



ACCESS FRAMINGHAM

— CONNECTING YOUR COMMUNITY —

**31 Flagg Dr.
Framingham, MA 01702
508-875-5434**

July 11, 2014

Messrs. James and Joseph Rizoli
94 Pond Street
Framingham, MA 01702

Dear Messrs. Rizoli:

A Panel representing Framingham Public Access Corporation (FPAC) held a hearing on June 18 to consider ten complaints filed against you alleging that you have violated certain provisions of Access Framingham's Members Policies and Procedures. The hearing was conducted under the "Guidelines for Conducting Hearings by the FPAC Board."

The Panel then deliberated and voted to sustain or not sustain each complaint. Based on the complaints sustained, the Panel voted to impose the following sanctions:

It is the decision of the hearing Panel, after due deliberation of the conclusion of multiple violations, both major and minor in nature, that the respondent's membership is to be suspended for a period of eighteen (18) months and that period of suspension be immediately followed by a further period of six (6) months where any programs submitted for broadcast are designated as 'safe harbor' with all the air time and viewer advisory restrictions that implies.

This suspension also prohibits the cablecasting of any programming in which either respondent is a member of the production crew (on-air talent, director, producer, camera person, editor, or other support function).

The hearing report and decision report are attached.

For your information, the Members Policies and Procedures, Section 6.3.C.2 describes the appeals process which states that a request for a review or rehearing must be received by FPAC within fourteen (14) business days of the member's receipt of FPAC's written decision.

Very truly yours,


William McColgan
Executive Director

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

A Hearing Panel (the "Panel") consisting of 6 members of the Access Framingham Board of Directors met on June 18, 2014 at 7:00 PM for the purpose of hearing ten complaints. The Panel consisted of Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member (PM). The members present formed a quorum of more than 50% of the Access Framingham Board of Directors as required. Executive Director Bill McColgan (ED) participated on behalf of Access Framingham.

Those present were Dr. Langer-Ellison (complainant), her husband, Mr. Ellison and her representative, Mr. Robert Snider, Esq. Also present was Mr. Jim Pillsbury, another complainant. The respondents, Jim and Joe Rizoli, were also both present with an invited guest, Mr. Harold Wolfe.

Presiding Member, Doug Freeman opened the hearing by recognizing the panel, the complainants present, the respondents present and any guests present from each, as allowed by the guidelines for conducting hearings.

The PM then began the hearing by asking the panel to consider the complaints in the six sessions as described below. The panel agreed by unanimous consent to proceed with the six separate hearing sessions.

As permitted by the guidelines for conducting hearings by the Access Framingham board (Section II.1) the Panel held these six separate sessions.

Session 1: The first session dealt with the two complaints, the first by Dr. Marsha Langer-Ellison, the Complainant, against James and Joseph Rizoli, the Respondents (Complaint numbered 2014-001) and the second by William McColgan for the same show (Complaint numbered 2014-007).

Session 2: The second session dealt with one complaint by a Framingham resident who requested to remain anonymous, the Complainant, against Jim & Joseph Rizoli, the Respondents (Complaints numbered 2014-002) and the second by William McColgan for the same show (Complaint numbered 2014-009).

Session 3: The third session dealt with one complaint by a member, Jim Pillsbury the Complainant, against James and Joseph Rizoli, the Respondents (Complaint numbered 2014-004) and the second by William McColgan for the same show (Complaint numbered 2014-010).

Session 4: The fourth session dealt with two complaints by two Framingham residents who requested to remain anonymous, against James and Joseph Rizoli, the Respondents (Complaints numbered 2014-005 and 2014-006).

Session 5: The fifth session dealt with the one complaint by by William McColgan, against James and Joseph Rizoli, the Respondents (Complaint numbered 2014-008).

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

Session 6: The sixth session dealt with the one complaint by William McColgan, against James and Joseph Rizoli, the Respondents (Complaint 2014-0011).

