

**EXHIBIT HP-2**

# COMMUNICATIONS CONSULTANTS AND SYSTEMS

P.O. Box 2022, Santa Monica, CA 90406 • Phone: Office: 310 454-2061/Shop: 310 451-2022/Fax: 310 450-2022

ADDENDUM TO LETTER - CCM TO FCC - 04/22/93

Statement by Harold R. Pick

1) I installed a GM repeater for Gerard Pick /DNR Lance Hardy West Advertising/ on Out Mountain, coordinates 34-19-32n latitude and 118-35-01 W longitude.

2) The repeater was installed on Out Mountain on 15 January 1993 at 2:00 PM, frequency 854.08750 MHz, .  
The Secondary was installed on 12 July 1992 on Saddle Peak.

3) On 25 February 1993 the GM Repeater was removed from Out Mountain due to a major power supply failure and reinstalled on 6 March 1993; it has stayed in service ever since.

4) Goodwill Industries uses this frequency on both the Primary CAT and the Secondary Saddle Peak.

5) WNYQ465 was constructed in a timely matter and complies with Part 90 Rules 90.633 (d)

6) Glen R. Bechert was not informed of the frequency change from 452.675 MHz to 854.0875 MHz because he has no contract with his tenants specifying/requesting such information.

I declare under penalty of perjury under the laws of the United States of America that all of the foregoing is true and correct.

This Statement was executed on the 4th Day of June 1993.

*Harold Pick*

Harold Pick



**EXHIBIT HP-3**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
MARC SOBEL D/B/A )  
AIRWAVE COMMUNICATIONS )  
 ) FCC File No. 93F600  
Request for Finder's Preference )  
Against Specialized Mobile Radio System - )  
Conventional Station WNYQ465 At )  
Oat Mountain, California, Licensed to )  
Lance Hardy Advertising )

To: Chief, Private Radio Bureau

**SUPPLEMENT TO  
OPPOSITION TO PETITION FOR RECONSIDERATION**

Marc Sobel d/b/a Airwave Communications (Sobel), by his attorneys, hereby files his Supplement to Opposition to the Petition for Reconsideration filed in the above captioned matter by Gerard Pick. In support of his position, Sobel shows the following.

Earlier in the above captioned matter, Sobel had demonstrated that Harold Pick had lied about the date on which station WNYQ465 was constructed or placed in operation. Now, documentary evidence has come to light which demonstrates further that Harold Pick lied to the Commission, and that Gerard Pick not only lied, but also presented a falsified document to the Commission.

Attached to the petition for reconsideration filed by Gerard Pick in the above captioned matter was a purported invoice from D.W. Thomas Companies, Inc. (Thomas). The invoice

was attached as Exhibit 3 to Gerard Pick's petition. Sobel's friend, James A. Kay, Jr. (Kay), is engaged in state court litigation against Harold and Gerard Pick. By means of discovery in that litigation, Kay has obtained from Thomas true copies of all documents which Thomas had rendered to Computer Consultants and Systems, a name under which Gerard Pick is registered as doing business. Copies of those invoices are attached as Exhibit I hereto. Comparison of the documents which Thomas supplied to Kay with the document presented at Gerard Pick's Exhibit 3 demonstrate beyond reasonable doubt that Gerard Pick uttered a falsified document before the Commission in support of his petition for reconsideration.

Gerard Pick uttered before the Commission an invoice which clearly had been counterfeited by combining the top of a Thomas invoice dated January 1, 1993, with the bottom of a Thomas invoice which had actually been dated by Thomas on February 10, 1993. The true invoice for crystals cut to operate on 809/854.0875 shows that the order for those crystals had not even been entered with Thomas until February 3, 1993, which was two days after the terminal date for placing station WNYQ465 in operation. For the Commission's convenience, a copy of Gerard Pick's faked invoice is attached as Exhibit II hereto.

