

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

In the Matter of	)	
	)	
<b>Multicultural Radio Broadcasting Licensee, LLC</b>	)	FRN: 0010215812
	)	
WZRC (AM), New York, NY	)	Facility Id: 27398
	)	File #: 0000182573
	)	
WHWH (AM), Princeton, NJ	)	Facility Id: 47426
	)	File #: 0000182604
	)	
WPAT (AM), Paterson, NJ	)	Facility Id: 51661
	)	File #: 0000182686
	)	
WKDM (AM), New York, NY	)	Facility Id: 71137
	)	File #: 0000182689
	)	
WTTM (AM), Lindenwold, NJ	)	Facility Id: 87111
	)	File #: 0000182588
	)	
WWRU (AM), Jersey City, NJ	)	Facility Id: 87123
	)	File #: 0000182675
To: The Commission		
Attn: Media Bureau		

**FIRST SUPPLEMENT TO PETITION TO DENY**

*Oh, what a tangled web we weave, when first we practice to deceive! - Sir Walter Scott*

1. The Ukrainian Congress Committee of America, Inc. (“UCCA”), by counsel, hereby files its First Supplement to its Petition to Deny the license renewals of the above captioned radio stations licensed to Multicultural Radio Broadcasting Licensee, LLC (“Multicultural Radio”). As set forth in the Petition to Deny, Multicultural Radio, Way Broadcasting Licensee, LLC, (“Way Broadcasting”) and KALI-FM Licensee, LLC. (“KALI-FM Licensee”) are radio station groups whose controlling shareholders are Arthur Liu and Yvonne S. Liu.

2. In this proceeding, Arthur and Yvonne Liu have filed several unauthorized pleadings seeking to explain their companies repeated failure to comply with the FCC rules and regulations. With each new pleading, they further demonstrate their abandonment of their fundamental duties as licensees and their willingness to misrepresent material facts to the Commission. Their most recent unauthorized pleading, Response To “Reply To Opposition to Motion to Strike Unauthorized Pleading” and Motion for Leave to File the Response (“Unauthorized Response”), is no different.<sup>1</sup> Arthur and Yvonne Liu have repeatedly failed to comply with the simplest of the Commission’s rules. They have spun a tangled web of half-truths, misrepresentations and statements that lack candor. These multiple misrepresentations provide a separate basis for the Commission to deny their license renewals and to revoke their licenses.

3. Arthur and Yvonne Liu have abandoned their responsibilities as FCC licensees. UCCA has presented evidence that demonstrates that they rent their radio station facilities to third parties without the required supervision or oversight. With all their stations, Arthur and Yvonne Liu have failed to enter into agreements that comply with Section 73.3555(j)(3) of the rules. In their pleadings, they refer to these agreements as Time Brokerage Agreements (“TBAs”), but they are not TBAs. Arthur and Yvonne Liu, in the past, have executed TBAs. They know, or should know, that the agreements that litter their public files are not TBAs. They have none of the protective provisions required by the Commission’s policies and rules. In fact, other than elaborate provisions requiring payments to Arthur and Yvonne Liu, these agreements are nothing more than barebone advertising contracts. To compound the problem, Arthur and Yvonne Liu

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<sup>1</sup> For example, on its face Multicultural Radio’s Unauthorized Pleading violates Section 1.44 of the FCC’s rules, which requires separate pleadings for different requests. This is yet another example of Arthur and Yvonne Liu’s continuing refusal to follow basic FCC regulations.

have admitted that they are too busy to monitor what is broadcast on their stations. Instead, they have delegated their licensee responsibilities to various individuals, such as Libby Parris. The available evidence suggests that Arthur and Yvonne Liu have abandoned their FCC responsibilities as broadcasters and are, in fact, absentee landlords.

4. Arthur and Yvonne Liu's attorney, Mark Lipp, claims that when he stated, in an email to undersigned counsel, that there was no TBA for WZHF he meant that there was no TBA with Radio Sputnik. This is nothing more than post hoc rationalization on his part. However, attorney Lipp was initially correct; there is no TBA with any party for station WZHF. The Russian government is free to broadcast its programming without oversight from the nominal licensees, Arthur and Yvonne Liu. Under the terms of its contract, RM Broadcasting, LLC must broadcast Russia's programming without abridging, editing, or altering the content. Clearly, the Russian government has been able to do so without any interference from Arthur and Yvonne Liu.

