

WOOD & MAINES, P.C.

ATTORNEYS AT LAW
3300 FAIRFAX DR., SUITE 202
ARLINGTON, VIRGINIA 22201-4400

TELEPHONE (703) 465-2361
FACSIMILE (703) 465-2365
EMAIL WOOD@LEGALCOMPASS.COM
UTAH OFFICE (801) 319-6360

BARRY D. WOOD*
RONALD D. MAINES*
SUMMER CASILLAS†

*ADMITTED IN THE DISTRICT OF COLUMBIA ONLY
† OF COUNSEL

March 20, 2020

(Uploaded *ejusdem die* to the WPEO
Online Public Inspection File)

EEO Staff
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear EEO Staff:

On behalf of our client WPEO Radio Foundation, Inc., this responds to the EEO Random Audit Letter dated February 6, 2020, directed to AM radio broadcast station WPEO (Facility ID 52641), Peoria, Illinois.

The responses set forth beginning on the following page are associated with the specific questions raised in the audit letter and include the required certification.

If you have any questions or concerns with respect to the attached material, please communicate with Ronald D. Maines of this firm or the undersigned.

Very truly yours,

/s/ Barry D. Wood

Barry D. Wood
Counsel for WPEO Radio
Foundation, Inc.

PRELIMINARY INFORMATION

The Employment Unit is AM radio broadcast station WPEO, Peoria, Illinois (“the Station”), which is licensed to WPEO Radio Foundation, Inc.

The Licensee is a “religious broadcaster” within the meaning of 47 CFR §73.2080(a) as clarified in Commission case law.¹ Specifically:

1. the Station has broadcast religious programming continually since 1970;
2. the Licensee is an Illinois non-profit corporation and its articles of incorporation specify a religious purpose;
3. the Station has a strong historical identity in the community as a religious broadcaster; and
4. the Station’s programming is aligned with a distinctive religious perspective – namely, evangelical Christianity.

Full-time employees of the Station are subject to religious qualification as a requirement of employment.

Because the Licensee is a religious broadcaster and any full-time hires are subject to a religious qualification, the requirements in 47 CFR §73.2080 are, in limited particulars, either modified or not applicable. These will be noted where appropriate.

QUESTIONS AND RESPONSES

3. Audit Data Requested. If the Unit employs five or more full-time employees (and all units, for Question 3(e)), provide the following information, including an explanation regarding any requested information that you are unable to provide:

(a) Copies of the Unit’s two most recent EEO public file reports, described in Section 73.2080(c)(6). For any stations in the Unit that have websites, provide each web address. If the Unit’s most recent EEO public file report is not included on or linked to on each of these websites, indicate each station involved and provide an explanation of why the report is not so posted or linked, as required by Section 73.2080(c)(6).

In accordance with Section 73.2080(c)(5)(vi), provide the date of each full-time hire listed in each report provided. If the unit does not have its own website, but its corporate site contains a link to a site pertaining to the unit, then the unit’s most recent EEO public file report must be linked to either the unit’s site or the general corporate site, pursuant to 47 C.F.R. § 2080(c)(6).

¹ See *Review of the Commission’s Broadcast and Cable Equal Employment Opportunity Rules and Policies*, Second Report & Order, 17 FCC Rcd 24018 (2002), ¶50.

Response:

The Station's two most recent EEO Public File Reports are attached as Exhibit 1 (for the period 2017-2018) and Exhibit 2 (for the period 2018-2019).

The Station's website address is: www.wpeo.com. A link to the Station's most recent EEO Public File Report is posted on the Station's website at <http://www.wpeo.com/info.html>.

The attached Public File Reports reflect that there were no full-time job vacancies and thus no full-time hires during the period covered by the reports ("Reporting Period").

(b) For each Unit full-time position filled during the period covered by the above EEO public file reports, dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position, as described in Section 73.2080(c)(5)(iii). However, to reduce your burden of responding to this audit, if you have sent a job notice to multiple sources, you may send us only one copy of each such notice, along with a list of the sources to which you have sent the notice.

