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Chairman Kevin Martin  
Commissioners Copps, Adelstein, Tate, and McDowell  
Melanie Godschall  
Federal Communications Commission  
Washington, D.C. Via e-mails to [KJMWEB@fcc.gov](mailto:KJMWEB@fcc.gov), [Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov);  
[Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov), [dtayloratateweb@fcc.gov](mailto:dtayloratateweb@fcc.gov), [Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov),  
[Melanie.godschall@fcc.gov](mailto:Melanie.godschall@fcc.gov)

Re: Formal FCC Decency and Harassment Complaint against WAXY-AM, "790 The Ticket," South Miami, Florida, Owned by Lincoln Financial Media

Dear Chairman Martin, Commissioners, and Ms. Godschall:

This is my formal complaint against the above radio station for airing indecent material in violation of 18 USC 1464 and for harassment of the undersigned in order to protect its illegal activities in that regard.

Specifically, at 7:30 am today, the morning drive host, Sid Rosenberg, discussed the content of what he called "The Fifteen Dirtiest Songs," mentioning various sex acts, including masturbation. He concluded by saying his favorite song, "My Mother Gives Me Oral" was not on the list. There is no such song. Rosenberg himself in effect admitted, before going to commercial break, that he had violated Congressional/FCC/Supreme Court decency standards by saying "I guess maybe I shouldn't be doing this, since kids are in car going to school."

When Rosenberg went to a commercial break, the undersigned called the "board operator" at 888-790-ESPN, and noted that what Mr. Rosenberg had just done was violate 18 USC 1464. The board op said he had not, and if the undersigned was offended, then he should simply change the channel. The undersigned noted, in response, that the standard is not whether the undersigned is offended but whether the law is violated. "Look, with all respect, I'm a lawyer who has secured FCC decency fines, and Mr. Rosenberg went over the line drawn by the law. Graphic discussion of indecent songs, plus discussion of a fabricated song about one's mother giving one oral sex is violative of the law."

When the show came back from commercial break, Rosenberg stated on the air: "I got a kick out of a lawyer calling. If he's offended, then don't listen. He can't tell me what I can do after 6 am. ***I will punch him in the mouth.***"

From Wikipedia, it looks as though Lincoln Financial Media's WAXY-AM got exactly what it wanted in Rosenberg, a "shock jock" refugee from the *Don Imus Show*:

Rosenberg was no stranger to controversy on the *Imus* show, which was also simulcast on MSNBC cable television, therein increasing his remarks' visibility. Among other things, he would say on-air that Venus and Serena Williams would be better suited for National Geographic Magazine than for Playboy, that "faggots play tennis" and that the United States women's national soccer team were "a bunch of juiced up dykes."<sup>[1]</sup> He referred to Palestinians as "stinking animals" and suggested that "They ought to drop the bomb right there, kill 'em all right now" during the November 12, 2004 funeral of deceased Palestinian Authority leader Yasser Arafat.<sup>[2]</sup>

Rosenberg would eventually be removed from the *Imus* show in May 2005, after saying in regard to Kylie Minogue's battle with breast cancer, that "... ain't gonna be so beautiful when the bitch got bald head and one titty."<sup>[3]</sup>

Among other personal problems, Rosenberg has also been involved with a lawsuit for stealing DirecTV, and was taken into a rehabilitation center earlier in 2005 for a triple addiction to crack cocaine, alcohol, and gambling.<sup>[4]</sup> He and his wife Danielle were married around 1991, and had a daughter Ava around 2003.

Rosenberg's antics were wearing on the nerves of both co-workers and listeners alike, especially after his dismissal from Don Imus's show. Among his schtick was insulting his colleagues; starting arguments with callers and with his co-hosts; discussing popular programs such as Survivor and The O.C. in lieu of discussing sporting events; shameless name-dropping of celebrities (mainly D-list or lower) with whom he had come in contact; vivid descriptions (both complimentary and derogatory) of athletes' wives or girlfriends and/or their female relatives, as well as women in the audience of games he watched; spending inordinate amounts of time in flirtatious conversations with female callers; and perhaps the last straw, shortly before his dismissal, was a lengthy, rambling interview with Anna Benson, model and wife of then-Mets pitcher Kris Benson. Rosenberg spent the next several days arguing with callers, many of whom felt the interview was both irrelevant and self-serving. His defense was to challenge the manhood of anyone who would rather listen to sports talk than listen to a beautiful woman.

Rosenberg would leave WFAN altogether on September 12, 2005. He did so after failing to show up to host the Giants' pre-game show on September 11, 2005 (though he made an appearance for FHM in Atlantic City that weekend). As a result of the no-show, management at WFAN gave him the option to resign from the station, which he did. The New York Post reported that he would likely have been fired if he did not resign. After nine months of unemployment, he found employment with WAXY in Miami.  
[http://en.wikipedia.org/wiki/Sid\\_Rosenberg](http://en.wikipedia.org/wiki/Sid_Rosenberg)

Please proceed immediately with an investigation, Letter of Inquiry, Forfeiture Order, and FCC fines against Lincoln Financial Media for not only the airing of indecent material but the on-air threat against the undersigned in retaliation for his complaint.

Regards, Jack Thompson