5. Arthur and Yvonne Liu have stated that they routinely delegate their licensee responsibilities. In their Unauthorized Response, Arthur and Yvonne Liu now contend that they are "hands-on owners." The Unauthorized Response goes on to state, "They make all the major decisions concerning employment, finances and programming for all of its (sic) stations. MRBL's parent corporation is a large company with 94 full time and 134 part time employees.... With that many employees, it is absurd to believe and assume that the radio stations have been abandoned to the programmers." Unauthorized Response, para. 3-4. The clear implication is that Multicultural Radio has 94 full time employees working at its stations. This statement lacks candor and is intentionally designed to mislead the Commission. Multicultural Radio has several businesses. For example, Multimedia Radio owns and operates SinoTV which produces internet television programs. SinoTV requires news anchors, producers, cameramen, etc. Arthur and

Yvonne Liu do not state how many of their claimed 94 full time employees work for SinoTV. However, according to Manta.com, SinoTV employs 50 people.<sup>2</sup> Arthur and Yvonne Liu should have disclosed this information to the Commission; they did not. Instead, they sought to mislead the Commission by falsely inflating the number of individuals they claim work at their radio stations so as to demonstrate they are “hand-on owners.” Arthur and Yvonne Liu also produce their own radio programming. As Multicultural Radio’s website states:

Three AM stations in Los Angeles (KAZN-AM1300, KAHZ-AM1600 and KMRB-AM1430), two AM stations in New York (WZRC-AM1480 and WKDM-AM1380) and one AM station in San Francisco (KEST-AM1450) produce the Companies’ own programming in Chinese (Mandarin and Cantonese) for the Chinese-American population in those cities and primarily sell advertising spots to advertisers who are interested in reaching the Chinese American audience in Los Angeles, New York and San Francisco metropolitan markets. The remaining stations primarily sell airtime to independent producers that broadcast programs in Spanish, Korean, Russian, Vietnamese, and other languages, including religious programs in English.<sup>3</sup>

Only six of the 40 radio stations it operates are programmed by Multicultural Radio. These stations, no doubt, have employees to produce and broadcast original programming. However, this begs the question of how many employees does Multicultural Radio have to oversee the day-to-day operations of its rental radio stations?

6. According to the FCC’s records, the station group KAZN-AM, KAHZ-AM and KMRB-AM employs 5 or more full-time employees. Likewise, WZRC states that it has 5 or more employees. WKDM, which Multicultural Radio claims originates programming, has less than 5 full-time employees. KEST likewise has fewer than 5 full-time employees. These are the stations that Arthur and Yvonne Liu claim they program and they do not have 5 or more full-

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<sup>2</sup> <https://www.manta.com/c/mm2h8hs/sino-television-inc>

<sup>3</sup> <https://mrbi.net>

time employees. The other above-referenced stations, as well as WZHF all report that they have 5 or less full-time employees. A spot check of Arthur and Yvonne Liu's other stations shows the same pattern of less than 5 reported full-time employees. Their stations, even the stations in major markets such as Los Angeles, San Francisco, New York and Washington have few if any employees. This is perfectly consistent with their business model. When you are in the airtime rental business and 1.) you don't care what is broadcast, 2.) if the public is served, or 3.) if the station complies the FCC rules, you do not need many employees.

7. In its Unauthorized Response, by way of demonstrating that they are "hands-on owners", Arthur and Yvonne Liu claim that Libby Parris is a full-time employee of Multicultural Radio and WZHF. In its Reply to Opposition to Motion to Strike Unauthorized Pleading filed July 1, 2022, UCCA pointed out that WZHF's pre-filing announcement incorrectly listed the station's address as 12231 New Hampshire Avenue, Silver Spring, MD 20904 rather than 13321 New Hampshire Avenue, Silver Spring, MD 20904. UCCA argued that Ms. Parris was so poorly informed about WZHF and its operations that there was a serious question as to whether the pre and post-renewal filings were broadcast as required by the FCC rules. UCCA contends that Ms. Parris does not know what, if anything, was broadcast and Arthur and Yvonne Liu are too distracted to bother with such details. Arthur and Yvonne Liu could have taken the time to address this issue in their Unauthorized Response; they could have provided evidence that the announcements were broadcast as required. Instead, they chose not to reply or present any evidence that the announcements were properly broadcast. There is only one conclusion to draw from Arthur and Yvonne Liu's failure to address the question of whether the pre and post-renewal filling announcements were broadcast as the FCC's rules require: The information, if produced, would be harmful to Arthur and Yvonne Liu. *See, Tandler v. Jaffe*, 203 F.2d 14, 19

