



Federal Communications Commission
Washington, D.C. 20554
May 2, 2016

In Reply Refer to: 1800B3-TSN

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Re: WTIC(AM), Farmington, Connecticut
Facility ID No. 66464
File No. BR-20131127AOD

Application for Renewal of License

Dear Counsel:

We have before us the application of CBS Radio Stations, Inc. (CBS) for renewal of the license of broadcast station WTIC(AM), Farmington, Connecticut. On October 7, 2014, the Commission received a letter styled "Informal Objection to the License Renewal of WTIC-1080 AM in Connecticut," addressed to the Chairman and Commissioners (Informal Objection), filed by Kenneth J. Krayeske, Esq. (Krayeske). The Informal Objection includes a number of allegations of statutory and rule violations, in connection with CBS's employment of former Governor John Rowland of Connecticut, with regard to what Krayeske terms Gov. Rowland's use of his position as a WTIC(AM) talk show host "for covert on-air electioneering." Krayeske also references an earlier complaint he had filed with the Commission's Enforcement Bureau.

Although the Informal Objection was sent to all members of Connecticut's Congressional delegation, the document bears no indication that it was served on the licensee, CBS.¹ Because of the

¹ Krayeske's January 15, 2015, status request letter to the Commissioners also bears no indication of service upon CBS.

seriousness of the allegations contained in the Informal Objection, and the need for a complete public record on which to base a decision regarding the WTIC(AM) license renewal, we attach to this letter a copy of the Informal Objection,² and request that CBS file an opposition to the Informal Objection within 20 days of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", written in a cursive style.

Peter H. Doyle
Chief, Audio Division
Media Bureau

² We also attach a copy of Krayske's January 15, 2015, *ex parte* letter.

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RECEIVED

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October 1, 2014



Mr. Tom Wheeler, Chairman
Mr. Michael O'Reilly, Commissioner
Ms. Mignon Clyburn, Commissioner
Ms. Jessica Rosenworsel, Commissioner
Mr. Ajit Pai, Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Received & Indexed

OCT - 7 2014

FCC Mail Room

re: Informal Objection to the License Renewal of WTIC-1080 AM in Connecticut

Dear Honored Commissioners:

In May 2012, I filed a complaint with the FCC regarding potentially illegal activities by CBS Radio, Inc., the licensee of WTIC-1080 AM in Hartford, Connecticut. In June 2012, I responded to the denial of my complaint with an appeal. I never heard anything back from the FCC after June 2012. I attach copies of my appeal (which contains the original complaint) for your convenience.

Last week, on September 27, 2014, news media in Connecticut reported that the FCC has placed the license renewal of WTIC-1080 AM on an enforcement hold. Pursuant to that enforcement hold, please consider this letter an informal objection to the renewal of the license.

In my original May and June 2012 filings with the FCC, I outlined a pattern of transgressions taken by WTIC's afternoon radio talk show host John Rowland. In my complaint, I alleged that Mr. Rowland, the disgraced former governor of Connecticut, used his position with WTIC for covert on-air electioneering. This usage of public airwaves for private political gain, in my opinion, demanded compliance with the sponsorship identification provisions under 43 CFR §73.1212(a).

Despite learning about these transgressions in the spring of 2012, WTIC continued to employ Mr. Rowland for almost two years after the allegations of political payola surfaced. I alleged in my complaint that WTIC, as the principal and employer, ratified Mr. Rowland's actions, and therefore, bore liability for this.

In a separate, parallel complaint with the Federal Elections Commission, I alleged the same conduct, but contended that the failure to identify the sponsorship of airtime constituted a failure to properly report in-kind contributions on election reporting forms.

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As we all know, air time is a valuable commodity in the electoral arena.

Specifically, I alleged that Mr. Rowland's attack on then-state Senator Andrew Roraback was a coordinated campaign activity (which, under FCC rules, would have required on-air attribution that it was paid for by the Lisa Wilson-Foley campaign). In response, Mr. Rowland hand wrote a two-page letter to the FEC denying everything. I attach a copy of Mr. Rowland's two-page handwritten letter, in which he claims I am out only to score political points. Mr. Rowland claimed Sen. Roraback sought him out in an interview.

Lisa Wilson-Foley and her husband Brian Foley pled guilty to criminal misconduct on March 31, 2014. The guilty plea stated that the Foley's circumvented federal law to retain Mr. Rowland's political acumen. The clear implication was that Mr. Rowland used his position on WTIC-1080 for the Wilson-Foley congressional campaign. Even still, WTIC-1080 still allowed Mr. Rowland to remain on the air for three more days, until April 3, 2014. WTIC-1080 still has not offered any explanation for its conduct, and Mr. Rowland signed off saying only that he had to deal with personal issues.

As you may be aware, on April 10, 2014, the United States Attorney's Office for the District of Connecticut indicted Mr. Rowland on seven counts of electoral fraud for his role in the Wilson-Foley congressional campaign. The U.S. Attorney's indictment and subsequent motions mirrored parts of my complaint to the FCC and the Federal Elections Commission ("FEC").