In addition, indicate in your response whether you retain copies of all notices sent to all sources used, as required by Section 73.2080(c)(5)(iii). For on-air ads that aired multiple times, you may send us one log sheet indicating when the ad aired and tell us the other times it aired instead of providing multiple log sheets. Also, tell us whether you have retained all the log sheets for each time the ad aired. We may ask for them for verification, but you need not provide them at this time. Include, however, copies of all job announcements sent to any organization (identified separately from other sources) that has notified the Unit that it wants to be notified of the Unit's job openings, as described in section 73.2080(c)(1)(ii).

Response:

The Public File Reports include a list of the Station's recruitment sources. Consistent with 47 CFR §73.2080(a), the list was constituted to account for the requirement that Station employees are subject to a religious qualification (and thus includes, for instance, local churches and other sources likely to produce candidates with that characteristic). The requirement for "wide dissemination," 47 CFR §73.2080(c)(1)(i), is served by the number of such organizations listed, as well as by the inclusion of organizations that do not have a religious orientation. The Station's EEO Program thus accords with the requirement of Section 73.2080(c)(1) that religious broadcasters "make reasonable, good faith efforts" to ensure that their recruitment strategy serves the important purposes of the EEO Rules.

In the particular Reporting Period at issue in the present random audit, there were no full-time job vacancies and thus no occasion to notify recruitment sources of openings. It is the practice of the Station to retain copies of notices sent to employment sources in instances in which full-time job opportunities arise.

We note that, in contrast to many radio broadcast operations, turnover at WPEO is low and full-time staff openings are extremely rare. For the Bureau's information, the Station's full-time organizational positions and the tenure of the current holders of those positions are shown below:

Table 1

Position/Title	Current Employee's Tenure in Position
General Manager	33 years, 8 months
Office Manager/ Traffic & Billing	8 years
Account Executive	8 years, 8 months
Production Manager	27 years, 5 months
On-air Operations Director	3 years, 2 months

Include copies of all job announcements sent to any organization (identified separately from other sources) that has notified the Unit that it wants to be notified of Unit job openings, as described in Section 73.2080(c)(1)(ii).

Response:

Organizations that have notified the Station of a desire for information about job openings are shown in the attached Public File Reports. In the rare instance of an employment opening, it is the Station's practice to alert such parties. Inasmuch as no employment opportunities opened during the Reporting Period, there were not occasions to convey announcements of job openings to these organizations.

(c) In accordance with Section 73.2080(c)(5)(v), the total number of interviewees for each vacancy and the referral source for each interviewee for all full-time Unit vacancies filled during the period covered by the above-noted EEO public file reports.

Response:

Not applicable. There were no employment vacancies during the Reporting Period.

(d) Documentation of Unit recruitment initiatives described in Section 73.2080(c)(2) during the periods covered by the above-noted EEO public file reports, such as participation at job fairs, mentoring programs, and training for staff.

Specify the Unit personnel involved in each such recruitment initiative.

Response:

Inasmuch as the Licensee is a “religious broadcaster” and “religious qualification” is a necessary condition of employment at the Station, the particular rubric of recruitment initiatives laid out in Section 73.2080(c)(2) is not directly applicable. Where full-time hires are “subject to a religious qualification . . . a religious broadcaster is not required to perform these initiatives.” Audit Letter at 4.

This limitation is in recognition of the fact that various initiatives listed in Section 73.2080(c)(2) – for example, engagements in the context of events or activities such as conventions, community events, workshops by educational institutions, and so on – would not reasonably relate to the recruitment dynamics of a religious broadcaster for whom *religious qualification is a condition of employment*. For this reason, the FCC excepts religious broadcasters from compliance with the particular requirements of Section 73.2080(c)(2) regarding recruitment initiatives. Instead, religious broadcasters are permitted to exercise reasonable and good faith judgment on this score.