(D.C. Cir. 1953) (“The omission by a party to produce relevant and important evidence of which he has knowledge, and which is peculiarly within his control, raises the presumption that if produced the evidence would be unfavorable to his cause.”); *International Union, UAW v. National Labor Relations Board*, 459 F.2d 1329, 1336 (D.C. Cir. 1972) (“the failure to bring before the tribunal some circumstance, document, or witness, when either the party himself or his opponent claims that the facts would thereby be elucidated, serves to indicate, as the most natural inference, that the party fears to do so, and this fear is some evidence that the . . . document, if brought, would have exposed facts unfavorable to the party.”) (quoting J. Wigmore, *Evidence* §284, 3<sup>rd</sup> ed. 1940); *United States v. Robinson*, 233 F.2d 517, 519 (D.C. Cir. 1956) (“[u]nquestionably the failure of a defendant in a civil case to testify or offer other evidence within his ability to produce and which would explain or rebut a case made by the other side, may, in a proper case, be considered a circumstance against him and may raise presumption that the evidence would not be favorable to his position”); *Washoe Shoshone Broadcasting*, 3 FCC Rcd 3948, 3952-53 (Rev. Bd. 1988). Serious questions of candor arise with regard to the willful withholding of significant evidence. See, *In re Applications of Liberty Cable Co*, 13 FCC Rcd 10716, 10780 (1988).

8. Arthur and Yvonne Liu, now claim that Libby Parris, who is unsure of the station’s address, is, in fact, a fulltime employee. The evidence suggests otherwise. Elizabeth “Libby” Parris is the 90% owner of Radio Broadcast Communications, Inc. (“RBC”). RBC is the licensee of WKHZ, Easton, Maryland and WAMD Aberdeen, Maryland. Ms. Parris lives in Reisterstown Maryland, which is a community north of Baltimore and approximately 40 miles from the stated offices of WZHF in Silver Spring. The available evidence further shows that Ms. Parris is actively involved in the day-to-day management of her stations, not WZHF. The FCC’s public

files show that she is the president of RBC. The FCC's records indicate that RBC is not represented by counsel and that Ms. Parris prepares and files all necessary FCC reports and forms, e.g. ownership and EEO reports. Further, Ms. Parris has signed agreements as an "account executive" thus she also acts as a sales representative for her stations. She is also the party responsible for preparing and filing pre and post-filing announcements, where she correctly lists her stations' addresses. In short, Ms. Parris is fully occupied in running her two radio stations. To the extent Ms. Parris may assist Arthur and Yvonne Liu with certain station functions, she is not a full-time employee (30 or more hours per week) of Multicultural, Way Broadcasting or WZHF.<sup>4</sup> What is clear from all this is that Arthur and Yvonne Liu cannot be relied on to be truthful and forthcoming with the FCC.

9. The evidence that Arthur and Yvonne Liu have abandoned their responsibilities as FCC licensees is significant and conclusive. As UCCA has alleged, they are nothing more than absentee landlords whose interest in the station licenses they hold and the communities they are licensed to serve begins and ends with the collection of a monthly check. In attempting to

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<sup>4</sup> See Section 73.2080(e)(1), "A full-time employee is a permanent employee whose regular work schedule is 30 hours per week or more.

conceal the true nature of their operations they have lacked candor and made material misrepresentations to the FCC. Accordingly, their licenses should be set for hearing to determine if Arthur and Yvonne Liu are qualified to remain Commission licensees.

Respectfully Submitted,



By: \_\_\_\_\_

Arthur V. Belendiuk

Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, D.C. 20016  
(202) 363-4559

July 22, 2022

**Declaration of Andrew Burak**

I, Andrew Burak, declare under penalty of perjury, that the following information is true and correct:

I have read the foregoing First Supplement To Petition To Deny. The statements made in the Reply are true and correct to the best of my personal knowledge, information and belief.

  
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Andrew Burak