

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

| | | |
|--|---|--------------------------|
| In the Matter of |) | |
| |) | |
| Application for Assignment of Licenses |) | |
| of KBLA (AM) Santa Monica, California from |) | LMS File Nos. 0000213967 |
| Multicultural Radio Broadcasting Licensee, LLC |) | Facility ID 34385 |
| To Smiley Radio Properties, Inc. |) | |
| |) | |
| To: Marlene H. Dortch, Secretary | | |
| Attn. Holly Saurer, Chief Media Bureau | | |

PETITON TO DENY

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SUMMARY

Multicultural Radio Broadcasting Licensee, LLC (“MRBL”) principals, Arthur and Yvonne Liu lack the basic qualifications to be FCC licensees. Most of the over 30 radio stations they own are operated as rental properties, with no regard for the needs of the communities they are licensed to serve. Their concern is not the public interest, but rather the ability to collect regular payments. As they freely admit, they cannot be bothered to monitor what their radio stations are broadcasting. A particularly egregious example is station WZHF(AM) which serves the greater Washington, DC area. Arthur and Yvonne Liu have executed an agreement with an agent of the Russian government permitting him to broadcast Russian government propaganda 24 hours per day on the station. When Arthur and Yvonne Liu were challenged on who is responsible for monitoring the programming on the station, their glib reply was that Arnold Ferolito, the Russian agent, is responsible for monitoring the station’s programming. As discussed herein, Arthur and Yvonne Liu have abandoned their responsibilities as Commission licensees. They have made material misrepresentations to the FCC. As the evidence mounts against them, it is obvious that they are not qualified to be FCC licensees.

Arthur and Yvonne Liu have repeatedly failed to comply even with the simplest of FCC rules. In this proceeding they neglected to publish the online notice as required by Section 73.3580 of the Commission’s rules. Further, as discussed in the petition, their assignment application is incomplete.

The assignment application should be dismissed, and Arthur and Yvonne Liu should be set for hearing to determine if they have the basic qualifications to remain FCC licensees.

Ukrainian Congress Committee of America, Inc. (“UCCA”), by counsel, hereby petitions to deny the above-captioned assignment application for radio station KBLA(AM) from Multicultural Radio Broadcasting Licensee, LLC (“MRBL”) to Smiley Radio Properties, Inc. (“Smiley”). MRBL is controlled by Arthur Liu and Yvonne S. Liu. They also control Way Broadcasting Licensee, LLC, (“Way Broadcasting”) and KALI-FM Licensee, LLC. (“KALI-FM Licensee”) Together, Arthur and Yvonne Liu control over thirty AM stations and one FM station. As discussed herein, in addition to denying the above-captioned assignment application, the FCC should revoke all station licenses controlled by Arthur and Yvonne Liu.¹ Permitting them to continue as trustees of these station licenses does not serve the public interest.

Section 310(d) of the Act provides that no station license shall be transferred or assigned unless the Commission, on application, determines that the public interest, convenience, and necessity will be served thereby.² Under Section 309(d) of the Act, “[i]f a substantial and material question of fact is presented or if the Commission for any reason is unable to find that grant of the application would be consistent [with the public interest, convenience, and necessity],” it must formally designate the application for a hearing in accordance with Section 309(e) of the Act.³ Courts have stated that, in reviewing the record, the Commission must designate an application for hearing if “the

¹ 47 USC §312(a)(2). “(a) Revocation of station license or construction permit. The Commission may revoke any station license or construction permit... (2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;”

² 47 U.S.C. § 310(d).

³ 47 U.S.C. §§ 309(d) and (e).

totality of the evidence arouses a sufficient doubt” as to whether grant of the application would serve the public interest.⁴

Standing

Attached hereto as Exhibits 1 and 2 are the declaration of Peter Borisow and Gregory Radionov. Borisow is a resident of Sherman Oaks, California. Radionov is a resident of Northridge, California. They are regular listeners of KBLA(AM). Borisow and Radionov are members of UCCA. UCCA is an umbrella organization that unites nearly 30 national Ukrainian American organizations and represents the interests of approximately 2 million Americans of Ukrainian descent.

The Application has not Complied with the Notice Requirements of 47 C.F.R. §73.3580(b)(2) and Must be Dismissed as Unacceptable for Filing.

