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LINDA SHELTON

called as a witness herein, at the instance of the Applicant, having been first duly sworn on her oath, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: Have a seat.

DIRECT EXAMINATION

BY MR. MILLER:

Q. Good morning, Mrs. Shelton.

A. Good morning.

Q. Nice to see you today.

A. Nice to see you too.

Q. Can you tell us your full name and address for the record, please?

A. Linda Sue Shelton, and my address is 2954 New Lake Road, West Frankfort, Illinois 62896.

Q. And who is your present employer, Mrs. Shelton?

A. Three Angels Broadcasting Network.

Q. And what is your position with Three Angels?

A. Vice President.

Q. And how long have you held that position?

A. Roughly eight years.

Q. Okay. And how long have you worked for Three Angels?

1 A. Roughly 18 years.

2 Q. And during 2000 and 2001 did you hold the
3 position of Vice President?

4 A. Yes.

5 Q. And what was your background before coming to
6 Three ABN?

7 A. As far as education or work?

8 Q. Education and other work?

9 A. Of course I graduated from high school. I
10 had one year of college.

11 Q. Where did you graduate from high school?

12 A. Case High School in Racine, Wisconsin.

13 Q. And you went to college you said?

14 A. Yes. I went to the University of Milwaukee,
15 Wisconsin, and I was an Interarts Major there.

16 Q. What did you study?

17 A. Actually it was dance, music, and art. It
18 was the Arts.

19 Q. And how long did you study there for?

20 A. Just for a year.

21 Q. Did you get a degree?

22 A. No.

23 Q. And what did you do after you left college?

24 A. Actually I got married, moved to Southern

1 Illinois, and as far as my work history goes, you know,
2 I worked in law offices as a receptionist. I worked as
3 a secretary at a City Hall and, you know, just odd jobs
4 before I had Three ABN.

5 Q. What was your initial position at Three ABN?

6 A. My very first job at Three ABN was writing
7 thank you cards, so it was secretarial.

8 Q. And you progressed from there?

9 A. Yes.

10 Q. Okay.

11 A. Grass roots level.

12 Q. And what aspects of Three Angels do you
13 oversee these days?

14 A. I'm actually over production, programming,
15 scheduling, and much of the print work.

16 Q. What does the print work involve?

17 A. I write for the most part the newsletters and
18 the promotional magazines that we do.

19 Q. How frequently do you send out this
20 newsletter?

21 A. The newsletter is nine or ten times per year
22 and the magazine is twice a year.

23 Q. So the months you don't send out the
24 newsletter you send out the magazine, is that right?

1 A. Right.

2 Q. And who receives these newsletters and
3 magazines?

4 Is it the same group of people that receive
5 both?

6 A. Yes.

7 Q. And in 2000 and 2001 approximately how big
8 was your mailing list?

9 A. It was somewhere in between 100,000 and
10 150,000 people on the mailing list.

11 Q. And who was the writer of the articles in the
12 newsletter and magazine?

13 A. Mainly myself.

14 Q. And who edited it?

15 A. Mainly myself.

16 Q. And what was the content or themes of the
17 articles generally during the 2000 and 2001?

18 A. Well, generally as far as the newsletter is
19 concerned, on Page 1 and Page 2 there will be miracle
20 stories and things that are happening at Three ABN. On
21 Page 3 we will always have testimonies of individuals
22 who have had life changing things happen as a result of
23 watching Three ABN. The last page is a devotional
24 thought.

1 Q. And is there a charge for these newsletters
2 or magazines?

3 A. No, they're free.

4 Q. And what do you view as the purpose of these
5 publications?

6 A. Basically to acquaint people with what is
7 happening at Three ABN and to encourage their
8 involvement, because without these people being
9 involved in the ministry, Three ABN would not exist.

10 Q. I understand you make music?

11 A. Yes, I do.

12 Q. And do you sing?

13 A. Yes.

14 Q. Have you made CDs --

15 A. Yes.

16 Q. -- in the past?

17 About how many?

18 A. Four.

19 Q. Has Three Angels produced those CDs?

20 A. Yes.

21 Q. Who writes the songs on those CDs?

22 A. Mainly myself. On our earlier CDs there is a
23 couple of songs written by Dan.

24 Q. And how would you characterize the theme or

1 the content of those songs?

2 A. Very spiritual, very spiritual.

3 Q. Can you give us some examples?

4 A. Well, just for example, some of the titles of
5 the songs are, I Think About Grace; I Know Jesus;
6 Things that Matter to Jesus Matter to Me; the Worship
7 song.

8 Q. And do you sell these CDs?

9 A. Yes.

10 Q. Do you ever give any away?

11 A. Let me make a correction there. I don't
12 personally sell them myself, but Three ABN sells them.

13 Q. Do you receive any royalties from the CDs?

14 A. No.

15 Q. If you don't receive any royalties from them
16 why do you make the CDs?

17 A. I really want to spread the Gospel through
18 music and through the talents that the Lord has given
19 me, and also they really serve as a tool to help people
20 get more acquainted with Three ABN and get involved in
21 the ministry too.

22 Q. Is this one of the CDs that you've made?

23 A. Yes.

24 MR. MILLER: Your Honor, I'm not going to

1 proffer this as an exhibit, but we have brought two or
2 three, and we will -- this is for State's counsel and
3 opposing counsel, you can fight over it over here, and
4 we have one for Your Honor.

5 Do we have anymore?

6 THE WITNESS: I might have some more in the
7 van.

8 Q. Maybe we can get one for the court reporter.

9 MS. PETTY: Is this an exhibit?

10 MR. MILLER: I'm not proffering it as an
11 exhibit.

12 MR. STEINKAMP: This is a bribe.

13 ADMINISTRATIVE LAW JUDGE: I'm giving you my
14 bribe.

15 MR. MILLER: We can call it an exhibit if that
16 helps.

17 How do you -- I understand you oversee
18 programming as well?

19 THE WITNESS: Yes.

20 Q. And how do you schedule the programming time
21 at Three ABN?

22 A. Actually there is a woman that works for me.
23 Her name is Dee Hildebrand and she actually is in
24 contact with the individuals and puts them on the

1 schedule.

2 Q. And does she come to you and proffer this
3 programming?

4 I mean, who has the final decision about what
5 programming is actually going to come?

6 A. Oh, as far as being scheduled?

7 Q. Right.

8 A. Well, we -- maybe I should just go over the
9 general procedure --

10 Q. Okay.

11 A. -- of what we do.

12 A lot of the programs that will eventually
13 happen in our studios come from references. People
14 will write to us and say, you cannot believe this
15 incredible speaker. You cannot believe this incredible
16 singer, and we follow-up a hundred percent on all of
17 these recommendations.

