

July 23, 2020

## DECLARATION OF JOHN KIRCHER

Re: EEO Audit Response  
Programmers Broadcasting, Inc.  
KWGO(FM), Fac Id.162321, Burlington, ND

I, John Kircher, hereby declare as follows:

I am president of Programmers Broadcasting, Inc. ("PBI"). PBI hereby responds to the FCC's June 9, 2020 EEO Audit letter directed to the above-referenced station. The station is part of a three station employment unit ("SEU") comprised of the following commonly-owned radio stations:

KWGO(FM)(FID 162321) Burlington, ND

KBTO(FM) (FD16903) Bottineau, ND, and

KTZU(FM) (FID 162322) Velva, ND

The SEU currently has 12 full-time employees (not including the PBI owners who also work full time at the SEU) as the term is defined in Section 73.2080(e)(1) of the FCC's rules and, accordingly (see list of current full time employees **Attachment A**), PBI hereby responds to each of the lettered paragraphs of Section 3 of the FCC's letter.

(a) Copies of the SEU's two most recent EEO Public File Reports, covering the reporting periods ending on December 1, 2018 and December 1, 2019, are attached as **Attachment B**. A copy of the most recent public file report is available on the websites of KWGO, <http://www.1029wgo.com/>, KTZU, <http://www.949thezoo.com/> and KBTO, <http://www.sunny1019fm.com/>.

Each station website contains a link to the SEUs current EEO Public File Report.

There were two hires during the period covered. The dates of the hires were December 15, 2017 and May 21, 2018.

(b) and (c) There were positions filled during the period covered by the attached EEO Public File Reports. Both positions were filled by promoting existing part-time employees to full time positions and both were filled on an exigent basis. The first hire was promoted from part-time to full time when existing full-time employee, an announcer, left the SEU and moved away unexpectedly. The second position, also an announcer, had been shared by two part-time employees and one part-time employee left the SUE will little or no notice. Both of the part-time employees had been trained by PBI and were promoted to full time announcer positions as they could step *immediately* into the on-air positions. Due to the exigencies, PBI did not recruit for either position. As such, PBI has no documentation to provide regarding postings, on-air or

on social media, candidates received or interviewed for the two positions covered by the relevant EEO Public File Reports.

PBI understands its recruitment obligations but believed that due to the need to have the on-air positions filled immediately that it was acceptable to fill from within vacated position by fully trained, part time employees who could step immediately into the roll. In addition, while PBI steadfastly follows its recruitment obligations for new openings, it did not believe that it was obligated to fully recruit for positions filled from within by current part time employees.

The SEU's standard practice is to retain copies of all notices of job vacancy announcements that are sent to all recruitment sources. No recruitment sources have notified the SEU that they want to be informed about job openings. The SEU does air ads on its stations for specific job openings and retains log sheets regarding such specific job openings. The SEU stations also run generic ads for careers in radio throughout the year (which ads have produced candidates for jobs). The SEU also runs notices on social media.

(d) Attached as Attachment C is documentation of the SEU's involvement in the recruitment initiatives identified in the Public File Reports included in Attachment A. The SEU currently has 12 full-time employees and the stations are located in a market with a population of less than 250,000. Accordingly, the SEU is required to perform two supplemental recruitment initiatives in each two-year period. While the SEU participated in more initiatives than required by the FCC's requirements, the attached documentation addresses a number of important initiatives.

(e) PBI is not aware of any pending or resolved discrimination complaints filed against the SEU during the during the current license term.

(f) During the period covered by this response, the following management level persons have had responsibility for the SEU's EEO policies:

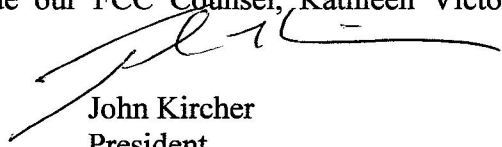
Owners/Management- The PBI owners are management at the SEU. They ensures that EEO policy is on application documents and part of PBI's new-hire paperwork including during PBI's onboarding process for new employees. They are directly responsible for PBI's self-assessment annually and for ongoing monitoring of EEO policies and procedures. They are also responsible for reviewing and updating the list of sources to be notification of job openings and PBI's EEO program records on site at PBI's offices. As part of EEO policy and procedure, they review salaries and policies to ensure the SEU does not discriminate. They, together with other SEU employees the SEU's dissemination and outreach activities and are responsible for coordinating on-air and social media recruitment campaigns. SEU Management informs all new hires (full and part time) of PBI EEO policy during the onboarding process. All job applications and job notifications include our EEO policy statement.

(g) PBI Management annually reviews its EEO policy, processes and documentation. PBI reviews all sources to see which have been productive and updates contact info on all productive sources and removes unproductive sources from its contact list.

(h) During the period covered by this response, PBI has consistently analyzed its pay, benefits, seniority practices, promotions, and selection techniques to ensure equal opportunity. PBI continually analyzes the performance of all its employees to allow for merit-based promotion at any appropriate time. The SEU is not party to any union agreements.

