serve a copy of this Response to counsel to Iglesia, SDK's counsel is aware that Iglesia's counsel of record, Michael Richards, no longer serves as counsel to Iglesia. Accordingly, a copy of this Response is being served on Mr. Paul Bame, who is Iglesia's consultant.