18 And then, when we get the recommendations,
19 Dee will call the Conference and the local church, talk
20 to the pastor, find out references on these
21 individuals, and then when these individuals pass the
22 references, she will come to me and say, this is what I
23 found out. Would you like me to invite them and I'll
24 give her approval.

1 Q. And who does she go to for references?

2 A. She will call mainly the State Conferences
3 and then also the local church.

4 Q. And what do you mean the State Conferences?

5 A. Well, for example, we're in the Illinois
6 Conference.

7 Q. Of what church?

8 A. Seventh-day Adventist Church.

9 Q. And what criteria does Dee use?

10 Do you know what criteria she uses in initial
11 screening program?

12 A. Screening like an individual?

13 Q. Deciding -- well, no.

14 Deciding the content, if the content of the
15 program is the right kind of content for Three Angels?

16 A. Well, basically it just needs to be very
17 spiritual and it needs to, of course, fall in line with
18 the beliefs of the Seventh-day Adventist Church.

19 Sometime ago our Board of Directors actually
20 voted what type of programming would be seen on Three
21 Angels Broadcasting, and in a nutshell the vote
22 actually said that it would reflect the 27 fundamental
23 beliefs of the Seventh-day Adventist Church.

24 It would promote the gospel around the world,

1 and also it would not in any way, form, shape, or
2 manner be detrimental or give the church any kind of
3 bad press.

4 Q. Okay. And do you use this criteria when you
5 screen programming?

6 A. Yes.

7 Q. Now, is there a schedule for what programming
8 is going to be -- take place? And we've had testimony
9 about a Studio A and Studio B.

10 Is there a schedule for what program is going
11 to occur?

12 A. Yes.

13 Q. And who keeps that schedule?

14 A. Dee Hildebrand.

15 Q. And is she under your supervision?

16 A. Yes.

17 Q. So your office -- does your office then have
18 records of the programming that has occurred over the
19 last few years?

20 A. Yes. In fact, I spoke with her yesterday and
21 she said --

22 MS. PETTY: Objection, hearsay.

23 ADMINISTRATIVE LAW JUDGE: That's her --

24 MS. PETTY: What Dee Hildebrand said.

1 MR. MILLER: In your responsibilities of
2 overseeing the Programming Department do you know if
3 records are kept?

4 THE WITNESS: Yes.

5 Q. And how long are those records kept for?

6 A. I know personally myself that she has at
7 least five years worth of records.

8 Q. Okay. And would that programming tell us
9 what percentage of time was allocated to a particular
10 subject matter or program time?

11 MS. PETTY: Objection to what the records say,
12 because unless they can produce the records.

13 MR. MILLER: Have you seen any of these
14 records?

15 THE WITNESS: Yes.

16 MR. MILLER: Unless there is an Interrogatory
17 request that these would have been responsive to I'm
18 not sure why she can't testify as to her knowledge.

19 MS. PETTY: Best evidence.

20 ADMINISTRATIVE LAW JUDGE: I'm going to go
21 ahead and allow the question though. I understand what
22 you're saying with best evidence, but obviously they
23 did not have the evidence so it's the best evidence
24 available right here and now and it wasn't part of the

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1 production of documents I don't believe so.

2 MR. MILLER: Answer the question.

3 Would it be possible to work out an
4 allocation of time? I'm not asking you to tell us what
5 that allocation would be or what it is, but whether it
6 would be possible from the records?

7 THE WITNESS: Yes.

8 MR. MILLER: You know, upon reflection and
9 thought I would like to enter the CD as an exhibit. I
10 think it's an exhibit of both of what Linda Shelton
11 does with the ministry for Three ABN and an exhibit of
12 something that they actually distribute and sell.

13 ADMINISTRATIVE LAW JUDGE: I'm an Indian
14 giver.

15 Now, you want to admit this into evidence?

16 MR. MILLER: Yes, Your Honor.

17 ADMINISTRATIVE LAW JUDGE: Is there any
18 objection to the admission into evidence of Applicant's
19 Exhibit 24?

20 MS. PETTY: No.

21 ADMINISTRATIVE LAW JUDGE: Okay. Let the
22 record reflect that Applicant's Exhibit Number 24 is
23 admitted into evidence.

24

1 (Applicant's Exhibit Number 24
2 was admitted into evidence.)

3 MS. PETTY: I would just make a reservation
4 that none of us have had an opportunity to hear the
5 songs, so we don't actually know what the content is.

6 ADMINISTRATIVE LAW JUDGE: Fine, with that
7 stipulation or --

8 MR. BOOTHBY: Listen to it in the break.

9 MR. MILLER: I mean, I'm not sure. I mean,
10 it's not, it's certainly not testimony proffered for
11 the, I believe the truth of the matter is very true,
12 but it certainly is not proffered for that. It's
13 proffered for what they are actually distributing and
14 selling.

15 ADMINISTRATIVE LAW JUDGE: We will accept the
16 evidence with that comment as well.

17 MR. MILLER: I have no further witness -- no
18 further questions at this time, and I hope no further
19 witnesses either.

20 CROSS EXAMINATION

21 BY MS. PETTY:

22 Q. Good morning, Ms. Shelton. We met earlier. I
23 just wanted to make sure and introduce myself again.
24 I'm Joanne Petty. I represent the Intervenors in this

1 case.

2 I'd just like to follow up with you on a
3 couple of things.

4 You are on the Board of Directors for Three
5 ABN, true?

6 A. Yes.

7 Q. And you started as the Secretary of the Board
8 of Directors?

9 A. Yes.

10 Q. So one of your responsibilities in that
11 capacity was to maintain the minutes of the Board?

12 A. Yes.

13 Q. And what year did you take over as Vice
14 President of the Board?

15 A. I don't recall the exact year.

16 Q. Did you take over somebody's spot as Vice
17 President?

18 A. Let me think about that a second. We did
19 have a Vice President in the early years and that
20 position was vacated for a period of time which I can
21 not specify, however, I don't believe when I took the
22 title, I wasn't actually replacing somebody at that
23 point.

24 Q. Okay. In your capacity as a member of the

1 Board of Directors of Three Angels Broadcasting Network
2 are you -- do you have any other -- do you have any
3 documents or maintain any records of the Board other
4 than the Articles and the Bylaws?

5 A. Could you run that by me again?

6 Are you eliminating the minutes? You said
7 Articles and Bylaws.

8 Q. That you have aside from the minutes, the
9 Bylaws and the Articles of Incorporation, are there any
10 other documents generated by the Board of Directors
11 relating to the operations of Three Angels Broadcasting
12 Network?

13 A. I do believe that there are some other
14 documents in the book. You know, I haven't gone
15 through it carefully before I came to this meeting, so
16 I probably couldn't specify all of the documents in
17 there.