In this case, the Licensee’s best judgment has been to achieve the enablement purposes of Section 73.2080(c)(2) principally through internships (§73.2080(c)(2)(v)), training programs for station personnel (§73.2080(c)(2)(viii)), and mentoring of station personnel (§73.2080(c)(2)(ix)); and to achieve the outreach and dissemination purposes of Section 73.2080(c)(2) by visiting local congregations to offer internship opportunities (see Public File Reports for examples of these). In all cases, it is the Station’s General Manager, Robert Ulrich, who leads the initiative. The Station also participates in job banks, Internet programs, and other programs designed to promote outreach generally (see §73.2080(c)(2)(vi)); and every other year the General Manager attends the Illinois Central College Job Fair.

An important purpose of the Commission’s EEO policies and rules is to motivate behavior in station licensees that reflects a genuine commitment to equal opportunity in broadcast employment. It is noteworthy that *religious broadcasters* in the United States typically are exemplary in this regard, because the religious values they embrace centrally advocate a respect for – indeed a love for – all men and women regardless of race, color, religion, national origin or sex (Section 73.2080(a)).² This spirit of equal respect is fundamentally a part of their identity. That is one of the reasons why the FCC strongly values the role of religious broadcasters. WPEO Radio Foundation is a licensee of exactly this character: The purposes of Section 73.2080 are realized full-flower within its organizational culture.

² See, e.g., Remarks of FCC [then] Commissioner Ajit Pai to the National Religious Broadcasters’ President’s Council, Washington, DC, October 7, 2015.

Also, provide the total number of full-time employees of the Unit and state whether the population of the market in which any station included in the Unit operates is 250,000 or more. Based upon these two factors, determine and state whether the Unit is required to perform two or four initiatives within a two-year period, pursuant to Sections 73.2080(c)(2) and (e)(3). If you have performed more than four initiatives, you may provide documentation for only four and summarize the rest instead of providing documentation for all of them. If we believe any of the initiatives you have documented are inadequate, we may ask for more information, but documentation for four is all we need at this time.

Response:

The Station has just five full-time employees. WPEO is in Nielsen Radio Market #158 (Peoria, Illinois). The estimated market population as of January 24, 2020 was 301,200.

Under the criteria set out in 47 CFR §§ 73.2080(c)(2) and (e)(3), the Station would be required to engage over a two-year period in four or more of the initiatives listed in Section 73.2080(c)(2)(i)-(xvi) (the Initiatives List). However, because the Licensee is a “religious broadcaster” and “religious qualification” is a requirement for all employment positions, the Initiatives List as such does not govern the Station’s recruiting initiatives.

(e) Disclose any pending or resolved complaints involving the Station filed during the Station’s current license term before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the Unit on the basis of race, color, religion, national origin, or sex. For each such complaint, provide: (1) a brief description of the allegations and issues involved; (2) the names of the complainant and other persons involved; (3) the date the complaint was filed; (4) the court or agency before which it is pending or by which it was resolved; (5) the file or case number; and (6) the disposition and date thereof or current status. Note that all complaints must be reported, regardless of their status or disposition.

Response:

There have been no such complaints.

(f) In accordance with Section 73.2080(b), from the first day of the Station’s current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the responsibilities of each level of Unit management responsible for implementing Unit EEO policies and describe how the Unit has informed employees and job applicants of its EEO policies and program.

Response:

WPEO has five full-time employees. Unlike larger broadcast operations, the Station does not have multiple levels of management. For this reason, the General Manager is himself closely and directly involved in ensuring the integrity of the Station's EEO program.

The Station informs employees and job applicants of its EEO policies and program in various ways. The Station encourages employees to bring minority and/or female organizations to the attention of the General Manager for inclusion in the Station's recruitment efforts. In addition, each job notice informs potential applicants that the Station is an equal employment opportunity employer and the Station's EEO policy is included in the Unit's application for employment.