Soon after, Mr. Rowland rejected a plea deal with the federal prosecutors and took the case to trial. Testimony by operatives of the Wilson-Foley campaign verified the depth of the coordination between the Wilson-Foley campaign and the Rowland radio show.

According to news reports of the trial testimony (I am sure full transcripts are available to the FCC), Chris Covucci, one of the Wilson-Foley campaign's former managers, testified on September 10, 2014 that "Rowland advised the campaign on overall strategy, hiring and communications, suggesting public statements and vetting press releases that he later commented on during his other job as an afternoon host on the state's dominant AM radio station, WTIC-1080, Covucci said." See Mark Pazniokas "A Frenzy in the Wilson-Foley campaign over Rowland's Role, September 10, 2014, attached herein).

A Connecticut Post story "Witness details Rowland's key role in campaign," dated September 11, 2011 (and attached herein) described former campaign manager Chris Syreak's testimony. According to the Post, Syreak said "Rowland would suggest issues for press releases from the campaign and sometimes discuss them and Wilson-Foley's position on his WTIC-AM drive time show. These included the budgetary crisis in

Congress; the abolition of Connecticut's death penalty and Congressional support to legalize online gambling."

Asked point blank by Assistant U.S. Attorney Chris Mattei "Did he utilize his radio show to assist the campaign?", Syrek responded "Yes." If WTIC-1080 AM investigated Rowland's tapes and compared them to Wilson-Foley's press releases, which would have been simple due diligence, the results of this have not been made public. In the two years since this story first broke, WTIC has never offered a public explanation of this failure of oversight: how did a major broadcaster allow a convicted felon to violate the law on its watch? On our airwaves?

This informal objection includes a number of other news accounts of the trial testimony showing the myriad ways in which Mr. Rowland used his position as a radio talk show host to illegally and secretly benefit the Wilson-Foley campaign, all without attribution. These include giving WTIC-1080 AM listeners the cell phone number of Sen. Roraback and having them deluge him with calls to show their objection to Sen. Roraback's anti-death penalty stance. Syrek also testified that Rowland emailed him looking for Roraback's phone number when he was on the air. Mr. Roraback, now a judge in Connecticut Superior Court, testified that he was flooded by angry callers.

WTIC-1080 AM has still never acknowledged, despite this wealth of evidence, apologized to listeners and the state of Connecticut for this egregious evasion of the law.

"He would let us know what he was talking about on his radio show that week," Syrek said. "We were then able to issue press releases that were pertinent in the news." See "Wilson-Foley Aide Testifies Rowland's Radio Gig Helped Campaign," By Edmund H. Mahony, The Hartford Courant, September 10, 2014. Syrek further stated that Rowland's radio show was "incredibly helpful" to the campaign. Again, Rowland received \$35,000 from the Foleys to help her campaign, not a dollar of which was reported to the FEC, and not a word of which sponsorship was ever mentioned on WTIC-1080 AM, as it should have been.

A jury convicted Mr. Rowland of all seven counts on September 19, 2014. My original complaint with the FCC had merit. The FCC flippantly dismissed me. Luckily, the federal prosecutors and a grand jury thought these complaints had merit, and then a jury voted to convict Mr. Rowland, in part, because he abused his position of trust on the airwaves. WTIC-1080 AM, as Mr. Rowland's employer, bears responsibility for its role in this shameful, disgraceful scandal. The FCC should not let WTIC-1080 off with a slap on the wrist. WTIC has demonstrated serious malfeasance.

WTIC-1080 AM, as a steward of the public airwaves, needs to be held to a heightened standard of scrutiny for its conduct. While I have no desire to return to Jean ValJean's era and brand a convict for life with the fluer de lis, Mr. Rowland is not an

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ordinary felon. He held the highest possible elected office in the great state of Connecticut, and stained it with his corruption. WTIC had an obligation as a trustee of 50,000 watts of AM radio waves to conduct a thorough investigation of the actions of such a felon. Instead, WTIC's response to the FEC investigation into this claimed press exemption (See MUR 6604 on file with the FEC).

The moment Mr. Rowland took money from the Wilson-Foley campaign to surreptitiously campaign on the airwaves, the press exemption fails. Mr. Rowland was no longer acting as an outside observer, but a participant in the electoral arena. WTIC's misplaced reliance on the press exemption demonstrates that it did not conduct an adequate investigation into Mr. Rowland's conduct.

Now, faced with this enforcement hold by the FCC, WTIC-1080 will no doubt claim it could not have reasonably known Mr. Rowland lied about his participation in the Wilson-Foley campaign. Given Mr. Rowland's public record of mistruth and dishonesty, starting with the the place of purchase of kitchen cabinets in his cottage in Litchfield, Connecticut, and culminating in his resignation from the office of Governor and his conviction on federal corruption charges, WTIC acted irresponsibly in taking Mr. Rowland at his word.

WTIC-1080 AM placed profit over integrity. As long as advertisers continued to write checks, WTIC allowed Mr. Rowland the privilege of remaining on air. WTIC ratified the actions of its agent, and in doing so, helped conceal violations of federal law, both in regards to elections and use of public airwaves.