18 Q. Do you know whether any of those documents
19 that are in there are policies set by the Board
20 regarding programming, sales of CDs and videos and
21 books, things like that?

22 A. I don't think they would be registered as
23 such. Those type of actions are in our minutes.

24 Q. Okay. Now, you testified that in addition to

1 your duties as a member of the Board of Directors you
2 are also the overseer of the production, programming,
3 scheduling, and the print materials for Three Angels
4 Broadcasting?

5 A. Basically.

6 Q. Do one of your responsibilities include
7 advertising?

8 A. What type of advertising?

9 Q. Print advertising?

10 A. Just on the products that I'm involved in.
11 We do have a Marketing Department that has produced
12 some of their own.

13 Q. Do you know whether you have a budget for the
14 amount of advertising you're allowed to spend in a
15 given year set by the Board of Directors?

16 A. I believe there is a budget that is accepted
17 at the beginning of the year. I couldn't tell you any
18 exact figures on that budget.

19 Q. Now, you also have responsibility for the
20 newsletters and magazines, correct?

21 A. Yes.

22 Q. You provide most of the articles and the
23 contents of those newsletters and magazines?

24 A. Yes.

1 Q. And they get distributed to a mailing list of
2 about a hundred to a hundred and fifty thousand people?

3 A. Yes.

4 Q. In those newsletters and magazines are there
5 any -- is there information on Three Angels
6 Broadcasting, how to contact Three Angels Broadcasting?

7 A. Our address is on them, yes.

8 Q. Do any of these newsletters and magazines
9 contain any advertising material for Three Angels
10 Broadcasting Network?

11 A. What type of advertising?

12 Q. Do any of these newsletters or magazines
13 contain advertising for the satellite systems?

14 A. I believe the magazine has information like
15 that.

16 Q. Contained in the newsletters or magazines is
17 there any -- are there any forms or order forms for
18 people to make contributions to Three Angels
19 Broadcasting?

20 A. Only in the magazines.

21 Q. Are the magazines generally larger than the
22 newsletters?

23 A. Yes.

24 Q. Are the magazines published by Three ABN?

1 A. Yes.

2 Q. Are they produced on-site?

3 A. No.

4 Q. So you prepare the content, send them out to
5 somebody else to prepare the final product?

6 A. Yes.

7 Oh, as far as printing?

8 Q. Right.

9 A. It's printed outside of Three ABN, yes.

10 Q. You also have responsibility for the
11 scheduling of airtime?

12 A. Not directly.

13 Q. Okay. That's one of the areas that you
14 oversee?

15 A. Yes.

16 Q. Now, if a viewer is watching Three Angels
17 Broadcasting Network programming, do you know whether
18 or not the number to call Three ABN is provided to the
19 viewers through your airings?

20 A. Through our programming?

21 Q. Yes.

22 A. The phone number is on the screen most of the
23 time.

24 Q. So while a program is running you have a

1 number on the screen for them to contact Three Angels
2 Broadcasting Network?

3 A. For prayer.

4 Q. What number is that?

5 A. 1-800-752-3226.

6 Q. Is that the same number that people would
7 call in for the Call Center?

8 A. Basically on your printed materials we try to
9 keep the 618-627-4651 number and we try to keep the
10 1-800 number specifically for prayer.

11 Q. Now, I'll get back to that.

12 You have no knowledge with respect to how
13 costs were allocated for airtime, correct?

14 A. Could you rephrase the question?

15 Q. Sure.

16 You have no knowledge with respect to how
17 costs were allocated for airtime?

18 MR. MILLER: Objection. That wasn't
19 rephrasing. That was repeating.

20 ADMINISTRATIVE LAW JUDGE: I'm going to
21 overrule your objection. You're right it was
22 repeating, but I don't know that --

23 MR. MILLER: She asked for it to be rephrased.

24 ADMINISTRATIVE LAW JUDGE: I don't know that

1 she can ask for it to be rephrased, so I think repeat
2 the question would be the proper.

3 MR. MILLER: Then I'll object on the grounds
4 that it's confusing.

5 ADMINISTRATIVE LAW JUDGE: All right.
6 And the question again was?

7 MS. PETTY: You have no knowledge with respect
8 to how costs were -- how costs were calculated with
9 regard to airtime?

10 ADMINISTRATIVE LAW JUDGE: How is it
11 confusing?

12 MR. MILLER: The witness didn't understand it.

13 ADMINISTRATIVE LAW JUDGE: Oh.

14 Do you understand it now or do you --

15 THE WITNESS: Well, I'm thinking about it.

16 I guess my response to that would be that is
17 not my place and I can't say I have no knowledge
18 because I know who is involved in making the costs. I
19 just want to be totally honest here. I don't -- I
20 don't want to mess up.

21 MS. PETTY: You don't have any specific
22 knowledge regarding how costs were allocated, correct?

23 MR. MILLER: I'll object again. I think the
24 question is ambiguous. I'm not sure costs allocated

1 for airtime is a very abstract question. We're not
2 sure what costs are being talked about or what airtime
3 is being talked about.

4 ADMINISTRATIVE LAW JUDGE: Why don't you
5 rephrase it and be a little bit more specific if you
6 could do that?

7 MS. PETTY: Sure.

8 Do you have any knowledge with regard to what
9 percentage of the total operating expenses were
10 allocated to airtime production fees?

11 THE WITNESS: So you're talking about a
12 procedure? Do I know how the costs for airtime were
13 put together?

14 I would say basically, in essence, no.

15 Q. Would it be fair to say that you and Dan have
16 total decision making authority for airtime contracts?

17 A. Yes.

18 Q. The Board has no input into that?

19 MR. MILLER: Objection, mischaracterizes the
20 testimony.

21 MS. PETTY: It's another question.

22 MR. MILLER: Okay.

23 THE WITNESS: Well, I would say that the
24 Board, in essence, does have involvement, simply

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1 because they agree with and abide by our bylaws and
2 they have assigned Dan and myself to carry out our
3 bylaws of disseminating the gospel into all of the
4 world, and they have assigned those duties for finding
5 good programs for Three ABN and putting it on the air.

6 So I would say, in essence, yes, they are
7 involved and they have endorsed what we do.

8 MS. PETTY: Do you take the specific contracts
9 for airtimes to the Board?

10 A. No.

11 Q. Now, these catalogs that you distribute, I'll
12 just show you a couple of them. I'm showing you what's
13 been admitted as Intervenor's Exhibit 7 and 8.