The Licensee is a "religious broadcaster" and "religious qualification" is a threshold requirement for employment. Within that set of individuals, the Station provides equal employment opportunities to all qualified individuals without regard to race, color, national origin, marital status, sex, age or disability in all personnel actions, including recruitment, evaluation, selection, compensation, training, promotion and termination. The Station complies with applicable federal, state and local laws concerning employment matters.

(g) In accordance with Section 73.2080(c)(3), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the Unit's efforts to analyze its EEO recruitment program to ensure that it is effective and to address any problems found as a result of such analysis.

Response:

The Licensee reviews its EEO recruitment program annually for effectiveness. The Licensee encourages employees to identify organizations to add to its list of recruitment sources; and also contacts its recruitment sources annually to keep contact information updated and to confirm that they wish to continue receiving notices of full-time vacancies.

(h) In accordance with Section 73.2080(c)(4), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the Unit's efforts to analyze periodically its measures taken to examine pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that they provide equal opportunity and do not have a discriminatory effect. If the Unit has one or more union agreements, describe how the Unit cooperates with each union to ensure EEO policies are followed for the Unit's union-member employees and job applicants.

Response:

The Station has only five full-time employees. With a staff of this size, review and conscientious reflection and adjustment as necessary with respect to the areas referenced in Question (h) are natural and regular activities.

The Station does not have any agreement with any union.

(i) If your entity is a religious broadcaster and any of its full-time employees are subject to a religious qualification as described in Section 73.2080(a) of the rules, so indicate in your response to this letter and provide data as applicable to the Unit's EEO program. For example, for full-time hires subject to a religious qualification, only a record of the hire listed by job title and date filled, the recruitment sources used for the opening, and the source of the hiree must be provided. No other records are required for those hires.

Response:

The Station had no hires during the Reporting Period. Thus no such record of hires came into being.

If five or more full-time positions are not subject to a religious qualification, the licensee must maintain and provide all records for such hires and complete the initiatives required under Section 73.2080(c)(2). Otherwise, a religious broadcaster is not required to perform these initiatives.

Response:

The Licensee is a "religious broadcaster" and its employees are subject to a "religious qualification" as described in Section 73.2080(a). Please see our discussion of this status and its implications throughout this document.

4. Time Brokerage.

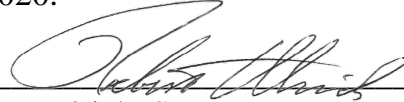
(a) Licensee of brokered station(s). If the Unit employs fewer than five full-time employees and any station included in it is subject to a time brokerage agreement, in addition to responding to this letter and providing us a list of the Unit's full-time employees listed by job title (and the number of hours each employee is assigned to work) and a response to Question 3(e) above, you must immediately forward a copy of this letter to the broker under each such agreement, which must respond to Question 4(b) below. If the Unit employs five or more full-time employees, the licensee must respond fully to paragraph 3 above, and also forward the letter to the broker so the broker may respond to Question 4(b) below.

Response:

Not applicable; the Station is not subject to any time brokerage agreement.

CERTIFICATION

I certify under penalty of perjury under the laws of the United States that the statements contained herein are true and correct to the best of my knowledge and recollection. Dated this 20th day of March, 2020.

A handwritten signature in cursive script, appearing to read "Robert Ulrich", is written over a horizontal line.

Robert Ulrich, Secretary-Treasurer
WPEO Radio Foundation, Inc.
and General Manager, WPEO

Exhibit 1

EEO PUBLIC FILE REPORT

For the Period of 8/1/2017 to 7/31/2018

Prepared by: Robert Ulrich, General Manager
WPEO AM1020, WPEO Radio Foundation Inc.

