



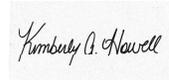
Corporation  
for Public  
Broadcasting

Office of the Inspector General

May 26, 2023

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: 2023.05.26  
12:25:37 -04'00'

Subject: Evaluation of WAPS-FM, Board of Education, Akron City School District, Compliance with Selected Communications Act, Diversity, and Transparency Requirements, Report No. ECR2307-2308

We have completed an unannounced evaluation of compliance with selected requirements of the 2023 Corporation for Public Broadcasting (CPB) Community Service Grant (CSG) awarded to WAPS-FM, also known as the Summit, licensed to the Board of Education, Akron City School District, Akron, Ohio. 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 diversity and 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 WAPS-FM's website on February 1, 2023, we found the station was compliant with three of the seven requirements applicable, not fully compliant with a fourth requirement, and noncompliant with three requirements. The remaining five requirements were not applicable.

Specifically, the station was not compliant with the following three requirements:

- the most recent CPB Annual Financial Report (AFR) was not posted on the station's website;
- senior/executive management information on the website was not current; and
- governing body members' information on the website was not current.

The station was not fully compliant with the Diversity Statement because the Diversity Statement posted on the station's website appeared to be from a prior year, referencing 2014. Further, the posted statement did not clearly address the following four reporting requirements:

- diversity goals (elements of diversity station finds important for FY 2023);
- extent its workforce and boards reflect that diversity;
- progress made towards those goals over last 2-3 years; and
- diversity plans for FY 2023.

In response to our draft report, WAPS-FM updated its website to comply with Communications Act and General Provisions requirements. These steps included creating a place on the website for the AFR, updating the station executive staff and governing body information, and updating the Diversity Statement. The station's website update was completed by March 30, 2023. The station is currently compliant with CPB's requirements.

Based upon WAPS-FM response to the draft report, we consider our recommendations resolved but open, pending CPB's management decision to accept the station's corrective actions to ensure future compliance. The station's response to the draft report is presented in Exhibit D.

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.

## FINDINGS AND RECOMMENDATIONS

### I. ACT COMPLIANCE

#### *Open Financial Records*

Our evaluation found that WAPS-FM was not fully compliant with the Act requirements for open financial records to be available on the station's website. Specifically, we found that WAPS-FM had not posted its FY 2022 AFR to its website as of the date of our review, February 1, 2023.

The Act provides:

Funds may not be distributed pursuant to this subsection to any public telecommunications entity that does not maintain for public examination copies of the annual financial and audit reports, or other information regarding finances, submitted to the Corporation ...

47 U.S.C. Section 396 (k)(5).

CPB's compliance guidance restates the requirement:

E. The Public's Access to Financial Information: The Act requires stations to make available to the public their annual financial and audit reports and other financial information they are required to provide to CPB. CPB also requires that each CSG recipient post the following documents on its station website: ...

2 . its most recent annual financial report (AFR) or annual financial summary report (FSR) (whichever is applicable).

CPB Act Compliance 2021 – III. Open Financial Records, Section E.

After receiving our Preliminary Observations on March 8, 2023, the station advised us that they planned to update the station website to include a portal for reviewing their AFR, and they

indicated that they had complied in their response to the draft report. Initially, the new portal they created for the AFR linked to their audited financial statements instead of their most recent AFR. However, after being advised of this, the station promptly corrected the links for both the AFR and the audited financial statements.

At the time of our initial review on February 1, 2023, the station was not compliant with Act open financial records requirements and may be subject to penalties under CPB's Non-Compliance Policy, dated January 2016.

***Recommendation:***

- 1) We recommend that CPB management require WAPS-FM to identify the corrective actions and controls it will implement to ensure future compliance with Act and CPB requirements for open financial records.

***WAPS-FM Response:***

In response to the draft report, the station provided the following background. Beginning in the first quarter of 2023, the station underwent a significant rebranding and imaging campaign. This initiative began on January 4, 2023 and concluded on March 30, 2023. The rebranding included the creation of a brand-new logo, station colors, website, app, and style guide.

