

FOUR CITED ON PAYOLA DATA

WMEX, WILD, WORL, WHIL get FCC letters

Four Boston area stations last week found themselves adrift in the most turbulent waters since the payola storm broke.

The FCC announced on March 1 that it had notified WMEX, WILD, and WORL all Boston and WHIL, Medford, Mass., that their applications for license renewal indicated the necessity of a hearing involving payola considerations.

The four recipients of Sec. 309(b) letters have been involved in the hearing disclosures of the Harris Legislative Oversight Subcommittee. The commission asserted that they have misrepresented or failed to disclose "pertinent information" in Question No. 2 of the FCC payola questionnaire, and gave them 30 days to show why their applications should not be designated for hearing.

An FCC spokesman said last week that the commission is reviewing no license renewals until a station receives staff payola clearance.

The commission action followed a special FCC meeting held Feb. 26 at which the 309(b) letters were authorized to be sent to stations which gave "reasonable evidence of clear violations of law . . ." requiring sponsor identification of all items broadcast for which payment is received (AT DEADLINE, Feb. 29). Copies of the letters have also been sent to the Justice Dept., which has the responsibility for prosecuting violations.

Discrepancies • The program schedules of two of the stations were singled out by the commission for further review. WMEX was told that there were "discrepancies" in its program reports. "Your renewal application shows," the FCC said, "that no time was devoted to agricultural, educational or talk programs and that .5% of time was devoted to religious programs during the composite week." The commission asserted that WMEX's programming appears to "consist primarily of recorded music interspersed with newscasts and a nightly program from 10:05 p.m. to 1:00 a.m. which you describe as a live presentation consisting entirely of talk, comment and discussion."

The commission noted that such programming "is not consistent with the representations made . . . in the application for assignment of license which was granted on July 18, 1957." The FCC quoted the following proposed program breakdown as submitted by WMEX in 1957: Entertainment—52.5%; Religious—4.0%; Agricultural—1.5%; Educational—5.0%; News—

26.0%; Discussion—8.0%; and Talks—3.0%.

WILD was also advised that its "representations with respect to programming are not consistent with the representations made . . . for assignment of license" which was granted in November, 1958. The commission listed the program percentages from WILD's current renewal application during a composite week as opposed to its previous estimates in the assignment application. Entertainment (actual) 92.89% (proposed) 82.6%; Religious (actual) 1.16% (proposed) 1.3%; Agricultural (actual) 0% (proposed) .7%; Educational (actual) 0% (proposed) .3%; News (actual) 5.19% (proposed) 9.9%; Discussion (actual) .19% (proposed) 1.3%; and Talks (actual) .57% (proposed) 4.9%. "It appears," the FCC stated, "that your station's programming consists almost entirely of recorded music interspersed with spot announcements and short newscasts."

Five witnesses before the Harris subcommittee brought to light WMEX's payola involvement.

• Cecil Steen, Boston record distributor, told of paying \$1,400 over a 13-week period to WMEX for having one of his records selected by the station as its "golden platter of the week." The station played the record about eight times a day, making no announcement of payments by Records Inc., the company Mr. Steen represented, it was alleged.

• Maxwell Richmond, president-general manager of WMEX, admitted that the station made charges to record distributors for selecting their records as "golden platters." He denied that charges were based on negotiations with distributors, but that they were based on expenses incurred by the station in handling and mailing free records to listeners.

• Robert S. Richmond, WMEX commercial manager, was told by Rep. John E. Moss (D-Calif.) that it would have been "more ethical" for WMEX to put the golden platter promotion on its rate card and "send salesmen out" to sell it to record distributors.

• Mel Miller, disc jockey and program director, WMEX, acknowledged receiving \$450 from five record companies but said he felt the money represented "good will."

• Arnold Ginsberg WMEX disc jockey, said he received \$4,400 from record companies over a 2½ year period. He said he considered the money as gifts.

WILD became implicated when Stan Richards, a former disc jockey at that station, told committee members that he accepted \$6,225 from Music Suppliers of New England Inc. Mr. Richards said no payola was involved because he played only those records he wanted to. Mr. Richards also acknowledged staying at the Miami Beach disc jockey convention at the expense of Roulette Records and charging \$117 worth of clothes to the hotel tab. (BROADCASTING, Feb. 15).

Solicitation • WORL was associated with payola when George W. Givens, WORL manager, told how as music director of WBZ Boston he had successfully solicited 10 record companies in New York for about 1,000 records to rebuild the WBZ record library.

WHIL became involved when Jack McDermott, a former WHIL disc jockey, testified in closed session that he had taken payola. Another witness, Harry Weiss, promotion man for Music Suppliers, said that WHIL (among other stations) had given him blank letterheads with signatures of people at the station. He said he used the letterheads to make up Top 50 lists to send to *Cashbox* magazine, favoring MS-distributed tunes.

The commission also requested information on charges raised by Simon Geller, applicant for a construction permit for an am station in Gloucester, Mass., that WHIL broadcast horse racing programs direct from the track on a regular basis.

The four Boston area stations are owned as follows:

WMEX owned by Maxwell E. Richmond, 85% and Robert S. Richmond, 15%. Maxwell Richmond is sole owner of KBMI Henderson, Nev., and WPGC Morningside, Md.

WILD owned by Noble Broadcasting Corp. Nelson B. Noble, sole owner. Mr. Noble purchased WILD in November, 1958 from Bartell Broadcasters Inc.

WORL owned by the Pilgrim Broadcasting Co. Principals are Chester A. Dolan, Joseph A. Dunn, Sidney Dunn, Marie Gately and Edward M. Gallagher, all 18.5% and George R. Finn, 7.5%.

WHIL Medford, Mass., owned by Sherwood J. Tarlow, 94%. Mr. Tarlow also has interests in WISK (FM) and WARE Ware, both Massachusetts; WJBW New Orleans; WWOK Charlotte, N.C., and WLOB-AM-FM Portland, Me.