



Corporation
for Public
Broadcasting

December 6, 2024

Kimberly Thomas
General Manager
KEYA-FM
1205 Todd Duchame Dr.
Belcourt, ND 58316

Dear Kimberly Thomas,

RE: Evaluation of KEYA-FM, Compliance with Selected Communications Act and General Provisions Transparency Requirements (Report No. ECR2413-2414)

The evaluation referenced above concluded that KEYA-FM (KEYA) was compliant with five of eight applicable 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) which govern the 2024 community service grant (CSG) awarded it by the Corporation for Public Broadcasting (CPB).

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

I. Open Financial Records

The Communications 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.¹ CPB also requires that each CSG recipient post its most recent audited financial statements and its most recent annual financial report (AFR) or annual financial summary report (FSR) on its website (whichever is applicable). With CPB's approval, stations may post their required information on a website shared by other public broadcasting entities.²

The evaluation found that KEYA had not posted its most recent audited financial statements and AFR, although it immediately corrected the issue when advised of the issue. The evaluation recommended that CPB require KEYA to identify the corrective actions and controls it will adopt to avoid this error in the future. In their response to the audit report³, KEYA explained it would be working with the staff that manages the shared website to make and maintain timely website entries.

We agree with this finding. CPB adopted the CSG Non-compliance Policy to encourage grantees to

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

² KEYA obtained CPB approval to post the required information on a website shared by other public broadcasting entities consistent with the General Provisions, Section 9 (A), Public Inspection of Documents and Website Posting.

³ Exhibit D of the evaluation report.

Kimberly Thomas
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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. Recognizing the prompt action KEYA took to address the issues, the corrective actions explained in the station's correspondence,⁴ and the potential impact of a penalty on the station's operations, we will assess a reduced penalty of \$1,000 for its non-compliance with the open financial records requirements in the Communications Act and we will not require additional documentation of corrective actions from KEYA.

Action: Within 45 days of the date of this correspondence, KEYA must provide CPB with the \$1,000 penalty for its non-compliance with the open financial records requirements in the Communications Act.

II. Meetings

The Communications Act requires stations to provide the public with reasonable advance notice of their open meetings which include, but are not limited to, open governing body meetings, open committee meetings, and community advisory board (CAB) meetings (collectively "open meeting(s)"). In addition, CPB requires stations give at least seven-days advance notice, including the time and place. One method a station may employ to satisfy that requirement is by posting notice on the station's website.⁵

The evaluation found that KEYA provided six rather than seven-days' advance notice for one of its four governing body meetings. The report recommended that CPB require KEYA to identify the corrective actions and controls it will implement to address this issue. In the station's correspondence, KEYA explained that it posted advance notice of its upcoming board meetings on its website and will ensure future compliance with the requirement.⁶

The CSG Non-compliance penalty provides for a \$5,000 penalty for a station's failure to comply with a category in the Communications Act. Considering that KEYA updated its website to reflect the upcoming board meetings before the evaluation's completion and the potential impact of a penalty on the station's operations, we will assess a reduced penalty of \$1,000 for its non-compliance with the open meetings requirements in the Communications Act and we will not require additional documentation of corrective actions from KEYA.

Action: Within 45 days of the date of this correspondence, KEYA must provide CPB with the \$1,000 penalty to CPB for its non-compliance with the advance notice provisions in the Communications Act.

KEYA must provide the \$2,000 in penalties to CPB for its non-compliance with the Communications Act by forwarding 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 KEYA 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.

⁴ Exhibit D of the evaluation report.

⁵ Additional methods for providing notice may be found in the Compliance Booklet, Section 1.E. Notice of Open Meetings.

⁶ Exhibit D of the evaluation report.

Kimberly Thomas
KEYA-FM

Kind regards,

Jackie J. Livesay

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

CC: VIA ELECTRONIC MAIL

Wesley Schindler, Licensee Official, KEYA-FM

Michael Levy, Executive Vice President & Chief Operating Officer, CPB

Evan Slavitt, Senior Vice President & General Counsel, CPB

Daryl Mintz, 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