



Federal Communications Commission
Washington, D.C. 20554

May 30, 2008

1800E3-JLB

Matrix Broadcast Media, Inc.
c/o Clifford M. Harrington, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037

LaMaree Miller
c/o Peter Tannenwald, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street
11th Floor
Arlington, Virginia 22209

Re: WMNT-CA, Toledo, Ohio
Facility ID No. 51913
File No. BALTTA-20051024ABO

Dear Counsel:

This is with respect to the petition for reconsideration filed by LaMaree Miller and L&M Broadcasting, Inc. ("Miller") in connection with the staff's May 21, 2007 letter decision denying Miller's informal objection to the above-referenced application for Commission consent to the assignment of the license of Class A television station WMNT-CA, Toledo, Ohio, from L & M Video Productions, Inc. ("L & M Video") to Matrix Broadcast Media, Inc. ("Matrix"). Matrix file a timely opposition, and on April 7, 2008, filed a supplement to provide a recent decision by the Court of Common Pleas of Lucas County, Ohio which, it states, is relevant to the issues raised by Miller on reconsideration.

Miller argues that the grant should be reconsidered and rescinded for three reasons. First, according to Miller, Matrix has been accused in court of fraud. Miller admits that there has been no final judicial finding of fraud so far, but asserts that in the event such a finding is made, the Commission would be required to reconsider Matrix's qualifications to hold the license for the station, even if the closing had already been consummated. It is well-settled, however, that while the Commission considers the character of an applicant when determining whether the grant of an application would serve the public interest, alleged character problems must be demonstrated by either an adverse ruling in certain types of matters relating to truthfulness, or by a felony

criminal conviction.¹ As Matrix points out, no court has found Matrix guilty of fraud or misconduct in any way in connection with its acquisition of the station. Instead, a local court recently found that Miller and his wife “fraudulently diverted \$125,358.70 from [the station]” in clear violation of an earlier court order.

Miller next claims that Matrix did not properly report its ownership in connection with the assignment application, and points to correspondence from the Receiver appointed for the station, who referred to Jesse Weatherby as an officer of Matrix. In its opposition, Matrix provided the affidavit of its President, who states that Weatherby is a media consultant and has never served as a principal of Matrix. Finally, Miller asserts that our earlier conclusion that there had been no premature transfer of control was unsupported, because Matrix failed to provide a copy of its time brokerage agreement with the station assignee. That agreement, however, was filed with the Commission on September 1, 2006.

In view of the foregoing, the petition for reconsideration filed by LaMaree Miller IS
HEREBY DENIED.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau

cc: Ralph DeNune, III

¹ See *In the Matter of Policy Regarding Character Qualifications in the Broadcast Licensing*, 5 FCC Rcd 3252 (1990).