Section 311 of the Communications Act,⁵ provides that applicants for certain broadcast authorizations "shall give notice of such filing in the principal area which is served or is to be served by the station." The purpose of the statute, and of the implementing Section 73.3580, is to ensure that relevant communities are made aware of applications and are afforded the opportunity to participate in the broadcast licensing process.⁶ Section 73.3580(b)(2) provides that "An applicant shall conspicuously post on an internet website notice of the filing of certain applications for authorization." Section 73.3580(c)(4)(ii) requires the broadcast of on-air announcements and online notice of applications for assignment of license. UCCA does not know if MRBL has aired the announcements. However, it has not complied with the online

⁴ *Serafyn v. FCC*, 149 F.3d 1213, 1216 (D.C. Cir. 1998) (quoting *Citizens for Jazz on WRVR Inc. v. FCC*, 775 F.2d 392, 395 (D.C. Cir. 1985)).

⁵ 47 USC §311.

⁶ *In re Amendment of Section 73.3580 of the Comm'n's Rules Regarding Pub. Notice of the Filing of Applications*, 35 FCC Rcd 5094, 5095 (2020).

notice requirements of the rule. KBLA has a website, <https://kbla1580.com>.⁷ No public notice of the proposed assignment of KBLA has been posted on this website. MRBL also has a website, <https://mrbl.net>. The website contains a notice for a previous assignment application.⁸ But, there is no notice for the pending assignment application.

In the assignment application, MRBL certified under penalty of perjury that it will comply with the public notice requirements of Section 73.3580. It has not done so. Section 73.3580 establishes compliance with local public notice requirements as a criterion of acceptability. The Acceptability Public Notice states that if an applicant "did not, in fact, comply with the requirements contained in §73.3580, the application is subject to return as unacceptable for filing."⁹ The application should be immediately dismissed as defective. The thirty-day period for filing petitions to deny has passed and interested parties have not been notified of the filing of the application.

The Assignment Application is Incomplete and Should Be Dismissed.

In the Assignment Application, under the section concerning Assignor's legal certification, the Assignor did not certify that it had submitted all agreements for the

⁷ The KBLA website appears to be owned and operated by Smiley. Neither it nor MRBL's website contains a link to KBLA's online public file as required by Section 73.3526(b)(2)(ii). Further, in its Renewal of License, for KBLA, File No. 0000158042, MRBL certified that it "posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6)." This statement is demonstrably false. Nothing has been posted on either website.

⁸ That notice states: "On November 18, 2020, Multicultural Radio Broadcasting Licensee LLC, licensee (sic.) of Station KBLA(AM), Santa Monica California, 1580 kHz, filed an application with the Federal Communications Commission for assignment of license. Members of the public wishing to view this applicant or obtain information about how to file comments and petitions on the application can visit <https://publicfiles.fcc.gov/am-profile/kbla/more-public-files>."

⁹ Public Notice (as corrected), FCC 84-366, Mimeo 34878 (August 2, 1984), Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications ("Acceptability Public Notice").

assignment/transfer of the station. The parties submitted an exhibit listing the schedules to the Asset Purchase Agreement (“APA”) that were not included as part of the assignment application and consequently not placed in the assignor’s public inspection file. Citing *In re Application of LUJ, Inc. and Long Nine, Inc.* 17 FCC Rcd 16980 (2002) (“*Long Nine*”) the applicants claim that in accordance with Commission policy the omitted schedules contain proprietary information not germane to the subject application. This is not the case. Two excluded schedules should have been included in the application. Schedule 1.1(b) to the Asset Purchase Agreement (“APA”) includes all the licenses, permits and other authorizations for KBLA(AM) that have or will be issued by the FCC. A list of these authorizations is critical for members of the public to be able to review in order to fully understand what exactly is being assigned. The parties failed to include these in their application. Also of great importance is Schedule 5.5 to the APA. That section concerns litigation and pending petitions that may impact KBLA’s authorization. Members of the public have an absolute right to review this information. As the Commission stated in *Long Nine*, “we caution applicants that the failure to submit documentation that contains all material terms of an agreement for the assignment or transfer of control of a broadcast authorization, including the sales price, will delay processing of the application and may result in the Bureau providing the public with an additional thirty-day period, following the submission of all such documentation, for the filing of petitions to deny.”

