



Corporation
for Public
Broadcasting

Office of the Inspector General

October 20, 2021

To: Jackie J. Livesay, Deputy General Counsel and Vice President, Compliance
Kathy Merritt, Senior Vice President, Radio, Journalism and CSG Services

From: Kimberly A. Howell, Inspector General

 Digitally signed by
Kimberly Howell
Date: 2021.10.20
16:10:21 -04'00'

Subject: Evaluation of KWIT-FM Compliance with Selected Communications Act and
Transparency Requirements as of August 31, 2021, Final Report No. ECR2113-2201

We have completed an unannounced evaluation of compliance with selected requirements of the 2021 Corporation for Public Broadcasting (CPB) Community Service Grant (CSG) awarded to KWIT-FM, licensed to Western Iowa Technical Community College (WITCC) in Sioux City, Iowa. Our specific objectives were to verify compliance with twelve requirements of the Communications Act of 1934, as amended (Act) for open and closed meetings and open financial records, as well as the CSG General Provisions and Eligibility Criteria (General Provisions) for transparency as presented in Exhibit A. Background information on the station and CSG program can be found in Exhibit B.

Based on our review of KWIT-FM's website on August 10, 2021, we found the station was compliant with seven of the nine requirements applicable. Three requirements were not applicable. The station was not compliant with the following two requirements to:

- provide seven-day advance notice of meetings of its governing board; and
- post the names of its governing body on the station's website.

In response to our draft report, KWIT-FM took corrective actions by broadcasting notice of the upcoming November 8, 2021, meeting of the WITCC governing board and provided the log of the announcement. Additionally, it established procedures to provide seven-day advance notice of future meetings of when public broadcasting business will be discussed and maintain documentation of the broadcast notices. The station also created a webpage listing the name of members of the WITCC Board members. These actions have brought the station into compliance with both requirements.

Based on KWIT's response to the draft report, we consider recommendation one resolved and closed and recommendations two and three resolved but open pending CPB's final management decision accepting the station's corrective action. The station's response to the draft report is presented in Exhibit D.

This report presents the conclusions of the Office of the Inspector General (OIG) and the findings do not necessarily represent CPB's final position on the issues. While we have made recommendations that are appropriate to resolve the findings, CPB officials will make final determinations on our findings and recommendations in accordance with established CPB audit resolution procedures.

We initiated this evaluation to address station accountability as identified in our Annual Plan. We conducted our evaluation in accordance with the Council of the Inspectors General on Integrity and Efficiency *Quality Standards for Inspection and Evaluation*. Our scope and methodology are discussed in Exhibit C.

cc: Bruce M. Ramer, Chair, CPB Board of Directors
Robert Mandell, Chair, Audit and Finance Committee, CPB Board of Directors
U.S. Senate Committee on Homeland Security and Governmental Affairs
U.S. House of Representatives Committee on Oversight and Government Reform
U.S. Senate Committee on Commerce, Science and Transportation
U.S. House of Representatives Energy and Commerce Committee
U.S. Senate Committee on Appropriations
U.S. Senate Labor-HHS-Education Appropriations Subcommittee
U.S. House of Representatives Committee on Appropriations
U.S. House of Representatives Labor-HHS-Education Appropriations Subcommittee

FINDINGS AND RECOMMENDATIONS

I. ACT COMPLIANCE

Our audit found that KWIT-FM was not fully compliant with Act requirements to provide seven-day advance notice for the WITCC Board of Directors meeting held on July 12, 2021.

The Act requires that stations make reasonable advance notice of open meetings to the public. Further, CPB's Communications Act Compliance requirements clarify that stations may satisfy the reasonable notice requirement by doing the following:

Stations may satisfy this requirement by providing at least seven days advance notice of an Open Meeting, including time and place of meeting by:

1. posting notice on the station's website;
2. broadcasting notice on-air between 6 a.m. and 11 p.m., as shown by station's log;
3. placing notice in the "Legal Notices" section of a local newspaper in general circulation in the station's primary coverage area; or
4. giving notice through recorded announcement accessible on the station's phone system.

CPB's Communications Act Compliance requirements, I. Open Meetings, E. Notice of Open Meetings (June 1, 2021).

The station is licensed to WITCC and its most recent Board meeting involving public broadcasting business was held on July 12, 2021. We were unable to obtain documentation showing the seven-day advance notice requirement was met and the station advised us that the requirement was not met.

The station General Manager told us he misunderstood Act requirements and thought KWIT-FM was responsible only for posting notices of meetings of its Community Advisory Board. Although WITCC posted advance notice of Board of Director's meetings, its policy was to give the public notice of upcoming meetings at least 24 hours prior to the meeting.

The General Manager also advised us that he had notified the WITCC Board of Directors that KWIT-FM would provide seven-day advance public notice of future Board meetings when public broadcasting business was to be discussed. Further, he stated that KWIT-FM would broadcast the seven-day advance notices, keep a record of the broadcasts in the station logs, and retain a recording of the broadcast in a digital file.