The Panel had previously received copies of each complaint from the ED. The panel had material prepared by the ED presented that related to the complaints and the process followed to establish the hearings.

Session 1

Complaints numbered 2014-001 and 2014-007

Material, referred to as Exhibits, was presented to the Panel. The materials received from the Complainants are as followings:

From Complainant Marsha Langer-Ellison:

A written statement, Exhibit 1, which explains her position on the show in question and the traumatizing effect it has on those exposed to its content. In addition, Exhibits 1a through 1e were submitted to the hearing panel, as part of Exhibit 1, as described below (1a-1e):

- a. A copy of a research study report by ProQuest Health Management on the impact of lifetime trauma on PTSD symptoms in Holocaust survivors.
- b. A copy of a research study report by ProQuest Health Management on secondary traumatization in Holocaust survivor families.
- c. An article from the American Journal of Orthopsychiatry titled; "Trauma in Children of Holocaust Survivors: Trans Generational Effects".
- d. A statement dated June 12, 2014 from the Anti-Defamation League of Boston regarding the Rizoli programs in question and the content felt to include Holocaust Denial and Anti-Semitism.
- e. An article written by Kenneth Lasson, titled "Holocaust Denial and the First Amendment: The Quest for Truth in a Free Society".

After the presentations from the Complainant (Dr. Langer-Ellison in person) and by her representative, Mr. Robert Snider, Esq., the Respondents (both Jim and Joe Rizoli in person) rebuttal was heard. Next the Panel was presented video documentation of the programs in question by the ED. The complainant was allowed to make a closing statement and the respondents were also allowed to make a closing statement.

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

Session 2

Complaints numbered 2014-002 and 2014-009

The Panel was presented video documentation of the programs in question by the ED. The complainant made a presentation and the respondents were also allowed to make their presentation.

Session 3

Complaint numbered 2014-004 and 2014-010

The Panel was presented video documentation of the programs in question by the ED. The complainant (Jim Pillsbury in person) made a presentation and the respondents were also allowed to make their presentation.

Session 4

Complaint numbered 2014-005 and 2014-006

The Panel was presented video documentation of the programs in question by the ED. The complainant was not present and the respondents were also allowed to make their presentation.

Session 5

Complaint numbered 2014-008

The Panel was presented video documentation of the programs in question by the ED. The complainant made a presentation and the respondents were also allowed to make their presentation.

Session 6

Complaint numbered 2014-0011

The Panel was presented video documentation of the programs in question by the ED. The complainant made a presentation and the respondents were also allowed to make their presentation.

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

The complainants and respondents present were allowed to make closing statements on the complaints heard. At this point, all the complaints had been heard and both complainants and respondents had been given the opportunity to address the panel.

After the closing statements, the PM asked for statements or questions from the panel and there was a brief discussion. The panel also held a brief discussion on scheduling of the deliberation session and it was agreed that it would be tentatively scheduled for Monday, June 23rd at 7:30pm at the Access Framingham studios. This time and date was to be confirmed as to availability of all the hearing panel members.

There being no other business, the hearing was closed by the PM at 8:50pm.