As discussed in the previous section, to the extent that the Media Bureau does not dismiss the assignment application, after the parties submit the missing schedules, an additional thirty-day notice period should be provided to permit interested members of the public to file petitions to deny.

Arthur and Yvonne Liu Lack the Basic Qualification to Remain Commission Licensees

Arthur and Yvonne Liu are the controlling shareholders of MRBL, the licensee of KBLA(AM). Their business model is to broker airtime to program producers. While they sell blocks of airtime, the ultimate responsibility for their stations' operations and programming rests with them, the licensee. The licensee alone must assume and bear ultimate responsibility for the planning, execution, and supervision of programming and station operation.¹⁰ Arthur and Yvonne Liu have abdicated their responsibility as Commission licensees. They have relinquished programming and operations responsibilities for KBLA(AM) to the time broker. In the case of WZHF(AM) they have surrendered complete control of the station to no less noxious an entity than the Russian government.

On November 2, 2017, Arthur and Yvonne Liu's Way Broadcasting executed a "Program Time" agreement with RM Broadcasting, LLC ("RM Broadcasting"), which is owned by Florida resident Arnold Ferolito. It renewed the agreement on November 20, 2020, and that agreement is not due to expire until December 1, 2023.¹¹ The Program Time agreement gives RM Broadcasting the right to program WZHF(AM), Capitol Heights, Maryland for 24 hours per day Monday through Saturday and 22 hours, from 12:01 am until 10:00pm on Sunday. *Id.* RM Broadcasting, in turn, leases its time on WZHF(AM) to Russian state owned Rossiya Segodnya (Russian Today) which produces Radio Sputnik.

¹⁰ *Cosmopolitan Broadcasting Corporation*, 59 F.C.C. 2d 558 (1976), recon. den., 61 F.C.C. 2d 257 (1976).

¹¹ See, Petition to Deny and Revoke MRBL New York and New Jersey Stations filed April 6, 2022, Exhibit 2. File Nos. 0000188907, 0000188918, 0000188919, 0000189014, 0000189016 and 0000189019.

RM Broadcasting/Ferolito is registered with the U.S. Department of Justice under the Foreign Agents Registration Act. It's registration statement makes clear its relationship with the organs of Russian state propaganda.

The Federal State Unitary Enterprise Rossiya Segodnya International Information Agency is funded by the Russian government and broadcasts Radio Sputnik. Radio Sputnik reports abroad on the state policy of the Russian Federation...¹²

W288BS, Reston, Virginia rebroadcasts WZHF(AM)'s programming. John F. Garziglia is Reston Translator's Managing Member.¹³ Reston Translator executed an agreement with the Federal State Unitary Enterprise Rossiya Segodnya International Information Agency ("Rossiya Segodnya"), which programs Radio Sputnik.¹⁴ Rossiya Segodnya is owned and operated by the Russian government, with a mandate to "provide information on Russian state policy."¹⁵ As a result, the Department of Justice determined that Reston Translator/Garziglia is an agent of a foreign principal, i.e. Rossiya Segodnya, which is "proxy for and part of the Russian government."¹⁶ Under the agreement "Reston Translator broadcasts Rossiya Segodnya's programming (i.e. Radio Sputnik) on a 24-hour, 7 days a week basis without interruption. Rossiya Segodnya transmits the programming to Reston Translator via satellite from Moscow." The Russian government pays Garziglia \$30,000 per month to broadcast Radio Sputnik.¹⁷ As a

¹² See Petition to Deny and Revoke MRBL New York and New Jersey Stations filed April 6, 2022, Exhibit 3, Foreign Agent Registration Statement, File Nos. 0000188907 et al.

¹³ John Garziglia owns 51% of the equity and Barbara Garziglia owns 49%.

¹⁴ See Petition to Revoke License of Reston Translator, filed April 28, 2022, Exhibits 2 and 3.

¹⁵ <https://www.theledger.com/story/news/columns/2020/01/21/cerabino-jupiter-businessman-says-hersquos-no-foreign-agent-of-russia/112151880/>

¹⁶ See Petition to Revoke License of Reston Translator, Letter from U.S. Department of Justice to Garziglia, dated September 12, 2017, attached as Exhibit 4.