This report covers the following employment unit:
Call Sign: WPEO Facility ID: 52641 Type of Station: AM Location: Peoria, IL

WPEO Radio Foundation, Inc., the licensee of Station WPEO, is a religious broadcaster as defined by the regulations of the Federal Communications Commission. See 47 C.F.R. § 73.2080(c)(1); Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, 17 FCC Rcd. 24018 (2002). As a religious broadcaster, WPEO has established a religious qualification for all employee positions at WPEO. In accordance with the FCC's rules, WPEO makes reasonable, good faith efforts to recruit applicants, without regard to race, color, national origin or gender, among those who are qualified for employment based on their religious belief or affiliation.

There was no vacancy's to report for this time period. WRF plans on using the following recruitment sources in the future and undertaking the recruitment initiatives discussed below.

The following is a list of all vacancies for full-time jobs during the reporting period:

<u>Job Title</u>	<u>Date of Opening</u>	<u>Date Filled</u>
0	0	0

Recruitment Sources

- The following recruitment sources will be used to fill any vacancies.

EMA 4100 N Brandywine Dr. Suite 211B Peoria, IL 61614 309-688-0625	23 Valley Forge Plz # 2 Washington, IL 61571 309-888-2400
South Side Mission 1127 S. Laramie St. Peoria, IL 61605 309-676-4604	Dream Center Peoria 714 Hamilton Blvd Peoria, IL 61603 309-676-3000
Peoria Rescue Ministries 601 SW Adams Peoria, IL 61602 309-676-6416	Bethany Baptist Church 7422 N Heinz Ln Edwards, IL 61528 309-692-1755
Coalition of Concerned Citizens PO Box 10272 Peoria, IL 61612 309-698-3080	Bethany Community Church 27265 Dutch Lane Washington, IL 61571 309-508-1755
Peoria Area Youth for Christ 4100 N. Brandywine Drive Peoria, IL 61614 309- 688-6685	Grace Presbyterian Church 8607 IL-91 Peoria, IL 61615 309 693-3641
	Harvest Bible Chapel 401 Cimmeron Dr East Peoria, IL 61611 309-713-1700

Young Life Central Illinois

Northwoods Community Church
10700 N Allen Rd
Peoria, IL 61615
309-243-1550

Illinois Central College Career Center
www.collegecentral.com/icc/
309-694-5321
placement@icc.edu

Riverside Community Church
207 NE Monroe St
Peoria, IL 61602
309-676-7700

Public Relations Association
PO Box 120043
Peoria, IL 61614
www.pracentralillinois.org

Saint Paul Baptist Church
114 W Forrest Hill Ave
Peoria, IL 61604
309-686-2086

Newspaper's:
Journal Star/ MonsterMatch.com
1 News Plaza
Peoria, IL 61643
309-686-3060
866-391-0067 ext 101 for MonsterMatch.com

Jobs Partnership Peoria
602 W Richmond Ave
Peoria, Illinois 61606
309-682-2360

The Traveler Weekly
1600 Dr. Martin Luther Dr.
Peoria, IL 61605
309-673-2613

NRB Job Board (National Religious Broadcasters)
<http://nrb.org/membership/career-classifieds/>

Request for referrals from:

Radio Advertisements on WPEO AM 1020, FM 97.7 & FM 103.9

Vacancy Notice on WPEO.com

WPEO facebook page

WPEO employees

- The following is the recruitment source, which provided the person hired for the full-time position filled during the reporting period from the recruitment source listed above:

<u>Job Title</u>	<u>Recruitment Source</u>
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- During the reporting period there were a total of 0 people interviewed for vacancies for 0 full-time positions. The following is a list of the total number of interviewees referred by recruitment source shown in the above "Recruitment Sources" section.

<u>Recruitment Source</u>	<u>Total No. of Interviewees</u>
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- Recruitment Opportunities
Spoke at Groveland Missionary Church
Offered internship opportunities

Date:
10/5/17

Signed: Robert Ulrich, General Manager WPEO

Date: 7/31/18

EEO PUBLIC FILE REPORT

For the Period of 8/1/2018 to 7/31/2019

Prepared by: Robert Ulrich, General Manager
 WPEO AM1020, WPEO Radio Foundation Inc.