Exhibit I hereto includes a Thomas Sales Order dated February 5, 1993, stating that someone would call for the crystals which had been ordered. The Thomas Sales Order shows that Harold Pick called for crystals on February 9, 1993, and signed the Sales Order at that time.

In his statement filed with the Commission in the above captioned matter on June 23, 1993, Harold Pick stated under penalty of perjury that station "WNYQ465 was constructed in a timely manner and complies with Part 90 Rules 90.633(d)." Harold Pick's signing for the crystals necessary to operate station WNYQ465 on February 9, 1993, proves beyond any reasonable doubt that Harold Pick blatantly lied to the Commission when he stated that station WNYQ465 had been constructed in a timely manner. In view of this further evidence of Harold Pick's mendacity, the Commission has no reasonable alternative but to refer to the United States Department of Justice the matter of Harold Pick's lying to the Commission under penalty of perjury. The Commission also has no reasonable alternative to designating for hearing the question of whether Harold Pick and Gerard Pick's are qualified to be Commission licensees.

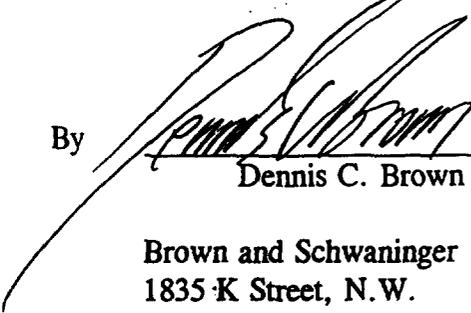
Sobel has demonstrated that Gerard Pick lied to the Commission and uttered a false document before the Commission. Sobel has further demonstrated that Harold Pick lied to the Commission under penalty of perjury. This matter began more than one year ago. Sobel deserves certainty of the award of the Finder's Preference to him. Gerard Pick and Harold Pick deserve the retribution which the law provides for perjurers and utterers of false documents. Nothing more remains but for Commission to act on Gerard Pick's petition for reconsideration and refer the matter to the Justice Department for its further action. Accordingly, Sobel respectfully requests immediate action by the Commission.

Conclusion

For all the foregoing reasons, Sobel respectfully requests that the Commission immediately dismiss or deny Gerard Pick's petition for reconsideration in the above captioned matter and that it take such other actions as the ends of justice appear to warrant.

Respectfully submitted,  
MARC SOBEL D/B/A  
AIRWAVE COMMUNICATIONS

By

  
Dennis C. Brown

Brown and Schwaninger  
1835 K Street, N.W.  
Suite 650  
Washington, D.C. 20006  
202/223-8837

Dated: October 20, 1994

0 1 2 3 4 5 6 7 8 9

**EXHIBIT I**

FREQUENCY MANAGEMENT DIVISION

INVOICE

The D.W. Thomas Companies, Inc.  
 15902 BOLSA CHICA STREET  
 HUNTINGTON BEACH, CA 92649  
 (714) 892-3234

PAGE 1 OF 1

DATE	INVOICE

Please make checks payable to  
 THE D.W. THOMAS COMPANIES, INC.

ACCOUNT NO.	ITEM	YOUR ORDER NUMBER	CONTRACT REFERENCE	SALES DIVISION	ENTRY DATE	YOUR ORDER NO.	SHIPPED VIA	TERMS
01/5100				FREQUENCY	02/04/93	46858	WORLD CALL	NET 30

SOLD TO

SHIP TO

COMPUTER CONSULTANTS & SYSTEMS  
 P.O. BOX 3032  
 SANTA MONICA CA 90403

**SAME**  
 COMPUTER CONSULTANTS & SYSTEMS  
 350 MESA RD.  
 SANTA MONICA CA 90402

QUANTITY	ITEM NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT			
		2- EXE...					
AMOUNT TOTAL		SALES TAX	EXPEDITE HANDLING	FREIGHT CHARGE	INSURANCE CHARGE	C.O.D. CHARGE	INVOICE TOTAL
ACCOUNTING COPY		25.50	30.00				55.50

**FREQUENCY MANAGEMENT DIVISION**

**INVOICE**

The D.W. Thomas Companies, Inc.  
 15302 BOLSA CHICA STREET  
 HUNTINGTON BEACH, CA 92649  
 (714) 892-3234

PAGE 1 OF 1

DATE	INVOICE
01/13/93	162

Please make checks payable to  
 THE D.W. THOMAS COMPANIES, INC.