¹⁷ See Petition to Revoke License of Reston Translator Exhibit 2 and 3, agreements with Rossiya Segodnya. This raises the question of whether this type of financing complies with the

Russian government-owned media enterprise, Radio Sputnik's sole purpose is to advance Russian propaganda abroad.

Garziglia and Ferolito are registered Russian agents. On April 13, 2023, The Department of Justice unsealed a criminal complaint against several individuals who are charged with being unregistered agents of Russia within the United States.¹⁸ The DOJ Complaint describes the methods and means these agents used to implement Russian foreign influence operations.

Among the foreign policy objectives of Russian government leadership was to expand Russia's sphere of influence. Russia targeted the United States and its allies, as well as other countries, to further that goal. Through these influence operations, Russia attempted to shape foreign perceptions and to influence populations by, among other things, seeking to create wedges that reduce trust and confidence in democratic processes, degrade democratization efforts, weaken U.S. partnerships with European allies, undermine Western sanctions, encourage anti-U.S. and anti-Western political views, and counter efforts to bring Ukraine and other former Soviet states into European and international institutions.

Russian influence operations often used social media targeted at U.S. and global audiences to sow discord and mistrust in the United States' and other countries' political systems, to disseminate disinformation to confuse and mislead citizens in the United States, Europe, and Russia itself, and to recruit U.S. persons to advance Russia's operational goals.

As part of these efforts, Russia recruited and forged ties with persons and groups around the world who were positioned to amplify and reinforce Russia's messaging campaigns in furtherance of its goal of destabilizing Western societies. These

requirements of 47 CFR Section 74.1232(d). In general, commercial primary stations and anyone associated with a commercial primary station may neither own nor provide direct or indirect support to non-fill-in translator stations, both before and after the translator commences operation. Rossiya Segodnya is clearly associated with, if not in control of, the primary station WZHF(AM).

¹⁸ *United States of America v. Ionov, et al*, Case No.8:22-cr-259-WFJ-AEP filed in the United States District Court Middle District of Florida, Tampa Division. A copy of the Complaint can be found on the DOJ website. <https://www.justice.gov/opa/pr/us-citizens-and-russian-intelligence-officers-charged-conspiring-use-us-citizens-illegal>

efforts included the use of nonprofit organizations as fronts to promote connections between Russia and its compatriots living abroad, to propagate disinformation, and to surreptitiously seek access to foreign officials, businesspersons, and other figures, in the United States and elsewhere, to advance and promote Russian interests.¹⁹

The DOJ's above quoted description perfectly outlines the content and timbre of Radio Sputnik programming. Radio Sputnik broadcasts agitprop designed to undermine U.S. institutions and propagate disinformation. It seeks to undermine every aspect of U.S. society, culture, and institutions. Of particular concern to UCCA is Radio Sputnik's relentless excuses and denials of the atrocities and war crimes being committed in Ukraine.

Russia has repeatedly denied its involvement in war crimes in Ukraine. Radio Sputnik amplifies and reinforces Russia's campaign of disinformation. For example, Russia claims it is conducting a special military operation. In fact, it is sending poorly trained hardened criminals into the territory of Ukraine to rape, torture and murder Ukrainian nationals. The Wagner Group is a paramilitary organization employed by Russia to wage war in Ukraine. The Wagner Group recruits its members from Russia's prison population.²⁰ Murderers and rapists receive only one week of military training and are set free in Ukraine to terrorize the population. Recently, the Wagner Group's foreign mercenaries were accused of beheading a Ukrainian Serviceman.²¹ The consequences of setting loose poorly trained and undisciplined criminals on the Ukrainian civilian population is predictable. Noncombatants, the elderly, women, and children are being robbed,

¹⁹ US v. Ionov paras 21-23.

²⁰ The Grim Life and Brutal Death of a Wagner Recruit Wall Street Journal April 25, 2023 https://www.wsj.com/articles/grim-life-and-brutal-death-of-a-wagner-recruit-40d9473a?mod=Searchresults_pos1&page=1

²¹ Wagner Group Accused of Beheading Ukrainian Servicemen, Newsweek, April 11, 2023, <https://www.newsweek.com/wagner-group-accused-beheading-ukrainian-servicemen-1793776>

raped and murdered.²² Russian invaders rape, torture and murder Ukrainian children.²³ They bomb schools and hospitals, and employ children in war.²⁴ They intentionally target and bomb civilian populations,²⁵ while Ukrainians, especially the elderly are made to freeze and starve.²⁶ This is not an accident of war, but rather Russian state policy. It is Radio Sputnik's job to provide cover and justify Russian war crimes.