14 A. Uh-huh.

15 Q. Are those familiar to you?

16 A. Yes, they are.

17 Q. Okay. These are a catalog -- these two are
18 catalogs of items that Three ABN sells, right?

19 A. Not -- this item here, I guess it's called
20 Intervenor's Number 7, is that correct?

21 This is our video catalog. This is a copy of
22 our free magazine.

23 Q. I'm sorry. Okay. Thank you for that
24 clarification.

1 Now, with regard to seven, which is the
2 catalog, that is a sampling of things that Three ABN
3 does sell, correct?

4 A. No. This catalog is also free.

5 Q. But --

6 A. This is a video catalog that is distributed
7 free of charge.

8 Q. The catalog is distributed free?

9 A. Yes.

10 Q. But the items that are inside the catalog?

11 A. There is a charge.

12 Q. The number that is on the front of that
13 catalog to call for ordering those items that are
14 inside the catalog?

15 A. Uh-huh.

16 Q. Is 800-752-3226?

17 A. Yes, and that is a mistake.

18 Q. But that's the number that's on that catalog?

19 A. Yes.

20 Q. And this catalog was distributed, to the best
21 of your knowledge?

22 A. I couldn't guarantee it.

23 Q. Is that 800 number 752-3226 the same number
24 that is on the screen?

1 A. Yes.

2 Q. During the airtime or the airing of Three
3 ABN?

4 A. Yes.

5 Q. Do you have any idea or knowledge with regard
6 to any written policies regarding providing items in
7 those catalogs for free or reduced charges for people
8 who can't afford them?

9 A. Basically what we have spoken and I do
10 believe there is places that we have written that all
11 of the programs that are produced by Three Angels
12 Broadcasting Network we encourage people to copy them
13 on their VCRs and to distribute them for evangelism
14 purposes, and none of our videotapes are copyrighted.

15 And we do that on purpose so people will feel
16 free about copying our programs on the air and
17 distributing them.

18 If people chose, rather than to not do the
19 VCR thing of copying the programs on the air, they do
20 have the option of purchasing the videos in this
21 catalog and then they can also copy those and share
22 those.

23 Q. Okay. But you don't have a written policy by
24 the Board that says for people who want these items in

1 our catalog for free or reduced charges because they
2 can't afford them?

3 A. Well, I have to refer back to our Bylaws.
4 Our Bylaws say that we are charitable and giving and
5 basically that is the function of Three ABN and that's
6 what we strive to do.

7 Q. To your knowledge there is no written policy
8 regarding how the guidelines are determined for who
9 qualifies for a free or reduced charge item?

10 A. Well, again, I'd have to refer back to our
11 Bylaws because we don't set any standards or
12 qualifications. The gospel is for every kindred,
13 nation, tongue, and people.

14 Q. So you don't have a written policy that
15 specifically outlines those factors --

16 A. Well, I believe that our bylaws are a written
17 policy.

18 Q. Let me just finish the question so that was
19 have a clean record, Ms. Shelton.

20 You don't have a specific written policy that
21 specifically outlines what factors are used or what
22 direction is given by the Board that says, these people
23 who call and request these items that you sell for free
24 or reduced charges are entitled to them?

1 A. I have to go back to our Bylaws, because I do
2 believe that is a written policy basically giving us
3 guidelines as to how we should function as a ministry.

4 MS. PETTY: Your Honor, at this time I move to
5 strike the last response as nonresponsive.

6 ADMINISTRATIVE LAW JUDGE: I agree. Please
7 strike the last response.

8 MS. PETTY: Ms. Shelton, I'm showing you
9 what's been marked Applicant's Exhibit Number 2, which
10 are the Articles of Incorporation, and I believe
11 attached to that are the Bylaws.

12 MR. MILLER: I'm not sure. I think the Bylaws
13 are -- I think those are the Bylaws.

14 MS. PETTY: Oh, that's all the Bylaws. Okay.
15 Are you familiar with that document?

16 THE WITNESS: Yes.

17 Q. That's one of the documents maintained by the
18 Board of Directors?

19 A. What do you mean by maintained?

20 Q. It's kept by Three Angels Broadcasting?

21 A. Yes.

22 Q. And it outlines your functions?

23 A. Uh-huh.

24 Q. And you signed this document?

1 A. Yes.

2 Q. Can you tell me whether or not there are any
3 specific guidelines set out in those Bylaws and
4 Articles that provide guidelines for how calls
5 regarding requests for free or reduced charged items
6 are handled?

7 A. I would say not specifically.

8 Q. Okay. Thank you.

9 You have no involvement in the satellite dish
10 sales?

11 A. No.

12 Q. Now, do you have -- would it be fair to say
13 that the Board of Directors generally does not like to
14 micromanage the operation or the business operations of
15 Three ABN?

16 A. It depends, how you would --

17 MR. MILLER: You know, I'll object. I think
18 that's vague. I mean, that's a very broad
19 characterization and it wasn't the testimony of this
20 witness.

21 MS. PETTY: I can ask more specific questions.

22 ADMINISTRATIVE LAW JUDGE: Okay. Why don't
23 you rephrase it?

24 MS. PETTY: Okay. Does the Board determine

1 what charge is going to be set for satellite dishes?

2 THE WITNESS: I would say no.

3 Q. Okay. Does the Board determine what prices
4 are set for the videos?

5 A. No.

6 Q. Does the Board tell you how much to charge
7 for airtime?

8 A. No.

9 Q. Does the Board tell you -- give you a list at
10 the beginning of the year and say these items are to be
11 given away for free?

12 A. No.

13 Q. Ms. Shelton, during the years 2000 and 2001
14 did you have a Dodge Durango?

15 A. No.

16 Q. I'm referring to I guess Exhibit 24, the CD.
17 Were these -- was this CD produced at Three
18 Angels Broadcasting Network property?

19 A. You mean -- the music was not.

20 Q. Okay. Did you record it there?

21 A. The music was not.

22 Q. You have no -- received no royalties for
23 this?

24 A. No.

1 Q. Do your songs get licensed that you write?

2 A. What do you mean by licensed?

3 Q. Does somebody have to pay you a fee to use
4 your songs?

5 A. No.

6 Q. Does somebody have to pay another
7 organization to use or air your songs?

8 A. Pay another organization to use, no.

9 Q. So if somebody were to air your songs on the
10 radio, would the radio have to pay any type of fee to
11 whoever owns the license for this CD?

