



Corporation
for Public
Broadcasting

January 13, 2025

VIA ELECTRONIC MAIL: kenneth.dudzik@ops.org

Kenneth Dudzik
Station Manager
KIOS-FM
3230 Burt Street
Omaha, NE 68131

Dear Kenneth Dudzik,

RE: Evaluation of KIOS-FM, Douglas County School District 001, Compliance with Selected Communications Act and General Provisions Transparency Requirements (Report No. ECR2415-2416)

The evaluation by the Corporation for Public Broadcasting's ("CPB") Office of the Inspector General ("OIG") referenced above concluded that KIOS-FM ("KIOS") was compliant with three of six 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 KIOS follow.

I. 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 of open meetings, including the time and place they will occur. One method a station may employ to satisfy that requirement is by posting notice on the station's website.¹

The evaluation found that KIOS did not post advance notice of its governing body meetings. Although the station included a link to the Board of Education page of the Omaha Public Schools website, it did not identify that this was a link to the station's governing body, nor did it link to the open governing body meeting information. The report recommended that CPB require KIOS to identify the corrective actions and controls it will implement to address this issue.

¹ Additional methods for providing notice may be found in the Compliance Booklet, [Section I.E. Notice of Open Meetings](#).

Kenneth Dudzik
KIOS-FM

KIOS explained in its September 2024 correspondence that it added a link to the Omaha Public Schools Board of Education upcoming board meetings on its website along with a statement that identifies this entity as the station's governing body.² Further, it explained that meeting notices will be posted by the District Communications Department at least one month before a scheduled meeting and that the Chief Officer of the District Communications Department will assist in ensuring continued compliance in this area.

Because the evaluation verified that the station's website had been updated to include a link to the Board of Education webpage where meeting information was posted, it considered the recommendation resolved but open pending CPB's management decision accepting the station's corrective actions.

We agree with the finding and accept the corrective actions undertaken by KIOS. Considering this, we will not require additional documentation.

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. Considering KIOS's corrective actions and that it updated its website to reflect the upcoming board meetings before the evaluation's completion, we will assess a reduced penalty of \$2,500 for its non-compliance with the open meetings requirements in the Communications Act.

Action: Within 45 days of the date of this correspondence, KIOS must provide CPB with the \$2,500 penalty to CPB for its non-compliance with the advance notice provisions in the Communications Act.

II. 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.³ 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).⁴

The evaluation found that KIOS had posted its audited financial statements but had not posted its most recent AFR, although it immediately corrected the issue. The evaluation recommended that CPB require KIOS to identify the corrective actions and controls it will adopt to avoid this error in the future. KIOS explained that it would ensure future compliance by posting its AFR once approved by CPB and that it will assign this responsibility to more than one individual to ensure timely posting.⁵ The evaluation confirmed the station's most recent AFR was available through the station's website, and it considered this recommendation resolved but open pending CPB's management decision accepting the station's corrective actions.

We agree with this finding and accept the corrective actions undertaken by KIOS. Considering this, we will not require additional documentation.

The CSG Non-compliance penalty provides for a \$5,000 penalty for a station's failure to comply with a

² Exhibit D of the evaluation report.

³ General Provisions, Section 2 (C), Open Financial Records.

⁴ General Provisions, Section 9 (A), Public Inspection of Documents and Website Posting.

⁵ Exhibit D of the evaluation report.

Kenneth Dudzik
KIOS-FM

category in the Communications Act. Recognizing the prompt action KIOS took to address the issues and the corrective actions explained in the station's September 2024 correspondence, we will assess a reduced penalty of \$2,500 for its non-compliance with the open financial records requirements in the Communications Act.

Action: Within 45 days of the date of this correspondence, KIOS must provide CPB with the \$2,500 penalty for its non-compliance with the open financial records requirements in the Communications Act.

III. Governing Body Members

CPB requires stations to post the names of its governing body and CAB members on its website.⁶ The evaluation found that this information was not included on the station's website nor was this information available through the link to the Board of Education page of the Omaha Public Schools.⁷ The evaluation recommended that CPB require KIOS to identify the corrective actions and controls it will implement to avoid this error in the future.

KIOS updated its website during the audit review to reflect the current governing body members and indicated that the staff that manages the website will ensure that information is available going forward. The evaluation verified this information and considered this recommendation resolved but open pending CPB's management decision accepting the station's corrective actions.

We agree with the finding and accept the actions taken by KIOS to resolve the non-compliance. Considering the steps KIOS has taken to ensure compliance going forward, we will not require additional documentation.

Stations are subject to a penalty of \$1,000 for failure to comply with a category in the General Provisions pursuant to CPB's CSG Non-compliance Policy. Recognizing the prompt action KIOS took to address the issues raised in the evaluation and the corrective actions detailed in its correspondence,⁸ we will assess a reduced penalty of \$500 for its non-compliance with the General Provisions, i.e., identifying governing board members on its website.

Action: Within 45 days of the date of this correspondence, KIOS must provide the \$500 penalty to CPB for its non-compliance with the General Provisions requirement that KIOS identify its governing board members on its website.

KIOS must provide the \$5,500 in penalties to CPB for its non-compliance with the Communications Act and the General Provisions 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 KIOS 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.

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

⁷ The Communications Act requires certain stations to maintain a CAB and KIOS is exempt from that requirement.

⁸ Exhibit D of the evaluation report.

Kenneth Dudzik
KIOS-FM

Kind regards,

Jackie J. Livesay

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

CC: VIA ELECTRONIC MAIL

Matthew Ray, Licensee Official, KIOS-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