²² "I'm a Ukraine Combat Medic. I've Heard What Russian Soldiers Do to Women," Newsweek, April 21, 2023 https://www.newsweek.com/ukraine-russia-war-women-rape-combat-medic-1794719?fbclid=IwAR0S-5Pz6H1ii6h1QSGrIosbF_TSBPMh6CfdITrRH2tZYYKk-TTjpGaTsKI

Ukraine's elderly often remain behind; here's how they've survived a year of war : The Picture Show : NPR <https://www.npr.org/sections/pictureshow/2023/04/10/1167750559/how-elderly-ukrainians-survive-war>

²³ Russian troops raped and tortured children in Ukraine, U.N. panel says <https://www.nbcnews.com/news/world/russian-troops-raped-tortured-children-ukraine-un-panel-says-rcna49168>

Two Russians claiming to be former Wagner commanders admit killing children and civilians in Ukraine | CNN <https://www.cnn.com/2023/04/17/europe/wagner-commanders-russia-kill-children-intl-hnk/index.html>

²⁴ Ukraine Symposium – Russian Crimes Against Children - Lieber Institute West Point <https://lieber.westpoint.edu/russian-crimes-against-children/>

²⁵ Ukraine war: Nineteen dead as Russian missiles hit cities [https://www.bbc.com/news/world-europe-65421341?xtor=AL-72-%5Bpartner%5D-%5Bgnl.newsletters%5D-%5Bheadline%5D-%5Bnews%5D-%5Bbizdev%5D-%5Bisapi%5D&xtor=ES-213-\[BBC%20News%20Newsletter\]-2023April27-\[top+news+stories](https://www.bbc.com/news/world-europe-65421341?xtor=AL-72-%5Bpartner%5D-%5Bgnl.newsletters%5D-%5Bheadline%5D-%5Bnews%5D-%5Bbizdev%5D-%5Bisapi%5D&xtor=ES-213-[BBC%20News%20Newsletter]-2023April27-[top+news+stories)

²⁶ Russia Official Says No Choice But To Freeze and Starve Ukrainian Civilians <https://www.newsweek.com/russia-ukraine-conflict-andrey-gurulyov-freeze-starve-electricity-latest-update-1753411>

U.S. condemns Russia's 'freeze and starve' strategy in Ukraine - Portland Press Herald <https://www.pressherald.com/2022/11/30/u-s-condemns-russias-freeze-and-starve-strategy-in-ukraine/>

Hundreds of thousands of elderly Ukrainians stranded in freezing conditions, says NGO chief | The Independent <https://www.independent.co.uk/news/world/europe/elderly-ukraine-russia-help-refugees-b2065166.html>

Let there be no mistake, no equivocation, the Russian government is committing genocide in Ukraine.²⁷ It seeks to erase Ukraine's language, its identity and culture. Russian invaders have systematically destroyed Ukrainian cultural sites.²⁸ What they do not destroy they steal.²⁹ Since the invasion there has been a systematic looting of Ukrainian art and cultural treasures.³⁰ Perhaps most horrific of all, Russian officials are stealing Ukrainian children.³¹ Here again, Russian state propaganda, including Radio Sputnik, denies, denies, denies.

²⁷ A Kremlin paper justifies erasing the Ukrainian identity, as Russia is accused of war crimes
<https://www.cbc.ca/news/world/kremlin-editorial-ukraine-identity-1.6407921>

²⁸ UNESCO: At least 53 cultural sites in Ukraine are damaged : NPR
<https://www.npr.org/2022/04/02/1090475172/unesco-ukraine-cultural-sites-damage>

²⁹ 'Just the way the Nazis did': Evidence suggests Russians are stealing art from Ukraine on a World War II scale
<https://www.nbcnews.com/news/world/russia-stealing-art-ukraine-nazi-level-world-war-2-rcna77879>

³⁰ Russian forces systematically stealing Ukrainian art, cultural artifacts - report
<https://www.jpost.com/international/article-724123>
<https://www.msn.com/en-us/news/world/russian-forces-systematically-stealing-ukrainian-art-cultural-artifacts-report/ar-AA14VOGD>