Respectfully Submitted,

Douglas B. Freeman
Presiding Member

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

Hearing on June 18, 2014
Table 1 - Complaint Log

Complaint Number	Date	Complainant	Respondent	Show	Policy Sections Referenced	Heard
2014-001	2/9/2014	Ellison	Rizoli, Jim and Joe	Rizoli Weekly #154	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 1
2014-002	2/23/2014	Withheld	Rizoli, Jim and Joe	Rizoli on Rizoli #18	2.1.5 , 2.2 , 2.7 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 2
2014-004	4/13/2014	Pillsbury	Rizoli, Jim and Joe	Rizoli on Religion #20	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 3
2014-005	5/3/2014	Withheld	Rizoli, Jim and Joe	Rizoli Weekly #156, #153 & #152	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 4
2014-006	5/5/2014	Withheld	Rizoli, Jim and Joe	Rizoli Weekly #156	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 4
2014-007	5/22/2014	McColgan	Rizoli, Jim and Joe	Rizoli Weekly #154	2.2, 4.2, 6.1.A.15, 6.1.B.10, 6.1.B.11,	Session 1
2014-008	5/22/2014	McColgan	Rizoli, Jim and Joe	Rizoli on Religion #18 & #19	2.2, 4.2, 6.1.A.15, 6.1.B.10, 6.1.B.11,	Session 5
2014-009	5/22/2014	McColgan	Rizoli, Jim and Joe	Rizoli on Rizoli #18	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 2
2014-010	5/22/2014	McColgan	Rizoli, Jim and Joe	Rizoli on Religion #20	2.2 , 6.1.A.15 , 6.1.B.10 , 6.1.B.11 ,	Session 3
2014-011	5/22/2014	McColgan	Rizoli, Jim and Joe	Rizoli TV #31 & #32	2.2, 6.1.A.17, 6.1.B.10, 6.1.B.11,	Session 6

Access Framingham
Complaint Hearing June 2014
Hearing Report
June 18, 2014

Hearing on June 18, 2014
Table 2 - Policy Violations

Policy Section Abstract of Relevant Policy Section

Major Violations

6.1.A.15	Falsifying forms or documents,
6.1.A.17	A substantial pattern of multiple violations

Minor Violations

6.1.B.10	Violation of FPAC's content guidelines or misrepresentation of the content of a program
6.1.B.11	Failure to disclose indecent, profane, or patently offensive program content found inappropriate for audiences with children.

Program Content and Scheduling Issues

2.1.5a,b	Concern about risk of liability against FPAC, its members, or Board of Directors - libel or slander
2.2	Patently Offensive Content - Profane or vulgar language, g) Abusive language against groups and/or individuals, or h) colloquial expressions which refer to excretory functions or matter in an indecent, profane, or patently offensive manner - leading to Safe Harbor scheduling
2.7	The beginning of all locally produced cablecast programs must have a disclaimer of 15 seconds, and the end of all locally produced cablecast programs must have applicable credits and acknowledgements and production date. In addition, if the program contains Patently Offensive Content the disclaimer at the beginning of the program must so state.

Cablecasting and Scheduling Issues

4.2	To be considered "locally produced," a program must consist primarily (more than 50% total run time) of original programming created by an FPAC member or Framingham resident. Programs containing primarily content not created by an FPAC member or Framingham resident are considered non-local and are subject to the limitations on non-local sponsored programming.
-----	---

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 1:

Decision on Complaint 2014-001 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-001, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Decision on Complaint 2014-007. Jim and Joe Rizoli, respondents.

The Panel decided that complaint 2014-007 related to two different AF policy sections; Section 2.2 regarding indecent, profane or patently offensive content and Section 4.2 regarding the rules requiring 50% locally produced content. The panel decided to vote on the alleged violations separately for each policy section.

In regards to the part of complaint 2014-007 that relates to AF policy Section 2.2 regarding indecent, profane or patently offensive content, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaint was valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

In regards to the part of complaint 2014-007 that relates to AF policy Section 4.2 regarding the rules requiring 50% locally produced content, the Panel reviewed the evidence related to Section 6.1.A.15, prohibiting forms falsification, Section 6.1.B.10 prohibiting misrepresentation of program content and 6.1.B.11 failure to disclose program content that includes indecent, profane or patently offensive content.

The Panel decided that insufficient evidence had been presented to warrant the conclusion that a violation of Section 6.1.A.15, forms falsification, had occurred.