This report covers the following employment unit:
Call Sign: WPEO Facility ID: 52641 Type of Station: AM Location: Peoria, IL

WPEO Radio Foundation, Inc., the licensee of Station WPEO, is a religious broadcaster as defined by the regulations of the Federal Communications Commission. See 47 C.F.R. § 73.2080(c)(1); Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, 17 FCC Rcd. 24018 (2002). As a religious broadcaster, WPEO has established a religious qualification for all employee positions at WPEO. In accordance with the FCC's rules, WPEO makes reasonable, good faith efforts to recruit applicants, without regard to race, color, national origin or gender, among those who are qualified for employment based on their religious belief or affiliation.

There was no vacancy's to report for this time period. WRF plans on using the following recruitment sources in the future and undertaking the recruitment initiatives discussed below.

The following is a list of all vacancies for full-time jobs during the reporting period:

<u>Job Title</u>	<u>Date of Opening</u>	<u>Date Filled</u>
0	0	0

Recruitment Sources

- The following recruitment sources will be used to fill any vacancies.

EMA 4100 N Brandywine Dr. Suite 211B Peoria, IL 61614 309-688-0625	Young Life Central Illinois 23 Valley Forge Plz # 2 Washington, IL 61571 309-686-2400
South Side Mission 1127 S. Laramie St. Peoria, IL 61605 309-676-4604	Dream Center Peoria 714 Hamilton Blvd Peoria, IL 61603 309-676-3000
Peoria Rescue Ministries 601 SW Adams Peoria, IL 61602 309-676-6416	Bethany Baptist Church 7422 N Heinz Ln Edwards, IL 61528 309-692-1755
Coalition of Concerned Citizens PO Box 10272 Peoria, IL 61612 309-698-3080	Bethany Community Church 27265 Dutch Lane Washington, IL 61571 309-508-1755
Peoria Area Youth for Christ 4100 N. Brandywine Drive Peoria, IL 61614 309- 688-6685	Grace Presbyterian Church 8607 IL-91 Peoria, IL 61615 309 693-3641
	Harvest Bible Chapel 401 Cimmeron Dr East Peoria, IL 61611 309-713-1700

Northwoods Community Church
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PO Box 120043
Peoria, IL 61614
www.pracentralillinois.org

Saint Paul Baptist Church
114 W Forrest Hill Ave
Peoria, IL 61604
309-686-2086

Newspaper's:
Journal Star/ MonsterMatch.com
1 News Plaza
Peoria, IL 61643
309-686-3060
866-391-0067 ext 101 for MonsterMatch.com

Jobs Partnership Peoria
602 W Richmond Ave
Peoria, Illinois 61606
309-682-2360

The Traveler Weekly
1600 Dr. Martin Luther Dr.
Peoria, IL 61605
309-673-2613

NRB Job Board (National Religious Broadcasters)
<http://nrb.org/membership/career-classifieds/>

Request for referrals from:

Radio Advertisements on WPEO AM 1020, FM 97.7 & FM 103.9

Vacancy Notice on WPEO.com

WPEO facebook page

WPEO employees

- The following is the recruitment source, which provided the person hired for the full-time position filled during the reporting period from the recruitment source listed above:

Job Title

Recruitment Source

- During the reporting period there were a total of 0 people interviewed for vacancies for 0 full-time positions. The following is a list of the total number of interviewees referred by recruitment source shown in the above "Recruitment Sources" section.

Recruitment Source

Total No. of Interviewees

• Recruitment Opportunities

Offered internship opportunities at El Vista Baptist Church, Peoria, IL
Offered internship opportunities at Eureka Bible Church, Eureka, IL

Date:

4/3/19

2/9/19

Signed: Robert Ulrich, General Manager WPEO

Date: 7/31/19