



Corporation
for Public
Broadcasting

August 30, 2023

VIA ELECTRONIC MAIL

Mr. Tommy Bruno
General Manager
WAPS-FM
309 Woolf Avenue
Akron, OH 44312

Dear Mr. Bruno,

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

The evaluation referenced above concluded that WAPS-FM (WAPS) was compliant with three of seven select requirements in the Communications Act of 1932, 47 U.S.C. §396, et sec. (Communications Act), and in the General Provisions and Eligibility Criteria (General Provisions) governing the 2023 community service grant awarded it by the Corporation for Public Broadcasting (CPB).

The specific findings and CPB's determinations for WAPS follow.

I. Posting Current Financial Information

The Communications Act requires stations to make available to the public their annual financial and audit reports they are required to provide to CPB.¹ CPB finds stations compliant if they post their most recent audited financial statement and annual financial report (AFR) on their website.

The evaluation found that WAPS had not posted its most recent AFR on its website, although it addressed the issue by updating its website to include a portal to provide the public with access to its AFR. The report recommended that CPB require WAPS to identify the controls it will adopt to avoid this error in the future. WAPS explained that the issue was attributed to the makeover of its website which occurred during the time of the evaluation.² Considering WAPS's swift action to correct these issues, the station's express commitment to compliance detailed in that correspondence, and the penalty assessed below, we will not require additional documentation.

Action: No further action is required of WAPS.

¹ General Provisions, Section 2 (C), Open Financial Records.

² Exhibit D of the evaluation report.

Mr. Tommy Bruno
General Manager
WAPS-FM

II. Diversity Statement

The Communications 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. Towards this end, the General Provisions for the applicable years, requires grantees to annually review their diversity goals and any revisions thereto with their governing board or licensee, and maintain on its website or at its central office a diversity statement that reflects on the elements of diversity that are important to its public media work, the extent to which staff and governance reflect such diversity, the progress made to increase its diversity in the last two to three years, and diversity plans for the coming year.³

The evaluation found that WAPS had not reported updated diversity goals, the extent to which its staff and governance reflect such diversity and the progress it made to increase its diversity in the last few years, and diversity plans for FY 2023. Consequently, the audit report recommended that CPB require WAPS to update its Diversity Statement to meet the requirements. WAPS promptly corrected this issue before the evaluation's completion. In its correspondence,⁴ WAPS explained that it updated its Diversity Statement and created an annual plan for maintaining compliance with the provision.

Considering the swift action that WAPS took to meet this requirement, no additional action is required.

Action: No further action is required of WAPS.

III. Senior/Executive Management Information

CPB requires stations to post the names, titles, and contact information of their senior management team on their website⁵. The report found that WAPS's website did not include this information, and it recommended that CPB require WAPS to identify the controls it will implement to avoid this error in the future.

WAPS promptly corrected this issue before the evaluation's completion. Considering this and the penalty assessed below, we will not require additional documentation.

Action: No further action is required of WAPS.

IV. Board Members List

CPB requires stations to post the members of their governing body on their website.⁶ The report found that WAPS's website did not include this information, and it recommended that CPB require WAPS to identify the controls it will implement to avoid this error in the future.

WAPS promptly corrected this issue before the evaluation's completion. Considering this and the penalty assessed below, we will not require additional documentation.

³ General Provisions, Section 8, Diversity Statement.

⁴ Exhibit D of the evaluation report.

⁵ General Provisions, Section 9 (B), Documents for Public Inspection: Website Posting Required.

⁶ General Provisions, Section 9 (B), Documents for Public Inspection: Website Posting Required.

Mr. Tommy Bruno
General Manager
WAPS-FM

Action: No further action is required of WAPS.

V. CSG Non-compliance Policy

CPB adopted the CSG Non-compliance Policy to encourage grantees to comply with the applicable provisions governing their CSG and the Communications Act. Stations are subject to a penalty of \$5,000 for failure to comply with a category in the Communications Act and a penalty of \$1,000 for failure to comply with a category in the General Provisions. Considering the prompt action WAPS took to correct the issues, its compliance representations, and the overall results of the report, we will assess a reduced Communications Act penalty of \$2,500 for the open financial records non-compliance and assess a reduced penalty of \$500 each for non-compliance with the General Provisions, i.e., posting the contact information of its senior management team and the names of its governing body members to its website. Since the Diversity Statement requirement is under review, CPB will not assess a penalty.

Action: WAPS must provide the \$3,500 penalty to CPB for its non-compliance with the Communications Act and General Provisions, within 45 days of the date of this correspondence. Accordingly, please forward a check payable to CPB to Nick Stromann, Vice President, Controller, Corporation for Public Broadcasting, 401 Ninth Street N.W., Washington, D.C. 20004-2129.

If you wish CPB to consider additional information relating to this matter, please provide the same in writing within 30 days of the date of this letter. Otherwise, CPB will consider these determinations final, and WAPS must comply with the actions set forth above. CPB reserves the right to take any other action it deems appropriate until these issues are resolved to CPB's satisfaction.

Kind regards,

Jackie J. Livesay

Jackie J. Livesay
Deputy General Counsel & Vice President, Compliance

CC: VIA ELECTRONIC MAIL

Michelle Charles, Licensee Official, WAPS-FM
Michael Levy, Executive Vice President & Chief Operating Officer, CPB
J. Westwood Smithers, Jr., Senior Vice President & General Counsel, CPB
William P. Tayman, Jr., Chief Financial Officer & Treasurer, CPB
Kimberly Howell, Inspector General, CPB
William J. Richardson, III, Senior Director & Deputy Inspector General, CPB
Kathy Merritt, Senior Vice President, Radio, Journalism & CSG Services, CPB
Katherine Arno, Vice President, Community Service Grants and Station Initiatives, CPB
Nick Stromann, Vice President, Controller, CPB
Andrew Charnik, Director, Radio CSG Policy & Administration, CPB
Forrest Lillibridge, Director, Grants Administration, CPB