Cultural destruction in Ukraine by Russian forces will reverberate for years, UN rights expert warns | UN News
<https://news.un.org/en/story/2022/05/1119052>

Ukrainian Officials Accuse Russian Forces of Looting Thousands of Priceless Gold Artifacts and Works of Art
<https://news.artnet.com/art-world/ukraine-art-theft-scythian-gold-2107258>

Ukraine's Cultural Heritage Is Under Threat by Russia and Desperate for America's Help
<https://foreignpolicy.com/2022/03/25/ukraine-cultural-heritage-russia-war-unesco-united-states/>

Russian forces steal priceless Ukrainian artwork during occupation of Kherson | PBS NewsHour
<https://www.pbs.org/newshour/show/russian-forces-steal-priceless-ukrainian-artwork-during-occupation-of-kherson>

³¹ Moscow's Genocidal Plans in Ukraine Include Child Kidnapping
<https://foreignpolicy.com/2023/03/01/russia-theft-children-kidnapping-ukraine-genocide/>

The forcible transfer and 'russification' of Ukrainian children shows evidence of genocide, says PACE

The murders, rapes, theft of property and an almost endless list of horrors have not gone unnoticed in the international community. The International Criminal Court has indicted Vladimir Putin for war crimes committed in Ukraine.³² It is Putin, through Rossiya Segodnya and not Arthur and Yvonne Liu, who controls the day-to-day programming and operations of radio station WZHF(FM). As discussed herein, Arthur and Yvonne Liu are nothing more than absentee landlords who care nothing about what is broadcast on their stations. In the case of

<https://pace.coe.int/en/news/9075/the-forcible-transfer-and-russification-of-ukrainian-children-shows-evidence-of-genocide-says-pace>

Deportation of Ukrainian children to Russia is war crime - UN - BBC News
<https://www.bbc.com/news/world-europe-64985009>

Rescue Efforts Underway for Ukrainian Children Taken by Russia
<https://foreignpolicy.com/2023/04/17/russia-ukraine-children-kidnapping-war-crimes-icc/>

³² Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova | International Criminal Court
<https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

ICC Judges Issue Arrest Warrant for Putin Over War Crimes in Ukraine
<https://www.usnews.com/news/world/articles/2023-03-17/icc-judges-issue-arrest-warrant-against-putin-over-alleged-war-crimes>

Statement by Prosecutor Karim A. A. Khan KC on the issuance of arrest warrants against President Vladimir Putin and Ms Maria Lvova-Belova | International Criminal Court
<https://www.icc-cpi.int/news/statement-prosecutor-karim-khan-kc-issuance-arrest-warrants-against-president-vladimir-putin>

The International Criminal Court issues an arrest warrant for Putin : NPR
<https://www.npr.org/2023/03/17/1164267436/international-criminal-court-arrest-warrant-putin-ukraine-alleged-war-crimes>

War crimes have been committed in Ukraine conflict, top UN human rights inquiry reveals | UN News
<https://news.un.org/en/story/2022/09/1127691>

A Look at the Laws of War — and How Russia is Violating Them | United States Institute of Peace
<https://www.usip.org/publications/2022/09/look-laws-war-and-how-russia-violating-them>

WZHF(AM) their interest begins and ends with the arrival of the monthly fee Russia pays for broadcasting propaganda on a radio station that serves the nation's capital. However, the FCC rules require more of them than just passive ownership. They have failed to comply with the Commission's rules and well-established policies that they be in active control of their stations. For this and other reasons, they are not qualified to be Commission licensees.

In defense of its actions, MRBL wraps itself in the very Constitution its Russian programming seeks to undermine. It claims that it has a First Amendment right to broadcast Russian state propaganda.³³ It omits that it has a responsibility to broadcast programming responsive to the unique interests and needs of individual community it serves. As the Supreme Court said in *Red Lion*: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."³⁴ The Court goes on to say, "It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."³⁵ As the Supreme Court stated in *Sanders Radio Station*: "An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts."³⁶

³³ See e.g., MRBL's Opposition To Petition To Deny And Revoke, New York and New Jersey licensee, filed May 4, 2022 File Nos. 0000188907, et al.

³⁴ *Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 389 (1969)

³⁵ *Id.* at p. 390.

³⁶ See, *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940).