ACCOUNT NO.	TERR.	YOUR ORDER NUMBER	CONTRACT REFERENCE	SALES DIVISION	ENTRY DATE	OUR ORDER NO.	SHIPPED VIA	STATUS
2175000	14	071		FREQUENCY	01/13/93	45533	UPS BROWN	NET 30

SOLD TO

COMPUTER CONSULTANTS & SYSTEMS  
 P.O. BOX 3032  
 SANTA MONICA CA 90403

SHIP TO

COMPUTER CONSULTANTS & SYSTEMS  
 350 MESA RD.  
 SANTA MONICA CA 90402

QUANTITY			ITEM NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT		
ORDERED	SHIPPED	BACK ORDERED						
3	3	0	TX 534-253-1	MOT	KXN6330P10/50 154.5700	38.35		
3	3	0	RX 534-253-2	MOT	KXN6331P10/50 154.5700	38.35		
			6 EXP. CRYSTALS @ 4.00					
ACCOUNTING COPY		AMOUNT TOTAL	SALES TAX*	EXPEDITE & HANDLING	FREIGHT CHARGE	INSURANCE CHARGE	C.O.D. CHARGE	INVOICE TOTAL
		76.50		24.00	2.08	0.23		102.81

AGENCY MANAGEMENT DIVISION  
 7. Thomas Companies, Inc.  
 17015 JOLSA CHICA STREET  
 LONGTON BEACH, CA 92649  
 892-3234 1 (800) 800-9825

SALES ORDER

PAGE 1 OF 1

*ny*  
 DATE 01/14/93 NUMBER 45533

LD TO COMPUTER CONSULTANTS & SYSTEMS  
 P.O. BOX 3032

SHIP TO COMPUTER CONSULTANTS & SYSTEMS  
 350 MESA RD.

SANTA MONICA CA 90403

SANTA MONICA CA 90402



DATE REC'D 01/13/93	ACCOUNT NO. 2175000	SHIP TO 01	TERR. 14	ENTERED BY MG	SALES DIVISION FREQ MGMT	TERMS F.O.B. PLANT 00 NET 30	BACK ORDER FROM INVOICE NO.	CONTRACT REF.	BOX NUMBERS 80
SCHED. SHIP DATE 01/20/93	CUSTOMER ORDER NO. 071	DATE SHIPPED 1-22-93	SHIP VIA B	SHIPPER NUMBER		EXPEDITE 5DA			

LINE NO.	QTY ORDERED	QTY B.O.	ITEM NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
1	3	3	TX 534-253-1	MOT KXN6330P10/50-154-5700	12.50	37.50
2	3	3	RX 534-253-2	MOT KXN6331P10/50-154-5700	12.50	37.50

**5 DAY EXPEDITE**

SERIAL NUMBERS								SUB TOTAL	76.
LINE NO.	NUMBER	LINE NO.	NUMBER	LINE NO.	NUMBER	LINE NO.	NUMBER	SALES TAX	27.00
								EXPEDITE HANDLING	27.00
								FREIGHT	2.00
								INSTALLATION	0.00
								INSURANCE	0.00
								COPY	0.00
								TOTAL	102.50

NO. OF BO

01/22/93  
 CR 858-802 PKG CHG \$ 2.00  
 PKG ID # 1003191 WT 1  
 GROUND  
 REF # 45533

ACCOUNTING COPY

SHIP BY  
 CREDIT APPROVED BY  
 DATE



9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**EXHIBIT II**

**FREQUENCY MANAGEMENT DIVISION**

The D.W. Thomas Companies, Inc.  
 1620 BOLSA CHICA STREET  
 HUNTINGTON BEACH, CA 92649  
 (714) 992-3254

**INVOICE**



PAGE 1 OF 1

DATE	INVOICE
01/26/93	16284

Please make checks payable to  
 THE D.W. THOMAS COMPANIES, INC.