12 A. I think I know where you're going now.

13 MR. MILLER: Objection, foundation.

14 MS. PETTY: Well, she's starting to answer the
15 question so.

16 MR. MILLER: And I objected before she did
17 answer. I want a foundation.

18 ADMINISTRATIVE LAW JUDGE: Let's go ahead and
19 lay some foundation for this.

20 MS. PETTY: Okay. Well, let me ask you
21 another question.

22 Are your songs licensed through BMI?

23 THE WITNESS: Yes.

24 Q. And what is BMI?

1 A. Broadcast Music Incorporated.

2 Q. Is this company in anyway affiliated with
3 Three Angels Broadcasting Network?

4 A. No.

5 Q. Is that a private company?

6 A. Yes.

7 Q. And what is the arrangement with BMI for the
8 license for your songs?

9 MR. MILLER: Objection, foundation.

10 MS. PETTY: Do you know what the arrangement
11 is between BMI and you or Three ABN for the license of
12 your songs?

13 THE WITNESS: Basically what BMI does is, if
14 the songs receive massive airplay, I would get royalty
15 checks. Quite frankly the largest royalty check that
16 I've ever received has been like \$20.

17 Q. So you did receive royalties, a royalty
18 check?

19 A. Well, when you were talking about royalties I
20 thought you were talking about royalties from Three
21 ABN.

22 Q. Okay. And where do those royalties go, to
23 you or to --

24 A. To me.

1 Q. This CD is copyrighted by Three Angels
2 Broadcasting Music?

3 A. No, it's not copyrighted. The songs, the
4 individual songs themselves are copyrighted by myself
5 because they belong to me. The project belongs to
6 Three ABN.

7 Q. Okay. Is Three ABN Music -- what is that?

8 A. If you're talking about the years 2000 and
9 2001 that doesn't apply.

10 Q. Okay. What is it though?

11 MR. MILLER: Objection, outside the scope.

12 MS. PETTY: Of your direct?

13 ADMINISTRATIVE LAW JUDGE: Of this Court's
14 jurisdiction and the relevance and the direct. Well,
15 no, it wouldn't be outside the scope of the direct
16 because I did proffer this. But if the organization
17 had nothing to do with 2000 and 2001, we need to lay a
18 foundation about the connection between it and anything
19 that happened then.

20 ADMINISTRATIVE LAW JUDGE: Why don't you go
21 ahead and lay a foundation I think?

22 MS. PETTY: Okay. During the years 2000 and
23 2001 was Three ABN Music apart of Three ABN
24 operations?

1 THE WITNESS: I'd have to say no. I think on
2 previous CDs we might have put a label on it just
3 because CDs normally have a label, but it was not
4 actually formally documented, and I'm not exactly sure
5 of the procedure that you have to go through to acquire
6 a Three ABN Music label, but at that time there was no
7 Three ABN Music label.

8 Q. So Three ABN Music is an actual label now?

9 A. I thought we were just talking about years
10 2000 and 2001?

11 ADMINISTRATIVE LAW JUDGE: I think she's
12 trying to clarify as far as it was not in existence in
13 2000 and 2001.

14 THE WITNESS: No.

15 ADMINISTRATIVE LAW JUDGE: But it is --

16 MR. MILLER: So the foundation then is that it
17 doesn't relate to that period.

18 ADMINISTRATIVE LAW JUDGE: I can understand
19 that, however, there has been foundation laid for the
20 music itself, and I'd just like a clarification.

21 I realize it go did not exist in 2001,
22 however, the label on the back of this says 2001, so
23 there is a correlation.

24 MS. PETTY: That's right. . And that was my

1 next question.

2 And the label, I don't know if you need to,
3 you want to look at this?

4 THE WITNESS: Well, I know what it says.

5 MR. MILLER: Why don't you look at it, Linda,
6 just to be sure?

7 THE WITNESS: Well, as I previously
8 mentioned --

9 MS. PETTY: I'm sorry, there is no question
10 pending..

11 A. Okay. I think I answered that already.

12 Q. So this was copyrighted and there is a 2001
13 Three ABN Music label on the back of this CD cover,
14 correct?

15 A. I think you should divide up those questions
16 so I can address them individually.

17 Q. Okay. When was this CD copyrighted?

18 A. The CD itself is not copyrighted.

19 Q. Okay. When were your songs copyrighted?

20 A. The songs were copyrighted approximately a
21 year ago.

22 Q. So 2001?

23 A. Yes.

24 Q. When was the CD produced?

1 A. During the year 2001.

2 Q. And were they -- this was under Three ABN
3 Music label?

4 A. Well, as I mentioned earlier, this --
5 normally when you buy a CD it will have some type of
6 label on the back, and we prepared this just as a
7 label, so we would be identified similarly as other
8 CDs, though this was not actually formally documented
9 as a Three ABN Music label.

10 Q. Okay. But today it would be?

11 MR. MILLER: If you know, that's fine.

12 THE WITNESS: Well, we just recently voted I
13 think during our May meeting to actually proceed in
14 developing the Three ABN Music label, so it's not --
15 it's in the development stages.

16 MS. PETTY: Okay. What happens if somebody
17 violates your copyright for these songs, if you know?

18 A. I've never had any of my songs violated, so I
19 don't know what that means, and it's really unlikely
20 that that would happen.

21 Q. Okay.

22 ADMINISTRATIVE LAW JUDGE: I think it's time
23 to take a recess, fifteen minutes.

24 Do you think that's sufficient?

1 MR. STEINKAMP: Better make it 20 minutes.

2 ADMINISTRATIVE LAW JUDGE: And reconvene at
3 quarter til eleven.

4 (Whereupon a short recess
5 was taken.)

6 MS. PETTY: I just have a few more questions.

7 ADMINISTRATIVE LAW JUDGE: I remind you you're
8 under oath.

9 THE WITNESS: Okay.

10 MS. PETTY: In the year 2000 was the Board
11 involved in the settlement of a licensing fee?

12 A. I don't know.

13 Q. Do you have any knowledge about a licensing
14 fee settlement?

15 A. Not that I am aware of, no.

16 Q. Are you on the Board of Directors or an
17 officer of any other corporation?

18 A. No.

19 Q. In your opinion what would the, not your --
20 in your personal opinion, how would the imposition of
21 property taxes affect the operations of Three ABN?

22 A. Obviously it would mean less money that we
23 would have to operate and use and grow to spread the
24 Gospel.

1 But I think where it would hurt us the most
2 is the integrity of the ministry, because people
3 support ministries because they are tax exempt and they
4 know that the money is going to go to spread the Gospel
5 and to do charitable work.

6 I think it would harm the ministry very much
7 if people found out that we were required by law to pay
8 property taxes.

9 I think people would pull back and say, well,
10 you know, I think I'll support another ministry from
11 another state that doesn't have to pay property taxes.

12 Q. Did you inform your viewers that Three ABN
13 was purchasing an aircraft?

14 MR. MILLER: Objection, Your Honor.

15 ADMINISTRATIVE LAW JUDGE: What's the basis of
16 the objection?

17 MR. MILLER: Outside the scope of direct,
18 relevance, lack of foundation. If I think of any more
19 I'll let you know.