The station was not fully compliant with open meeting advance notice requirements and may be subject to penalties under CPB's CSG Non-compliance policy.

Recommendation:

We recommend that CPB management require KWIT-FM to:

- 1) fully comply with Act requirements for open meeting advance notices; and

- 2) identify the corrective actions and controls it will implement to ensure future compliance with Act requirements.

KWIT-FM Response

In response to the draft report, KWIT-FM stated it has established a practice whereby the WITCC Board will notify the station of all future meetings where public broadcasting business is to be discussed and create automated reminders in the station calendar that will provide monthly prompts to communicate with the WITCC Board regarding their agenda. The station said it has established procedures to provide seven-day advance notice of future meetings of when public broadcasting business will be discussed and maintain documentation of the broadcast notices. On October 15, 2021, the station broadcast notice of the upcoming November 8, 2021, meeting of the WITCC Board and provided the log of the announcement.

OIG Review and Comment

Based on KWIT-FM's response, we consider recommendation one resolved and closed and recommendation two resolved but open pending CPB's acceptance of the station's planned corrective actions.

II. GENERAL PROVISIONS AND ELIGIBILITY COMPLIANCE

KWIT-FM did not comply with CPB Eligibility requirements to post the names of members of the governing body to its website. Although WITCC posted the names of its Board of Directors to the licensee's website, there was no link from the KWIT-FM website to the licensee's website.

CPB's General Provisions contain specific transparency requirements for making information available to the public and require certain documents be made available on the station's website:

- B. Documents for Public Inspection: Website Posting Required:** At a minimum, each Grantee must post the following for public inspection on its station website.

2. Governing Body: A list of the members of its governing body;

CPB FY 2021 Radio CSG General Provisions, Section 9 Transparency

KWIT-FM's General Manager was aware of the transparency requirements but told us he mistakenly thought KWIT-FM was to post the names of its Friends (and CAB) board members to the website. He added the names of the governing body to the station's website on August 31, 2021, when we advised him of the issue. He also added a link from the station's website to the WITCC Board of Directors page. KWIT-FM is currently compliant with this requirement.

KWIT-FM was not fully compliant with CPB CSG transparency requirements at the time of our review on August 10, 2021 and may be subject to penalties under CPB's CSG Non-compliance policy.

Recommendations:

We recommend that CPB management require KWIT-FM to:

- 3) identify the controls it will implement to ensure future compliance with CPB's General Provision requirements.

KWIT-FM Response

In response to the draft report, KWIT-FM stated that immediately upon learning of the deficiency related to posting the names of Board members to the website, it created a webpage with the names of members of WITCC Board members.

OIG Review and Comment

Based on KWIT-FM's response and our observation during the evaluation, we consider recommendation three resolved but open pending CPB's acceptance of the station's corrective action, including updating the WITCC Board member listing as turnover occurs.

**Summary Review of KWIT-FM
as of August 10, 2021**

Requirements	Met	Not Met	Unable to Determine
1) Seven-day advance notice of governing body meeting:		X	
a) available on website			
b) available by other means			
2) Seven-day advance notice of board committee meetings:	N/A		
a) available on website			
b) available by other means			
3) Seven-day advance notice of Community Advisory Board meetings:			
a) available on website	X		
b) available by other means			
4) If closed meetings were held, was documentation prepared explaining the basis for closing meeting in accordance with Act:	N/A		
a) available on website			
b) available at central office			
5) If closed meeting documentation was prepared, was it available within 10-days of the closed meeting	N/A		
6) Most recent Annual Financial Report or Financial Summary Report available on website	X		
7) Most recent audited financial statements or unaudited financial statements available on website	X		
8) Senior/executive management information on website	X		
9) governing body members on website		X	
10) CAB members on website	X		
11) Diversity Statement:	X		
a) available on website			
b) available at central office	X		
12) Local Service Content Report (Section 6 of the SAS):			
a) available on website	X		
b) available at central office			

BACKGROUND

KWIT-FM is a public broadcasting station licensed to WITCC. The station broadcasts from the campus of WITCC, in Sioux City, Iowa. KWIT-FM provides public radio to communities within a 100-mile radius of Sioux City, including Northeast Nebraska and Southeast South Dakota. Since 1978, KWIT has provided comprehensive news coverage from National Public Radio, classical and other quality music, and information and entertainment programming. KWIT has nearly 1,000 members who annually contribute more than \$120,000 in support. Businesses and organizations also support KWIT through program underwriting and WITCC supports the station financially. The station's website states that it has about 15,000 weekly listeners.

CPB's Community Service Grant Program

The Act provides that specific percentages of the appropriated funds CPB receives annually from the United States Treasury must be allocated and distributed to licensees and permittees of public TV and radio stations. CPB distributes these funds through its CSG program. Grant award amounts are based in part on the amount of Non-Federal Financial Support (revenues) claimed by all stations on their Annual Financial Reports (AFR) submitted to CPB.