The OIG review of the station's website occurred during this rebranding initiative and the infractions identified were updated, written, and ready for upload to the new website, however the new website wasn't "live" at the time of the inspection.

After the OIG initial contact about the missing website content, WAPS took immediate and swift action to provide the new website URL, which included all the required content. However, this content was not 100% compliant in three areas, all of which have since been addressed. They stated their diversity statement, senior/executive management information, and governing body members were now all within CPB guidelines and available on their new website.

Finally, the station's response stated that WAPS has implemented new procedures and protocols for posting required information to its website. This information includes Federal Communications Commission and CPB mandatory requirements, and is assigned to two very experienced public media professionals, WAPS General Manager and the Director of Operations, with support from the Development Director.

***OIG Review:***

Based on management's response to the draft report we consider our recommendation closed but open pending CPB's acceptance of the station's proposed corrective actions.

## II. GENERAL PROVISIONS

### *Diversity Statement*

The Diversity Statement posted on the station's website appeared to be from a prior year, referencing 2014, and the posted statement did not clearly address the following four reporting requirements:

- diversity goals (elements of diversity station finds important for FY 2023);
- extent its workforce and boards reflect that diversity;
- progress made towards those goals over last 2-3 years; and
- diversity plans for FY 2023.

CPB's FY 2023 Radio Community Service Grant General Provisions and Eligibility Criteria, Section 8, Diversity Statement, states:

The Act requires CPB to support diverse non-commercial educational content for unserved and underserved audiences. CPB's goal, therefore, is to support stations in providing a wide variety of educational, informational, and cultural content that addresses the following elements of diversity: gender, age, race, ethnicity, culture, religion, national origin, and economic status. It is appropriate that Grantee engage in practices designed to reflect such diversity of the populations it serves. In support of these objectives, Grantee must comply with the following.

- A. Annual Review: Annually review and make any necessary revisions to the station's established diversity goal for its workforce, management, and boards, including community advisory boards and governing boards having governance responsibilities specific to or limited to broadcast stations.
- B. Diversity Statement: Undertake the following to achieve Grantee's diversity goal.
  1. Annually review with the station's governing board or Licensee Official:
    - a. the diversity goal and any revisions thereto; and
    - b. practices designed to fulfill the station's commitment to diversity and to meet the applicable FCC guidelines (47 C.F.R. § 73.2080).
  2. Maintain on its website or make available at its central office, a diversity statement (approximately 500 words) that reflects on the following points, reviewing and updating the same annually with station management:
    - a. the elements of diversity that Grantee finds important to its public media work;
    - b. the extent to which Grantee's staff and governance reflect such diversity;
    - c. the progress Grantee has made to increase its diversity in the last two to three years; and
    - d. Grantee's diversity plans for the coming year.

Based on our review, we concluded that the Diversity Statement did not fully address the four points spelled out in CPB's criteria.

After receiving our Preliminary Observations on March 8, 2023, the station advised us that they planned to update the station website to include an updated Diversity Statement that included all four of the required elements, as well as documentation of their annual review. The updated diversity statement posted to its website included the following:

WAPS had an annual review on October 20, 2022, to identify our diversity equity and inclusion needs. WAPS works to align our diversity goals with our Licensee holder Akron Public Schools. WAPS finds the elements of diversity important to its public media work through our diverse programming that affirms people of all identities: ethnic, racial, cultural, spiritual, gender identity/expression, sexual orientation, ability, and age. WAPS has 8 full-time professional staff and 6 contracted. 43% are women and 14% are people of color. The governance board is 75% people of color and 43% women. In the past two to three years, WAPS has hired one woman and one person of color, increasing our diversity. In the upcoming year, WAPS plans to hire a Community Engagement and DEI Coordinator in order to further pursue our diversity efforts within the community we serve.

Based on the above language, the station's updated Diversity Statement addresses the diversity requirements.