20 ADMINISTRATIVE LAW JUDGE: I think that's
21 sufficient. I'll sustain the objection.

22 MS. PETTY: I will withdraw the question.

23 ADMINISTRATIVE LAW JUDGE: Thank you.

24 MS. PETTY: I'm done.

1 ADMINISTRATIVE LAW JUDGE: All right.

2 Anything on redirect?

3 MR. MILLER: Just a few questions.

4 MR. STEINKAMP: Judge, if I have a couple of
5 question, is this my time to ask?

6 ADMINISTRATIVE LAW JUDGE: Yes.

7 I'm sorry, I didn't --

8 MR. STEINKAMP: I'm sorry. I didn't let you
9 know, but I do have some questions about production at
10 the --

11 ADMINISTRATIVE LAW JUDGE: This is Mr.
12 Steinkamp. He represents the Department.

13 THE WITNESS: Hi there.

14 EXAMINATION

15 BY MR. STEINKAMP:

16 Q. You're involved in -- are you supervising any
17 of the production areas at Three ABN at the site there
18 in Thompsonville?

19 By production, I mean, the, you know, the
20 camera work, the sound men, the other technical areas,
21 engineers? Is that anywhere in your area of
22 supervision?

23 A. I don't supervise it directly.

24 Q. Who is responsible for production at Three

1 ABN, again, in the same sense of the things I
2 mentioned, all of those technical areas?

3 A. We have layers of authority. I'd say
4 ultimately our Board of Directors would be responsible
5 for our productions, then Dan, then myself, then our
6 Operations Manager, then the Directors. That layers
7 down.

8 Q. So are you saying you are in the chain of
9 command?

10 A. Yes, uh-huh.

11 Q. Are you, in that position then do you become
12 aware of the quality of production activities there at
13 Three ABN?

14 Do you have something to do with the quality
15 of the production activities?

16 MR. MILLER: I'll object on vagueness ground.
17 I'm not sure if he's talking about technical quality or
18 the programming content or maybe you could just make
19 the question more specific.

20 MR. STEINKAMP: All right. As an artist you
21 must notice how the results of the various taping and
22 transmission products turn out?

23 THE WITNESS: Yes.

24 Q. Just from an artistic point of view, don't

1 you?

2 A. Uh-huh.

3 Q. And production enters into the artistic
4 quality of the result, is that correct?

5 A. Yes.

6 Q. Do you have knowledge of how production might
7 improve or decrease the quality of the result?

8 A. I would say that the different layers that I
9 just mentioned would be involved. I myself would be
10 involved because when I watch Three Angels Broadcasting
11 Network at home, if I see something, I will alert the
12 people who need to make the changes right away.

13 Q. Okay. Do you -- do you have knowledge, when
14 you see something that's wrong, do you have knowledge
15 about the specific area that needs to be improved,
16 whether it be sound or camera work or transmission or
17 something, engineering? I mean --

18 A. Yes, because, simply because I've learned
19 production from the grass roots level, and since we've
20 been involved in it for 18 years now, I've received an
21 education in what television should look like.

22 Q. Okay. Do you compare the production quality
23 of Three ABN to the production quality of other cable
24 programming or noncable programming?

1 A. I would say more I check out other religious
2 networks and see what type of quality they have and
3 also what type of programming.

4 Q. Do you have an opinion as to how Three ABN's
5 quality of production compares with any of these other
6 religious broadcasters?

7 A. I personally feel --

8 MR. MILLER: Objection.

9 MR. STEINKAMP: I'm just asking her if she has
10 an opinion.

11 THE WITNESS: Well, I personally think that
12 our production quality is very good.

13 Q. Okay. Is it as good as any of these others?

14 A. I would say with most of them Three ABN is
15 much better.

16 Q. Okay. And do you have knowledge of how you
17 achieve that quality of production?

18 A. I think it's a learning and growing process
19 and we've learned and grown a lot over the years.

20 Q. Can I ask you, do you -- do you hire
21 personnel in the production area that are as competent
22 as personnel at any other broadcasting facility?

23 MR. MILLER: Well, I'll object. I think that
24 lacks foundation as far as what other broadcasting

1 facilities hire, who runs their programming.

2 ADMINISTRATIVE LAW JUDGE: Do you want to lay
3 a foundation for the question?

4 MR. STEINKAMP: When you -- when you go out to
5 hire people are you looking for competent people that
6 produce the quality that are equal to any other
7 broadcasting?

8 THE WITNESS: There are certain positions that
9 require the competency that you're speaking about, but
10 then there is other areas in production, such as
11 running and operating a camera. We basically could
12 hire somebody off the street and if they have any
13 artistic leanings at all, they could learn how to
14 operate a camera.

15 Q. But when you hire people you're trying to
16 hire people who will help you produce, and once -- you
17 try to hire people who are competent and able to help
18 you produce quality that's as high as any other
19 broadcasting facility; is that correct?

20 MR. MILLER: Objection, Your Honor. I'm not
21 sure what the relevancy of this is and, furthermore,
22 it's beyond the scope of the direct and, furthermore,
23 the question keeps throwing in, as compared to other
24 facilities, and there is no foundation that's been laid

1 as to Mrs. Shelton's knowledge of hiring at other
2 facilities.

3 MR. STEINKAMP: She just testified that she
4 notices other, you know, that she compares Three ABN's
5 quality to the quality of other facilities.

6 What I'm asking her is if she has any
7 knowledge of or well, I'll -- I'll ask you then.

8 Do you -- do you hire people who are -- do
9 you hire professionals in these production areas that
10 are available to -- to any other producers of
11 television programming?

12 Are you aware of --

13 MR. MILLER: I'll object, Your Honor, on the
14 basis of foundation. How would she know if they're
15 available to other, and I'm not sure where the question
16 is going.

17 MR. STEINKAMP: Well, the question is when you
18 go out to hire people you go into the general, let's be
19 specific then.

20 If -- if you needed to hire a new engineer
21 who works at -- on a television production, and you'll
22 forgive me if I'm not aware of all the technical names
23 for these people, but I think you get the general idea,
24 if there is some professional in the production area

1 that you need to hire, do you advertise for that, to
2 hire that person?

3 Is that how you go about it? Do you
4 advertise generally to hire the person?

5 THE WITNESS: Yes.

6 Q. And when you get applicants are those
7 applicants people who have the qualifications to be
8 hired?

9 Put it this way, do they put themselves out
10 as people who could be hired anywhere else in
11 television at the same technical position?

12 A. Well, we receive a wide variety of
13 applications for jobs and they're at varying levels of
14 experience and training.