Localism is a longstanding core Commission broadcast policy objective.³⁷ In discussing its localism goal, the Commission has emphasized that “[b]roadcasters, who are temporary trustees of the public’s airwaves, must use the medium to serve the public interest, and the Commission has consistently interpreted this to mean that licensees must air programming that is responsive to the interests and needs of their communities of license.”³⁸ This principle, that a “broadcast licensee’s authorization to use radio spectrum in the public interest carries with it the obligation that the station serve its community, providing programming responsive to local needs and interests”³⁹ is a crucial and aimed at ensuring that licensees use the broadcast spectrum consistent with the intent of Congress and to the benefit of local communities.

³⁷ 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13643-13644, paras. 73-76 (2003) (subsequent history omitted) (2002 Biennial Review); *Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd 12425 at para. 1 (2004) (*Broadcast Localism NOI*). In the *Broadcast Localism NOI*, the Commission summarized several Commission rules, policies, and procedures, past and present, that reflected the Commission’s goal of establishing and maintaining a system of local broadcasting that is responsive to the unique interests and needs of individual communities. *Id.* at 12426-7, paras. 2-4. Following the *Broadcast Localism NOI*, the Commission subsequently adopted a report on broadcast localism focused in part on analyzing the efforts of broadcasters “to provide community responsive programming such as news and public affairs, and programming targeted to the particular needs or interests of certain segments of the public.” *Broadcast Localism*, Report on Broadcast Localism and Notice of Proposed Rulemaking, 23 FCC Rcd 1324, 1325 (2007).

³⁸ *Broadcast Localism NOI* at 12425, para. 1 (citing Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 92, para. 11 (1982), on recon., 56 Rad. Reg. 2d (P&F) 448 (1984); Amendment of Section 3.606 of the Commission’s Rules and Regulations, 41 F.C.C. 148, 167 (1952)); see also, 2002 Biennial Review, 18 FCC Rcd at 13643, para. 74 (“Federal regulation of broadcasting has historically placed significant emphasis on ensuring that local television and radio stations are responsive to the needs and interests of their local communities.”).

³⁹ *Birach Broadcasting Corp.*, Hearing Designation Order, 33 FCC Rcd 852, (2018).

In reiterating the importance of localism, the Commission looks to the selection of programming responsive to local needs and interests. The Commission has noted that localism includes an obligation to seek to serve all significant groups within the community of license when airing community-responsive programming.⁴⁰

Arthur and Yvonne Liu have no idea what the needs are of the communities they serve. MRBL claims that it is too heavy a burden for it to monitor the 30 plus stations it is licensed to operate.⁴¹

MRBL has over 30 stations licensed to its various entities and can't possibly be expected to listen to all of the programming that is aired. Instead, these duties are delegated to employees and, in some cases, contractors.⁴²

In the case of WZHF, MRBL claims that Ferolito is an MRBL contractor and “the person with the most personal knowledge of the programming.”⁴³ Ferolito is not an employee of MRLB; he is a paid Russian agent. Ferolito lives in Florida and nothing in the record suggests that he monitors or has any interest in what is broadcast on WZHF(AM). His agreement with Rossiya Segodnya provides that he must “broadcast/transmit Radio Programs... without abridging them, or any additions, editing, duplicating or other actions detrimental to the integrity of Radio Programs.”⁴⁴ Rossiya Segodnya is required to pay only for services that are provided

⁴⁰ See, e.g., *Broadcast Localism LOI* at 12432-35, paras. 19-25.

⁴¹ Opposition To Motion To Strike Unauthorized Pleading, filed June 27, 2022, File Nos. 0000188907 et al.

⁴² Id. p.3, para.3.

⁴³ Id.

⁴⁴ Motion To Strike Unauthorized Pleading filed June 10, 2022, p.3. File Nos. 0000188907 et al.

“properly,” “timely,” and “in full.”⁴⁵ MRBL dissembled when it suggested that Ferolito was its contract employee and that he was responsible for monitoring WZHF(AM)’s programming.