ACCOUNT NO.	TERR.	YOUR ORDER NUMBER	CONTRACT REFERENCE	SALES DIVISION	ENTRY DATE	OUR ORDER NO.	SHIPPED VIA	TERMS
2175000	14	071		FREQUENCY	01/13/93	45533	UPS BROWN	NET 30

SOLD TO

COMPUTER CONSULTANTS & SYSTEMS  
 P.O. BOX 3032  
 SANTA MONICA CA 90403

SHIP TO

COMPUTER CONSULTANTS & SYSTEMS  
 350 MESA RD.  
 SANTA MONICA CA 90402

QUANTITY			ITEM NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT			
ORDERED	SHIPPED	BACK ORDERED							
		0	TX 366-900	O'E PL19A13699901-505-0075	12.75	12.			
		0	RX 366-900	O'E PL19A13699901-505-0075	12.75	12.			
			2 EXP. CRYSTALS @ 15.00						
ORIGINAL			AMOUNT TOTAL	SALES TAX	EXPEDITE & HANDLING	FREIGHT CHARGE	INSURANCE CHARGE	C.O.D. CHARGE	INVOICE TOTAL
			25.50		10.00				55.

AFFIDAVIT

I declare under penalty of perjury under the laws of the United States that the foregoing Supplement to Opposition to Petition for Reconsideration is true and correct.

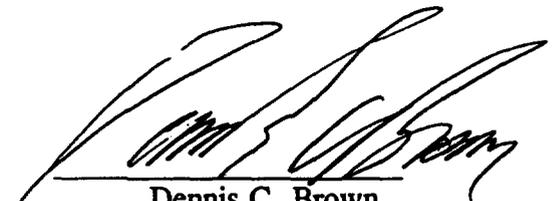
Executed on 10-19, 1994.

  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on this twentieth day of October, 1994, I served a copy of the foregoing Supplement to Opposition to Petition for Reconsideration on the following person by placing a copy in the United States Mail, first-class postage prepaid:

Gerard Pick  
Lance Hardy Best Advertising  
P.O. Box 3032  
Santa Monica, California 90408



Dennis C. Brown

**EXHIBIT HP-4**

# Federal Communications Commission

1270 Fairfield Road  
Gettysburg, PA 17325-7245

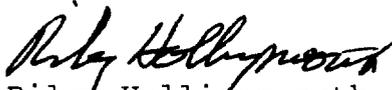
January 10, 1995

Harold Pick  
350 Mesa Road  
Santa Monica, CA 90408

Dear Mr. Pick:

Enclosed is a statement based on our interview with you in October concerning the James Kay matter. Please review it, make and initial any additions or corrections you feel are necessary and sign before a Notary Public. We would appreciate it if you could mail it back to us as soon as possible in the enclosed envelope.

Thanks,



Riley Hollingsworth  
Deputy Associate Bureau Chief  
Office of Operations - Gettysburg  
Wireless Telecommunications Bureau

**EXHIBIT HP-5**

Statement of Harold Pick to the  
Federal Communications Commission

I, Harold Pick, make the following statement under oath in connection with an official proceeding before the Federal Communications Commission.