15 Q. Uh-huh.

16 So how do you select a person that you
17 eventually hire in these technical areas?

18 A. Number one, since we are a Christian
19 ministry, we do require that the person is a
20 Christian. It does not matter, you know, which faith
21 that they are, but we do require that they are a
22 Christian, first of all, and.

23 Q. Can I ask a question just at this point to
24 help clarify this?

1 In making that selection, the people you hire
2 and these technical people be Christian, do you think
3 that diminishes in any way the competence or quality of
4 the applicants that are left after that selection?

5 A. As far as their technical abilities, is that
6 what you're talking about?

7 Q. Yes. Yes.

8 The ability to do the job? Is making the
9 first criteria that they be Christian reduce in any way
10 the competence of the -- of the group of people you're
11 going to be hiring from at that point?

12 MR. MILLER: Your Honor, is this a
13 hypothetical?

14 MR. STEINKAMP: Not at all. We're talking
15 about the activities on the property. All of my
16 questions go to the activity of the Three Angels
17 Broadcasting.

18 As a matter of fact, we're talking about
19 activities in the most basic sense, which is producing
20 television programming, and that's what I'm getting
21 at. That's what this is all relative to, the
22 production of television programming.

23 MR. MILLER: Is there foundation that she
24 actually does the hiring?

1 MR. STEINKAMP: She apparently does. She's --
2 the questions she's answered so far --

3 ADMINISTRATIVE LAW JUDGE: Why don't you
4 establish that foundation?

5 MR. STEINKAMP: Are you involved in the hiring
6 of technical people?

7 THE WITNESS: Yes, I am involved.

8 Q. Okay. I assumed that from the fact that she
9 was in the chain of command, okay, and her knowledge
10 too.

11 Anyway, so my question again is, you have a
12 group of people who have answered an inquiry for an
13 open position at Three ABN for some, you know, and
14 you've made a selection presumably among all of the
15 people who have applied that the final person to hold
16 the job is going to be a Christian. That's what --
17 isn't that what you have testified to?

18 A. Yes.

19 Q. All right. Does the reduction of the total
20 number by those who are non-Christian give you any less
21 quality of applicants to choose from?

22 MR. MILLER: Your Honor, the question is very
23 vague.

24 MR. STEINKAMP: It's not vague at all. It's

1 very specific.

2 MR. MILLER: I'd like to continue my
3 objection.

4 MR. STEINKAMP: You just don't like the
5 answer.

6 MR. MILLER: No. It's vague and abstract
7 because it's not talking about a particular position.

8 Presumably this process has gone on for a
9 number of times and a number of different positions and
10 the answer could be different depending on the
11 different applicants that we talk about.

12 MR. STEINKAMP: Do you remember hiring for any
13 particular position at Three ABN in the last 18 years
14 that you've been involved there?

15 THE WITNESS: Yes.

16 Q. Could you name one of the positions in the
17 technical production area that you've been involved in
18 hiring?

19 MR. MILLER: Object, as far as 2000 and 2001
20 would be appropriate.

21 MR. STEINKAMP: All right. Let's say, during
22 the year 2000 and 2001 did you hire anybody in the
23 production area.

24 THE WITNESS: I'm sure that we did. I don't

1 remember anyone specifically.

2 Q. Uh-huh.

3 What are the -- do you have engineers in your
4 production staff?

5 A. Yes.

6 Q. And what do those engineers do as far as you
7 are aware?

8 A. Actually my husband is over engineering and
9 I'm just not connected with that department.

10 Q. What about sound experts?

11 Is that -- are those engineers or is that
12 someone more technical, less --

13 A. We call them like audio person.

14 Q. Is that a person that you would have been
15 involved in hiring, audio person?

16 A. Actually what happens is my operations
17 manager goes through all the applications, actually
18 does the initial interviews, and the only ones that I
19 will end up speaking to are the ones that have been
20 totally screened, and these are the ones that they want
21 to hire, so I'm really not involved in the initial
22 processes at all.

23 Q. And when you talk to these people, what is
24 the decision that you're being asked to make at that

1 point about hiring?

2 A. When I talk to who?

3 Q. When you talk to the people that have been
4 selected to speak with you after the interview?

5 A. Basically, you know, since I am not as
6 technical as the people who work beneath me, I go by
7 their recommendations.

8 Q. Okay.

9 A. And, you know, basically when it comes to Dan
10 and myself, when we talk to them it's -- it's just kind
11 of, you know, how do we feel about these people, how do
12 we like them, and do we feel like they will blend in
13 with the ministry that we have.

14 Q. And is part of the consideration whether
15 they're going to do their job well?

16 A. Sure.

17 Q. Is your goal in hiring technical people to
18 produce the highest quality television programming that
19 you can achieve?

20 A. Within the wages that we offer.

21 Q. And if you could explain, does that limit you
22 in the quality that you get, --

23 A. Yes.

24 Q. -- the wage level?

1 Do you have any knowledge of the -- does
2 the -- strike the beginning of that there. Sorry for
3 being so confusing.

4 Does the quality of the programming also
5 depend on the equipment that you purchase for
6 programming?

7 A. Partially.

8 Q. Do you have any knowledge of how Three ABN
9 selects the equipment it purchases?

10 A. No.

11 Q. Okay. You mentioned before, this is a
12 different subject area. You mentioned before that you
13 thought that if donors knew that part of their donation
14 was going to pay taxes or specifically property taxes
15 that that would make you less able to get them to
16 donate to Three ABN. Am I correct in characterizing
17 your testimony in that way?

18 A. I don't think I phrased it exactly like
19 that.

20 Q. Do you think that if they knew that they had
21 to pay property taxes that that would make it less
22 likely that you could get donations?

23 A. I think we would be a less desirable ministry
24 to support.

1 Q. When you say that are you aware that Three
2 ABN has been paying property taxes on properties other
3 than this particular piece of property over the years?

4 A. Yes, on properties that we're required to.

5 Q. Well, I guess my question is, did people who
6 were donating to you at that time have the knowledge
7 that you either were or may have been paying property
8 taxes when they were donating to you?

9 MR. MILLER: Objection, as to what view --

10 MR. STEINKAMP: Did you make that known to
11 them?

12 THE WITNESS: I don't recall speaking of it.
13 However, now this case is very much aware to our
14 donors.

15 Q. How is that?

16 A. We've made mention and there is a lot of
17 people actually praying for what is happening here.

18 Q. Have you made mention on your television
19 program --

20 A. Yes, we have.

21 Q. -- that this is a problem?

22 Well, when you made mention of it did you say
23 that this is -- that you have been paying property
24 taxes before as well, and did you make that mention of

1 the entire context of this?