After these facts were brought to the attention of the FCC, MRBL changed course, this time claiming that Arthur and Yvonne Liu are “hands on owners.”⁴⁶ Supported by a declaration under penalty of perjury from Yvonne Liu, MRBL makes the extraordinary claim that WZHF(AM) has a fulltime employee, Libby Parris. According to Arthur and Yvonne Liu, “Libby Parris has worked with MRBL since June 2000 when MRBL’s affiliate entity, Way Broadcasting LLC, purchased the station. Ms. Parris currently remains a fulltime employee for MRBL and Station WZHF.”⁴⁷ This is a demonstrably false statement intentionally designed to mislead the Commission. As UCCA pointed out in a response pleading:

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 prefiling 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, 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,

⁴⁵ Id.

⁴⁶ Response To "Reply To Opposition To Motion To Strike Unauthorized Pleading" And Motion For Leave To File The Response, filed July 12, 2022, p.2 File Nos. 0000188907 et. al.

⁴⁷ Id.

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.^{48 49}

What is clear from all this is that Arthur and Yvonne Liu cannot be relied on to be truthful and forthcoming with the FCC. They have made material misrepresentations to the FCC. These representations need to be explored in a hearing. For example, if Ms. Parris is a fulltime employee, MRBL can easily prove this by providing, tax forms, employee payment records and canceled paychecks dating back to the time they acquired the station. But it is inconceivable that such documents exist. It is unlikely that MRBL will be able to demonstrate that Ms. Parris is its fulltime employee.

Conclusion

MRBL and its two principals, Arthur and Yvonne Liu lack the character qualifications to be Commission licensees.⁵⁰ Unless and until these qualification issues are resolved, they have no

⁴⁸ 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.

⁴⁹ First Supplement To Petition To Deny filed July 22, 2022, pp. 5-7. File Nos. 0000188907 et. al.

⁵⁰ See, *Policy Regarding Character Qualifications in Broad. Licensing Amendment of Rules of Broad. Practice & Procedure Relating to Written Responses to Comm'n Inquiries & the Making of Misrepresentations to the Comm'n by Permittees & Licensees*, 102 F.C.C.2d 1179, ¶¶ 60-

licenses to assign. The Commission has frequently held, pursuant to the Commission's *Jefferson Radio* policy⁵¹ that an applicant may not assign its license until it is found qualified to be a Commission licensee. This is because, as the Commission has explained, "there is no authorization to assign" if the seller ultimately is found unqualified.⁵² Arthur and Yvonne Liu have consistently demonstrated that they are not qualified to be FCC licensees. They rent out their stations with no oversight over what is being broadcast and with no concern for the public interest. They have repeatedly demonstrated that they are incapable or unwilling to follow the simplest of FCC rules. Notices are not filed, and issues and program lists are prepared by paid Russian agents with a financial interest in broadcasting Russian propaganda. When confronted with these facts they make material misrepresentations to the FCC, inventing fulltime employees that do not exist. They cannot be trusted or relied on to operate as Commission licensees. Accordingly, the FCC should set a hearing to determine if they are qualified to remain FCC licensees.

Respectfully Submitted,

/s/Arthur V. Belendiuk
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61(1986). "[T]he trait of "truthfulness" is one of the two key elements of character necessary to operate a broadcast station in the public interest. The Commission is authorized to treat even the most insignificant misrepresentation as disqualifying.

⁵¹ *Jefferson Radio Co. v. FCC*, 340 F.2d 781 (D.C. Cir. 1964).

⁵² *In re Auburn Network, Inc.*, 36 FCC Rcd 1282, 1285 (2021), citing *Cathryn C. Murphy*, Decision, 42 F.C.C.2d 346, 347 (1973).

EXHIBIT 1

Declaration of Peter Borisow

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

I am a resident of Sherman Oaks, California and a regular listener of KBLA (AM).

I declare that I have personal knowledge of the factual allegations I make in the Petition to Deny the assignment of KBLA and that these allegations are true and correct. These allegations are the direct cause of the injury I suffer as a regular listener of KBLA (AM).

A handwritten signature in cursive script, appearing to read "P. Borisow", written in black ink.

Peter Borisow

EXHIBIT 2

Declaration of Gregory Radionov

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

I am a resident of Northridge, California and a regular listener of KBLA (AM).

I declare that I have personal knowledge of the factual allegations I make in the Petition to Deny the assignment of KBLA and that these allegations are true and correct. These allegations are the direct cause of the injury I suffer as a regular listener of KBLA (AM)



Gregory Radionov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via email and/or first class mail to the following:

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/s/ Arthur Belendiuk

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