My mother, Ann Pick, is since the cartoid operations my father, Gerard Pick, underwent. My father, Gerard Pick, and I are co-owners of a two-way radio sales and service business. I naturally assist my mother as I used to assist my father. We got into the repeater /my father.

two years ago, the owner of a two-way radio sales and service business. I naturally assist my mother as I used to assist my father. We got into the repeater business in 1988 or 1989 with a UHF repeater. I met James Kay at some later time and he was reasonably friendly towards me at first. However, I ran into problems with Mr. Kay sometime in 1988 when we met at a Denny's Restaurant on Sherman Way in Reseda.

At the time I was renting space on Oat Mountain from Kay, who had Buddy Sales at the time, and I was meeting with him to explore how I could expand my business and ask him to help me to get a channel of my own. At this meeting, Mr. Kay warned me never to interfere with his "empire." Mr. Kay told me that I could do anything I wanted on UHF, but to stay away from 470-512 MHz or 800 MHz, because those channels were his. He told me that if I did, he would fight me in anyway he could.

Nevertheless, I decided to file applications at 470-512 MHz, 500 MHz, and one with NABER at 800 MHz. All three came under "major attack" from Kay--a paper avalanche of petitions to dismiss, petitions to deny, and the whole gamut of oppositions.

Mr. Kay made lots of unfounded statements in the pleadings and claimed I was unfit, and since the FCC had to consider all of

these charges, my applications were delayed. *and ever more delayed by Kay's interference*  
~~Even though I~~ *we*  
didn't have an attorney, *but with* my father's (and later my mother's) help, I responded to everything that Mr. Kay

*and so*

filed and eventually I was licensed in all 3 frequencies I had applied for. I was granted ten units at 470 MHz, call sign WIK 837, but the FCC later set this aside because Kay convinced the FCC that only two units were available. The license was granted in March 1991, but returned to NABER after being set aside.

At that point I was becoming frustrated, so I decided to make peace with Mr. Kay. I contacted Ray Lucas of ProCom in Ventura <sup>County</sup> City and asked him to set up a meeting with Mr. Kay. We all met in 1992 at a Coco's Restaurant at Route 405 & Roscoe across from the Anheiser Busch Brewery in Van Nuys. Mr. Kay was doing business then as Southland Communications, located only a half-mile away.

At the meeting Mr. Kay directed me to "give up" the 470-512 MHz channel, WIK 837. Mr. Kay wanted it. He told me to tell NABER that I didn't want the 470-512 MHz channel, but instead wanted another channel that Mr. Kay showed me at the meeting. Mr. Kay told me that the 470-512 MHz channel was "his" (Kay's) channel. Mr. Kay also told me that I was not to have the 800 MHz channel. Since I was willing to do anything to make peace, I agreed to give up 470 MHz frequencies, but I asked Mr. Kay what I could have. Mr. Kay gave me two channels out of his head that I should go after, but one of the channels was already loaded and Marc Sobel already had the other. I hoped that Mr. Kay would leave me alone as a result of this meeting.

However, before the meeting I had filed an opposition to Kay's petition against me on WNYR 747, and Mr. Kay found out

about it after the meeting. He apparently decided I wasn't playing fair, and the paper avalanche started again. I called Mr. Kay and said why all the paperwork, I thought we had an agreement. Mr. Kay said that I shouldn't have filed anything, and as a result of this, he would crush me like a cockroach.

Then, one of Mr. Kay's customers, Lightning Taxi, called and threatened to kill me. I filed a Police report about the threat. Mr. Kay also called my mother, Anna, in 1992 and told her the following: "You tell your son to get off the 800 channel or I will make him. Tell him this is Mr. Kay." My mother hung up on him. My mother has been afraid for my life ever since!

Sometime soon after that, three of my repeaters were stolen off of Saddle Peak. I put the word out to as many people as ~~he~~ I could that my repeaters had been stolen, and Dan Magro, of Portable Clinic, a radio shop, called me and said he had bought 3 repeaters very cheaply and they appeared to be mine. I got my repeaters back and reimbursed Magro. Also, Mr. Kay intimidated one of our end users. The customer became terrified ~~of both of them~~ and cancelled his service.