2 MR. MILLER: Objection, Your Honor.

3 MR. STEINKAMP: What's the objection?

4 MR. MILLER: The objection is that it's
5 beyond, it's not relevant because --

6 MR. STEINKAMP: She brought it up.

7 MR. MILLER: -- as to property -- the taxes
8 were never paid on the property used for the Three ABN
9 facilities. We've had testimony the taxes were paid on
10 properties not used for Three ABN purposes and I
11 believe the question conflates the two.

12 ADMINISTRATIVE LAW JUDGE: I think I'm --

13 MR. STEINKAMP: I have no further questions.

14 ADMINISTRATIVE LAW JUDGE: Okay. Do you have
15 anything on redirect?

16 MR. MILLER: I do have a couple questions.

17 REDIRECT EXAMINATION

18 BY MR. MILLER:

19 Q. Now, you testified that there was a mistake
20 on one of the catalogs regarding the number that was on
21 that catalog?

22 A. Yes.

23 Q. And what number should have been on that
24 catalog?

1 A. 618-627-4659.

2 Q. And is that the number that appears on
3 Respondent's Exhibit Number 9, which is a Television
4 and Radio Winter 2001 Catalog?

5 A. Yes.

6 Q. And that's the number that should have been
7 on the other catalog?

8 A. Yes.

9 Q. You were asked a line of questioning about
10 whether the Board sets the prices of CDs and satellite
11 dishes and other financial arrangements of Three ABN,
12 and you testified they did not.

13 My question is, is the Board aware of the
14 prices that are set for satellite dishes and CDs and
15 videos?

16 A. Yes, they are.

17 Q. And do they approve the financial statements
18 and arrangements of Three ABN on a regular basis?

19 A. Yes, they do.

20 Q. Now, this CD that you sang and produced on,
21 do you receive any royalties from the sale of the CD
22 itself?

23 A. No.

24 Q. As far as airtime is concerned, does Three

1 Angels Broadcasting -- do you receive royalties if
2 the -- if the CD or song is played over Three Angels
3 Broadcasting systems?

4 A. No.

5 Q. Where would you receive royalties from
6 airtime playing, if you did receive any?

7 A. What type of airtime?

8 Q. Well, I think you testified earlier that
9 theoretically you could receive royalties if this CD
10 was played all across the country?

11 A. Yes.

12 MS. PETTY: Objection, Your Honor. I think
13 that mischaracterizes the testimony.

14 ADMINISTRATIVE LAW JUDGE: I would agree. If
15 you want to rephrase it.

16 MR. MILLER: I think she just said yes.

17 THE WITNESS: Yes.

18 ADMINISTRATIVE LAW JUDGE: Well, let's strike
19 that and if you want to rephrase it.

20 MR. MILLER: Under what circumstances would
21 you receive royalties?

22 THE WITNESS: From the -- from BMI.

23 Q. And have you received royalties, airtime
24 royalties for this present CD that is entered as an

1 exhibit?

2 A. No.

3 MR. MILLER: Thank you for your testimony.

4 THE WITNESS: Thank you.

5 MS. PETTY: I'm sorry, I have a few.

6 ADMINISTRATIVE LAW JUDGE: They get a chance
7 to recross now.

8 MR. MILLER: But it's just limited to the
9 questions I'm asking right now.

10 ADMINISTRATIVE LAW JUDGE: Just to the
11 questions.

12 RE CROSS EXAMINATION

13 BY MS. PETTY:

14 Q. You testified you proofread, you proofread
15 catalogs as part of your job?

16 A. Yes.

17 Q. With regard to the number that should have
18 been on the catalog, which is the 618 number, it
19 doesn't matter, that was your 618 number for the Three
20 ABN Call Center.

21 Is that where the number goes to,
22 618-627-4651?

23 A. That's the main phone number for Three ABN.

24 Q. Where does that phone number, if I were to

1 call it, where would I go? Where would it be directed?

2 A. The receptionist answers that number.

3 Q. Okay. And if I wanted to purchase something,
4 would that call get directed to the Call Center?

5 A. Yes.

6 Q. Now, you said the 800 number 752-3226 number
7 is for prayer?

8 A. Yes.

9 Q. I'm going to show you what's been previously
10 marked as Exhibit 24. This is your, the insert into
11 the CD?

12 A. Uh-huh.

13 Q. I ask you to turn to the back page of that
14 insert and tell me what the phone number is on that to
15 purchase more of those CDs, on the inside of the back
16 label.

17 A. Well, our phone number is on the back.

18 Q. Okay. Well, then let's go at it this way.
19 What is the number that's on the inside of
20 that CD?

21 A. That is our 800 number, which is another
22 mistake.

23 Q. But you would agree that it is in there?

24 A. Yes, but also our 618-627 --

1 MS. PETTY: I'm sorry, there is no question
2 pending.

3 Did you alert your -- I'm sorry.

4 That's all I have.

5 REDIRECT EXAMINATION

6 BY MR. MILLER:

7 Q. What was the number on the back of the CD
8 cover?

9 A. 618-627-4651.

10 MR. MILLER: Thank you.

11 ADMINISTRATIVE LAW JUDGE: I thought you might
12 want to ask that.

13 MR. MILLER: I have no further questions, Your
14 Honor.

15 ADMINISTRATIVE LAW JUDGE: Anything else, Mr.
16 Steinkamp?

17 MR. STEINKAMP: Can I go back to the issue of
18 likelihood of donors to contribute under certain
19 circumstances, or am I not allowed to do that?

20 MR. MILLER: No, Your Honor. That would be
21 beyond the scope.

22 MR. STEINKAMP: My question was going to be
23 whether they would be more or less likely to donate if
24 they knew lawyers fees were being paid.

1 MR. MILLER: And that would be beyond the
2 scope.

3 ADMINISTRATIVE LAW JUDGE: And that's correct
4 so, no, Mr. Steinkamp.

5 MR. MILLER: It's a nice try.

6 ADMINISTRATIVE LAW JUDGE: And now I think
7 you're done.

8 THE WITNESS: Thank you very much.

9 ADMINISTRATIVE LAW JUDGE: You're welcome.
10 Is there any other witness? Do I need to
11 call security?

12 MR. MILLER: No. I think that's it.

13 MS. PETTY: Oh, Your Honor, before we go off
14 the record, just for clarity of the record, I think you
15 need five copies of those CDs.

16 ADMINISTRATIVE LAW JUDGE: That's correct, if
17 it's an exhibit so.

18 MR. BOOTHBY: We can make those available.

19 ADMINISTRATIVE LAW JUDGE: Now you're giving
20 away all sorts of stuff. Let me go ahead and escort
21 them up or else call security.

22 (Whereupon a short recess
23 was taken.)

24 MR. BOOTHBY: Applicants have a few offers of