***Recommendation:***

- 2) We recommend that CPB management require WAPS-FM to identify the corrective actions and controls it will implement to ensure future compliance, including the annual review requirements.

***WAPS-FM Response:***

In response to the draft report WAPS management explained they were in the process of updating all of its website content as part of a rebranding initiative. Further, they discussed implementing new procedures and protocols for posting required information to its website. These new procedures would be handled by the General Manager and Director of Operations.

***OIG Review:***

Based on management's response to the draft report we consider our recommendation closed but open pending CPB's acceptance of the station's proposed corrective actions.

### **III. TRANSPARENCY COMPLIANCE**

***Posting Current Information for Public Inspection (two requirements)***

Several of the names on the station's website listing of executive staff differed from the executive staff names included in the station's most recent Grantee Profile submitted to CPB. Also, several of the school board governing body names listed on the station's website did not

match the names of members currently serving on the school board as posted on the school board website.

CPB's 2023 Radio General Provisions, Section 9, impose specific transparency requirements for making information available to the public and require certain documents be made available on the station's website or at its central office:

A. Public Inspection of Documents and Website Posting:

To ensure transparency and public confidence in the use of CPB funds, the Communications Act requires Grantees to make certain documents available for public inspection. As set forth below, CPB also requires public access to other documents, and specifies how all documents must be made available for inspection, either by maintaining them at Grantee's office or by posting them on its station 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:

1. Station Senior/Executive Management: The names, titles, and contact information;
2. Governing Body: A list of the members of its governing body....

After receiving our Preliminary Observations on March 8, 2023, the station advised us that they planned to update the station website to include current senior/executive management and governing body members and they indicated that they had complied in their response to the draft report. The updated website did in fact include a list of current Station Executive Management as well as the current Board of Directors (the Akron School Board) so the updated website now complies with CPB requirements.

***Recommendation:***

- 3) We recommend that CPB management require WAPS-FM to identify the corrective actions and controls it will implement to ensure future compliance with CPB requirements to make the names of its executive staff and school board members available to the public.

***WAPS-FM Response:***

In response to the draft report WAPS management explained they were in the process of updating all of its website content as part of a rebranding initiative. Further, they discussed implementing new procedures and protocols for posting required information to its website. These new procedures would be handled by the General Manager and Director of Operations.

***OIG Review:***

Based on management's response to the draft report we consider our recommendation closed but open pending CPB's acceptance of the station's proposed corrective actions.

**Summary of WAPS-FM Website Review  
as of February 1, 2023**

Requirements	Met	Partially Met	Not Met
1) Seven-day advance notice of governing body meeting: (Board of Education Akron Public Schools)			
a) available on website	X		
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 CAB meetings:	N/A		
a) available on website			
b) available by other means			
4) If closed meetings were held, was documentation prepared explaining the basis for closing meeting in accordance with the 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 AFR available on website			X
7) Most recent audited financial statements on website	X		
8) Senior/executive management information on website			X
9) Governing body members on website			X
10) CAB members on website	N/A		
11) Diversity Statement		X	
A. Diversity Statement is available to the public on:			
i. on website	x		
ii. at central office			
B. Annual review of Diversity Statement and statement available to public reflects current goals.			x
C. Diversity Statement is approximately 500 words.	x		
D. The Diversity Statement reflects each of the following points			
i. the elements of diversity that Grantee finds important to its public media work;			x
ii. the extent to which Grantee's staff and governance reflect such diversity;			x
iii. the progress Grantee has made to increase its diversity in the last two to three years; and			x
iv. the Grantee's diversity plans for the coming year			x
E. Does the station's management annually review with the Governing Board or licensing official the diversity goals and revisions?	x		

**Summary of WAPS-FM Website Review  
as of February 1, 2023**

Requirements	Met	Partially Met	Not Met
12) Grantee’s annual report on local content and services included in the grantee’s current 2021 SAS on its content and services that serve local needs; and analysis about the reach and impact of the local services in its community.			
i. on website			
ii. at central office	<b>X</b>		

**Legend:** X designates that the 12 requirements tested were met, partially met, or not met.  
 x designates that the 5 sub-components of the CPB Diversity Statement requirements were met or not met.