In October 1992 I was licensed on frequency 852.6875. But the frequency was taken up by Hessman Security, WNNE 920, and I couldn't load customers on that frequency. I did research on the Hessman application, and found that it had Mr. Kay's phone number and showed Mr. Kay as the "preparer." I called another end-user, Perfection Airconditioning, and asked if they were still using their radios. The user said no, and sold the radios to us

and assigned the license to me, which allowed us to have loading capacity on the repeater. James Kay attacked the application, but the FCC eventually granted the assignment.

My father filed for another frequency, 854.0875 MHz, for Goodwill Industries. Goodwill was already on another channel on another repeater but was getting bad service and their license was expiring. They renewed and we added them to the "Lance Best" SMR. But we apparently let the renewal lapse, and Marc Sobel got it. Mr. Sobel was the primary user and we were the secondary user, and James Kay later made interference complaints against us although Sobel was interfering with us. Marc Sobel filed a complaint with the FCC Los Angeles Office saying that Goodwill was jamming the channel. But when I checked I found that someone else was using Goodwill's DPL code, so I changed the code and then the jamming stopped.

James Kay jammed one of our customers, Slingshot Messenger Service, and even sent them a copy of our bankruptcy filing and other negative things about us. The customer stayed with us, however, and the interference ended in May 1994.

Marc Sobel, but I believe it was really James Kay, filed a finders preference against the Lance Best station saying that it was not constructed on time on the Oat and Saddle Peaks. At this time, the FCC has said that the Saddle Peak should come down, but I am opposing that and the matter is still pending. The petition regarding Oat Mountain is also still pending.

I suspect other practices are used by James Kay as well. Kay, in cooperation with several lawyers, specifically Brown and Schwanninger, intersperse any and all applications I have made to the FCC with constant petitions to the Commission not only forcing me into a constant battle with paper but also over-loading the FCC, all for the purpose of preventing me and others from being heard.

It is my considered opinion that Kay's operations against me are/outrageously vicious attempt to prevent me from obtaining FCC licenses.

Prior to October 1992, the FCC licensed end-users. I believe that James Kay would license end users on his 800 MHz repeaters, but actually have them fill out applications for 470-512 MHz operation and that's where he would have them operate. One example of this is the Van Diest Brothers company. I also believe that James Kay "parks" a lot of licenses in employee names.

I have read the foregoing statement consisting of 5 pages. I have made any corrections and I have initialed each page at the top and the bottom. I have been permitted to add any information I believe is necessary, and by signing it I swear under penalty of perjury before a duly licensed notary public that this statement is true and accurate to the best of my knowledge and belief.

Signed by: Harold Puck Date: 1-18-95

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of California

On January 18, 1995 before me, Ernest S. Ignacio, Notary Public personally  
Date Name, Title of Officer - i.e. "Jane Doe, Notary Public"

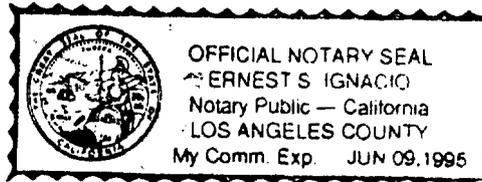
appeared Harold Pick  
Name(s) of Signer(s)

personally known to me OR  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

*Ernest S. Ignacio*



(Seal)

(ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.)

CAPACITY CLAIMED  INDIVIDUAL  
BY SIGNER:

- CORPORATE OFFICER: \_\_\_\_\_  
Title(s)
- PARTNERS:  Limited  
 General
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING: \_\_\_\_\_  
Name of Person(s), Entity(ies)

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:**

Title of the Document: Statement of Harold Pick to the Federal Communications Commission

Date of Document: 1-18-95 Signer(s) Other Than Name Above: none

Number of Pages: \_\_\_\_\_