My complaint of May 2012 also cited two other portions of FCC regulations in the hopes of investigation of the conduct at issue: 47 CFR §73.1942, Candidate Rates and 47 CFR §73.1943, Political File. My letter of June 2012 asked "Did WTIC disclose these rates for Mr. Rowland's endorsement to other advertisers or to other candidates?" And now that Mr. Rowland has been convicted of abusing the airwaves, we must hold WTIC accountable for its participation in these crimes.

It is my sincere hope in writing this informal objection that the FCC not be so quick and flippant to disregard my informal objection as the FCC did my complaint in 2012. Citizens of this federal republic should be able to expect that executive branch law enforcement agencies will promptly and rapidly enforce the law as it is written. Corporate persons like CBS Radio, Inc. should not be held to a lesser standard than human persons like Mr. Rowland.

Thank you in advance for your time and cooperation. If the FCC and its leadership have any questions, please do not hesitate to contact me, at the addresses provided in my letterhead.

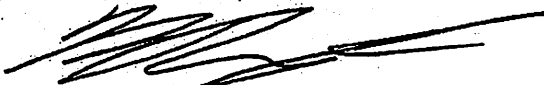
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Regards,

A handwritten signature in black ink, appearing to read 'Ken Krayeske', with a long horizontal line extending to the right.

Kenneth J. Krayeske, Esq.
attorney@kenkrayeske.com

cc: Mr. Mark Berlin, FCC Media Bureau

Sen. Richard Blumenthal

Sen. Christopher Murphy

Rep. John Larson

Rep. Rosa DeLauro

Rep. Joseph Courtney

Rep. Elizabeth Esty

Rep. Jim Himes

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January 15, 2015

FCC Mail Room

Mr. Tom Wheeler, Chairman
Mr. Michael O'Reilly, Commissioner
Ms. Mignon Clyburn, Commissioner
Ms. Jessica Rosenworcel, Commissioner
Mr. Ajit Pai, Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

re: Status of Informal Objection to the License Renewal of WTIC-1080 AM
in Connecticut

Dear Honored Commissioners:

I write to determine precisely what is occurring with the informal license hold placed on WTIC-1080 AM's license in Connecticut. I am finding myself frustrated by the opacity of the FCC, and its enforcement mechanisms, and the lack of transparency on the license renewal process. The only reason I know anything about the informal objection I filed is because of the press. Yesterday, a local website reported on the status of the informal objection. I attach a copy for your records. Yet even newspaper reporters have not been able to get a quote out of the FCC, like when Ed Mahony of the Hartford Courant wrote about this very topic on October 17, 2014. A copy of that article is attached as well.

Here in Connecticut, WTIC-1080's complicity with John Rowland's political corruption is clear. Prior to the recent sentencing of Brian Foley, one of the convicted co-conspirators in this nasty episode, federal prosecutors weighed in on how they saw WTIC-AM as a player in this game. In a sentencing memo regarding Lisa Wilson-Foley, the convicted, disgraced, former congressional candidate, the federal prosecutors sought stiff sentences because "Thanks to her arrangement with Mr. Rowland, Church & State, the popular political talk radio show hosted by Mr. Rowland, became an organ of the Wilson-Foley campaign." The sentencing of Mrs. Wilson-Foley has been delayed, although prosecutors have asked for 10 months of prison for her.

Brian Foley, her husband and convicted co-conspirator, received a sentence of three months in a halfway house, three years probation and a \$30,000.00 fine. While Mr. Rowland's sentencing has been delayed by evidentiary issues, and it is worth noting that prosecutors have asked for a sentence of more than three years for him after he was convicted.

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WTIC-1080 AM had a duty to understand that Mr. Rowland and the Foleys abused the public trust and gamed the airwaves to benefit her doomed congressional campaign. WTIC failed to do so.

And now, the public in Connecticut who listens to WTIC-1080 AM has absolutely no idea whatsoever what kind of punishment WTIC will face for its complicity. We have a difficult time even finding out what is going on in the investigation and license renewal. I have asked Sen. Chris Murphy's office for help in discerning what is occurring, and have heard nothing back, which leads me to believe the FCC is as opaque with the legislature as it is with the public.

WTIC-1080 AM has been a bad corporate citizen, likely complicit with election law violations. Connecticut citizens have a right to know what kind of punishment WTIC will face for its negligent and willful violations of law and trust in this case. Please tell me what is going on with the license, and how the hold on the license renewal will ensure this licensee never participates in this kind of dishonest behavior again. Where an executive branch agency is working to protect the public trust, we have a right to know what is happening.

Thank you in advance for your time and cooperation. If the FCC and its leadership have any questions, please do not hesitate to contact me, at the addresses provided in my letterhead.

Regards,



Kenneth J. Krayske, Esq.
attorney@kenkrayske.com

cc: Mr. Mark Berlin, FCC Media Bureau
Sen. Richard Blumenthal
Sen. Christopher Murphy
Rep. John Larson
Rep. Rosa DeLauro
Rep. Joseph Courtney
Rep. Elizabeth Esty
Rep. Jim Himes