**Background**

WAPS-FM, Akron, Ohio, is a public broadcasting station licensed to the Board of Education of the Akron Public Schools (APS). According to the WAPS-FM website, The Summit (91.3 FM) commenced operations in 1955, is locally owned and operated, and plays a wide variety of music including Rock, Pop, Folk, Acoustic, Local, and Reggae. The station has won numerous awards, including an Award for Innovation, multiple Best Radio Station Awards in Akron and Cleveland, and a Volunteer of the Year Award from APS.

***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) and Financial Summary Reports (FSR) submitted to CPB.

In addition to the annual filing of a station's AFR(s) or FSR 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 WAPS-FM's compliance with selected provisions of the Act and CSG General Provisions 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 General Provisions for Diversity and Transparency. The scope of the evaluation included review of the information posted on the station's website as of February 1, 2023, as well as information provided in response to our Preliminary Observations issued on March 8, 2023.

We reviewed documents supporting the station's compliance with the Act requirements to provide advance notice of public meetings, documentation of closed meetings including documentation of closed meetings as applicable, and make financial information available to the public. We also reviewed the station's website and processes to determine its compliance with CPB's diversity and transparency requirements. We informed station management of our evaluation on March 8, 2023, and we requested additional information to support the station's compliance, including, as applicable, transparency information maintained at its central office for documents required to be made available to the public at its central office if not posted on its website. Additionally, we requested station management complete a Diversity Questionnaire to obtain information on the station's actions to annually review and update its Diversity Statement in compliance with CPB requirements.

We also reviewed CPB's Integrated Station Information System (ISIS) 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 February through March 2023 and our evaluation was performed in accordance with the Council of the Inspectors General on Integrity and Efficiency *Quality Standards for Inspection and Evaluation*.



April 27, 2023

To: William J. Richardson III, Deputy Inspector General Office of Inspector General, Corporation for Public Broadcasting

From: Thomas Bruno, Executive Director & General Manager, WAPS-FM

Subject: WAPS-FM, Board of Education Evaluation, Akron School District, Compliance with Selected Communications Act, Diversity and Transparency Requirements, Report #ECR23077

Beginning in the first quarter of 2023, our station underwent a significant rebranding and imaging campaign. The procedure included the creation of a brand-new logo, station colors, website, APP, and style guide. This collaborative endeavor, which included the participation and ideas from full-time employees and outside, highly specialized contractors, began on January 4 and concluded on March 30, 2023.

Most of this creative work was done on-site except on the station website. After regular business hours, the website component was handled off-site, with daily upload delays and unexpected and expected roadblocks. The Corporation for Public Broadcasting review of the WAPS website conducted on February 1, 2023, was during the rewriting, tweaking copy, uploading, and significant changes to our entire web platform.

We understand that CPB randomly chooses when to audit station websites. However, as stated above, the WAPS website audit could not have been conducted at a worse time. This is not an excuse, lending context to a complicated first quarter of the year. The seven infractions listed below were updated, written, and ready for upload to the new website; however, the site wasn't prepared or "live" during the inspection period.

Once contacted by CPB via email regarding the missing website content, WAPS took immediate and swift action to provide [REDACTED] with the new website URL, which included all the required content. However, we were not 100% compliant in three areas, all of which have been addressed. Our diversity statement, senior/executive management information, and governing body members are all within CPB guidelines. [REDACTED] approved these updates, and they are now on our new and improved website [www.thesummit.fm](http://www.thesummit.fm)

WAPS has collectively implemented new procedures and protocols for all the website compliance areas. These essential and mandatory requirements, including Federal Communications Commission and Corporation for Public Broadcasting, are in the hands of two very experienced public media professionals, [REDACTED], WAPS-General Manager, and [REDACTED], Director of Operations, with support from Development Director [REDACTED].