The vote was unanimous that no violation of Section 6.1.A.15 had occurred with all six of the following Panel members voting in favor of this decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

As to complaint 2014-007 that relates to AF policy Section 4.2 regarding the rules requiring 50% locally produced content, the Panel reviewed the evidence related to Section 6.1.B.10 prohibiting misrepresentation of program content and 6.1.B.11 failure to disclose program content that includes indecent, profane or patently offensive content. Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.B.10 and Section 6.1.B.11 misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 2:

Decision on Complaint 2014-002 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-002, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Decision on Complaint 2014-009 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-009, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 3:

Decision on Complaint 2014-004 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-004, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the violations had occurred. It was further decided that this violation was the result of an inadvertent error and that no sanctions or further action is required in regards to this complaint.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Decision on Complaint 2014-010 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-010, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the violations had occurred. It was further decided that this violation was the result of an inadvertent error and that no sanctions or further action is required in regards to this complaint.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 4:

Decision on Complaint 2014-005 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-005, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Decision on Complaint 2014-006 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-006, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 5:

Decision on Complaint 2014-008. Jim and Joe Rizoli, respondents.

The Panel decided that complaint 2014-008 related to two different AF policy sections; Section 2.2 regarding indecent, profane or patently offensive content and Section 4.2 regarding the rules requiring 50% locally produced content. The panel decided to vote on the alleged violations separately for each policy section.

In regards to the part of complaint 2014-008 that relates to AF policy Section 2.2 regarding indecent, profane or patently offensive content, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaint was valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newelll, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

In regards to the part of complaint 2014-008 that relates to AF policy Section 4.2 regarding the rules requiring 50% locally produced content, the Panel reviewed the evidence related to Section 6.1.A.15, prohibiting forms falsification, Section 6.1.B.10 prohibiting misrepresentation of program content and 6.1.B.11 failure to disclose program content that includes indecent, profane or patently offensive content.

The Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegation of the Complaint was valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.15, Section 6.1.B.10 and 6.1.B.11 against forms falsification, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newelll, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Session 6:

Decision on Complaint 2014-011 Jim and Joe Rizoli, respondents.

In regards to complaint 2014-011, the Panel decided that sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was concluded that the respondents had violated the prohibition in Section 6.1.A.17, Section 6.1.B.10 and 6.1.B.11 against a pattern of multiple violations, misrepresentation of program content and failure to disclose program content that includes indecent, profane or patently offensive content.

The vote was unanimous with all six of the following Panel members voting in favor of the decision: Michael Cunningham, Ed Council, David Eells, Howard Newell, Lauren Taylor-Fernandez, and Doug Freeman, Presiding Member.

Access Framingham
Complaint Hearings of June 18, 2014
Decision Document
June 23, 2014

Decision on Sanctions to be imposed:

It is the conclusion of the Panel that in eight of the ten complaints where violations of AF policies were alleged, sufficient evidence had been presented to warrant the conclusion that the allegations of the Complaints were valid. It was further noted that these are not the first violations for these respondents. The Panel takes multiple violations seriously and is alert to the development of an overall pattern of flagrant violations by the respondents.

The respondents testified in the hearing that they “pushed the envelope” in regards to content. The Panel feels that the respondents must understand that “pushing the envelope” must be done within AF member and user policies and AF rules.

The hearing Panel labored over the decision on the sanctions to be imposed on the respondents. Possible sanctions under consideration included member warning, member suspension and member revocation as well as safe harbor restrictions or equipment restrictions. The respondents should be aware that membership revocation was seriously considered as a possible sanction. It is the opinion of this Panel that any future continued violations, if found to be, should result in consideration of the strictest possible sanctions, including membership revocation.

Therefore, it is the decision of the hearing Panel, after due deliberation of the conclusion of multiple violations, both major and minor in nature, that the respondent’s membership is to be suspended for a period of eighteen (18) months and that period of suspension be immediately followed by a further period of six (6) months where any programs submitted for broadcast are designated as ‘safe harbor’ with all the air time and viewer advisory restrictions that implies.

Respectfully Submitted,

Douglas B. Freeman
Presiding Member