

STATEMENT REGARDING GENE STIPE

Attached are (a) letters written by L. M. Milton, M.D. and Benjamin T. White, M.D., doctors who previously have provided treatment to Gene Stipe, and (b) the Declaration of Simon A. Levit, M.D., Mr. Stipe's current personal physician. The letters written by Doctors Milton and White demonstrate that prior to pleading guilty to violations of the federal election laws, Mr. Stipe had been experiencing hypertension, diabetes mellitus, recurring falls, carcinoma of the prostate and other physical ailments as well as depression and symptoms of dementia and cognitive impairment. As a result, Mr. Stipe was referred to a comprehensive memory disorder clinic, where an extensive examination and assessment was performed. *See* Letter of L. M. Milton, dated August 20, 2003 at 2. That assessment included findings of a four-to-five year history of memory loss, depression, and an abnormal C.-T. scan of the head. *Id.* at 3. In addition, he was diagnosed with normal pressure hydrocephalus, a degenerative condition of increased pressure within the skull and brain due to an increased amount of fluid within the skull. *Id.* The condition produces progressive atrophy or destruction of the brain if not treated and, even after treatment, any prior loss of function is unlikely to return. *Id.* Based on this diagnosis, Mr. Stipe underwent a procedure last year to insert a tube extending from his brain to his abdominal cavity to drain the excess fluid from within his skull. At the time, it was hoped that the treatment would prevent or further slow damage to Mr. Stipe's cognitive function, strength and balance.

In his Declaration, Dr. Levit addresses Mr. Stipe's current medical condition and indicates that in addition to being treated for prostate cancer and hypertensive encephalopathy, a condition consisting of very high blood pressure that has caused Mr. Stipe to become confused and lose consciousness, Mr. Stipe has exhibited evidence of short term memory loss suggesting that he may be in the early states of Alzheimer's syndrome. Doctor Levit notes that stress can aggravate Mr. Stipe's medical conditions and states his medial opinion that these conditions preclude Mr. Stipe's personal participation in an evidentiary proceeding before the FCC.

As previously pointed out, the Commission historically has made exceptions to its *Jefferson Radio* policy to permit a licensee whose character qualifications are at issue to assign its station where the individual licensee or its principal shareholder was physically impaired, ill, or disabled. *See* Statement Regarding Non-FCC Misconduct, filed on December 14, 2004 as an amendment to the captioned applications, at 4 and cases cited therein. *See also Cathryn C. Murphy*, 42 FCC 2d 346 (1973) (renewal application granted subject to condition that licensee promptly dispose of station where licensee suffered from long-standing alcoholism and was a patient at a sanitarium for treatment of the problem). In this case, as in these prior Commission decisions, Mr. Stipe, in addition to his current poor health which precludes his participation in the current FCC proceeding, has a history of physical disability and mental impairment extending over the past several years. Accordingly, in accordance with these prior decisions and for the additional reasons set forth in the Statement Regarding Non-FCC Misconduct, grant of the captioned assignment applications is respectfully requested.