In addition to the annual filing of a station's AFR(s) for radio and/or television, the chief executive of the station and a licensee official annually certify to CPB the station's compliance with Act requirements and selected General Provisions requirements in the legal agreement awarding the station CSG funds. These certifications specifically address Open and Closed Meetings; Open Financial Records; Community Advisory Board, CPB Employment Statistical Report; and Donor information requirements under Section IV Communications Act Compliance of the agreement. Station officials responsible for closed meetings and the CPB Employment Statistical Report requirements are identified in the grant agreement. The certification also includes Website Postings Required under Section V. Selected General Provisions Requirements of the agreement.

Scope and Methodology

We performed an evaluation of KWIT-FM's compliance with selected CSG provisions of the Act and grant certification requirements. Our specific objectives were to verify compliance with selected Act requirements for open and closed meetings and open financial records, as well as Radio Community Service Grants General Provisions and Eligibility Criteria for Transparency. The scope of the evaluation included reviews of the information posted on the station's website as of August 10, 2021, and information retained at the station's central office as of August 31, 2021.

We reviewed documents supporting the station's compliance with the Act requirements to provide advance notice of public meetings; notice of closed meeting reasons; and make financial information available to the public. We also reviewed the station's website and processes to determine its compliance with CPB's transparency requirements for eligibility. We informed station management of our evaluation on August 31, 2021 and we requested the station provide us with transparency information maintained at its central office for information that was required to be made available to the public at its central office if not posted on its website.

We also reviewed CPB's integrated station information system to determine if the evaluated information made available to the public was the most recent information submitted to CPB. In addition, we verified with station management that board, and management listings posted to its website were current.

Our fieldwork was conducted from August 10 through August 31, 2021, and our evaluation was performed in accordance with the Council of the Inspectors General on Integrity and Efficiency *Quality Standards for Inspection and Evaluation*.



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October 15, 2021

Ms. Kimberly A. Howell
Inspector General
Corporation for Public Broadcasting
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Response to the Evaluation of KWIT-FM Compliance with Selected
Communication Act and Transparency Requirements as of August 10, 2021,
Draft Report No. ECR2113-XXXX

Dear Ms Howell:

It is with great regret that we find we were out of compliance with selected requirements of the 2021 Corporation for Public Broadcasting (CPB) Community Service Grant (CSG). My hope is that I can convey that we had fully embraced the spirit of these requirements and that we immediately corrected what oversights we could and implemented practices that will ensure our compliance in the future.

As a rural service station, we are reliant upon our CSG, and we take very seriously the mission of the CPB as well as that of our station and license holding institution, Western Iowa Tech Community College (WITCC). We strive to provide services that our part of the world would otherwise lack access to. With our small staff of 4 full time employees, we produce a weekly newsmagazine, daily newscasts in English, Spanish, Vietnamese, and Somali, and local music programs in English and Spanish. We are devastated to find ourselves in this position.

Our Community Advisory Board (CAB) has, since our first broadcast in 1978, been an important body connecting us to the community. Our practice is, and has been, to provide advance notice of the CAB's meetings by broadcasting notice of the meetings between 6 a.m. and 11 p.m. seven days in advance. Our logs show that such notice has been scheduled and read, and we keep an aircheck archive of the broadcasts. Upon learning that we also are required to announce WITCC's Board of Directors meetings, we immediately reached out to that board's secretary and established with her a practice in which she will notify us of all future meetings when public broadcasting business is to be discussed. We have also communicated with WITCC's administration and

business offices, establishing similar practices. Regarding the upcoming November meetings for both WITCC's board and our CAB, we have complied with the notice requirements by announcing these future meetings over the air as is reflected in our logs. Staff members involved in creating our logs and making the announcements have been made aware of our need to continue to provide proper notice of both boards' meetings, and we will now upload our airchecks of notice for each to our archive. To ensure that we continue to comply with this notice requirement, we have created automated reminders in our station calendar that will provide monthly prompts to communicate with the WITCC Board regarding their agenda and place notices in our log when necessary. We have also created a checklist where our Operations Manager will sign off upon broadcasting the notice and placing the aircheck in our archive.

Regarding our failure to post the names of WITCC's Board, we have fallen victim twice to the same misunderstanding. We had posted the names of our CAB to our website, incorrectly thinking that this satisfied the CPB's CSG compliance requirements. Discovering that we had an incorrect understanding, we immediately created a web page with the names of the members of WITCC's Board and posted it to our site as we have done with the names of our CAB. On that page, we have also provided a link to our license holder's information page. To ensure that the public can better find this information, we also created a link on our homepage to our own listing of the names for the WITCC Board. That link is in the same menu as the link we have had that points to the page containing the names of our CAB.

I extend my sincere apologies for our being out of compliance with the CPB's CSG requirements as identified by the Inspector General. My hope is that you will see in our immediate responses a desire not only for compliance but for transparency and openness, and that our controls will ensure future compliance.

Sincerely,


Mark Munger
General Manager, KWIT