(i) PBI is not a religious broadcaster.

If there are questions, please include our FCC Counsel, Kathleen Victory (703-812-0473/  
victory@fhhlaw.com)



John Kircher  
President  
*Programmers Broadcasting, Inc.*  
sunnyradio@hotmail.com

ATTACHMENT A  
List of Full Time Employees\*

1. ANNOUNCER-40 HOURS WEEKLY
2. OFFICE MANAGER-40 HOURS WEEKLY
3. ANNOUNCER-40 HOURS WEEKLY
4. ANNOUNCER-40 HOURS WEEKLY
5. SALES-40 HOURS WEEKLY
6. SALES-40 HOURS WEEKLY
7. ANNOUNCER-40 HOURS WEEKLY
8. SALES-40 HOURS WEEKLY
9. SALES-40 HOURS WEEKLY
10. ANNOUNCER-40 HOURS WEEKLY
11. SALES-40 HOURS WEEKLY
12. ANNOUNCER-40 HOURS WEEKLY

\*This list does not include PBI's shareholders, both of whom work full time at the SEU.

ATTACHMENT B  
EEO Public File Reports

**EEO PUBLIC FILE REPORTS**

**FOR**

**PROGRAMMERS BROADCASTING INC.**

**STATIONS KWGO-FM, KTZU-FM, KBTO-FM**

This EEO Public File Report  
Covers the Period  
December 1, 2017 through November 30, 2018

## **Equal Employment Opportunity Public File Report**

### **Stations KWGO-FM, KTZU-FM, KBTO-FM**

*Recruitment Activity Summary*  
December 1, 2017 to November 30, 2018

This EEO Public File Report is filed in the public inspection files of the Stations pursuant to Section 73.2080(c)(6) of the Federal Communications Commission's ("FCC") rules.

1. Total Full-Time Vacancies

During the period ending on November 30, 2018, the Stations filled the following full-time vacancies:

Job Title

Full-time Staff Announcer (2)

Full-time Advertising Sales Representative (0)

2. Total Interviewees for Full-Time Vacancies

The Stations interviewed the following total number of people for all full-time vacancies during the period covered in this Report: (2)

3. Recruitment Sources

The stations have an Equal Opportunity Program and Job Program for use in filling vacancies and making other employment decisions. It is our policy to provide equal opportunity to all qualified individuals without regard to race, color, national origin, religion or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

The following are the recruitment sources used during the period covered by this report and the cumulative number of interviewees referred by each:

Recruitment Source	Total Number of Interviewees
1. Minot Daily News P.O. Box 1150 Minot, ND 58702 857-1900 fax: 857-1907 Contact: Deb	0
2. Job Service North Dakota 3416 N. Broadway Minot, ND 58703 857-7500 fax: 857-7550 Contact: Kim	0
3. Minot State University, Broadcasting Dept 500 University Ave. West Minot, ND 58703 858-3175 Contact: Neil	0
4. Quentin Burdick Job Corps Center 1500 University Ave. West Minot, ND 58703 857-9600 fax: 838-9979 Contact: Lynn	0
5. Velva Area Voice 3 South Main Velva, ND 58790 338-2599 fax: 338-2705	0
6. allaccess.com	0
7. on-air employment advertising	0
8. Internal company listings	2

4. Supplemental Information

Exhibit A contains the following information for each full-time vacancy:

- \* The recruitment source(s) used to fill each vacancy, identified by name, address, contact person and telephone number;
- \* The recruitment source that referred the hiree for each full-time vacancy;
- \* The total number of persons interviewed for each full-time vacancy; and,
- \* The total number of interviewees referred by each recruitment source used in connection with each vacancy.

Exhibit B contains a list and brief description of outreach initiatives undertaken pursuant to the FCC's EEO rules during the time period covered by this report.

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If you have questions concerning this Report, contact: Jean Kircher, Vice President Programmers Broadcasting.



**EXHIBIT A**

**FULL-TIME VACANCY EEO INFORMATION**

**Page 1 of 2**

<b>Job Title of Vacancy:</b>	<u>Staff announcer</u>
<b>Recruitment Source that Referred the Hiree:</b>	<u>8</u>
<b>Date Vacancy Opened:</b>	<u>11/27/2017</u>
<b>Total Number of Persons Interviewed for the Vacancy:</b>	<u>2</u>
<b>Date Vacancy Filled:</b>	<u>12/26/2017</u>

**Recruitment Sources Used to Fill the Vacancy**

<b>Recruitment Source (Name, Address, Contact Person, Telephone Number or Recruitment Source Table)</b>	<b>Total Number of Interviewees Referred by the Source for the Vacancy</b>	<b>Did The Source Request Notification?</b>
1.	0	yes
2.	0	yes
3.	0	yes
4.	0	yes
5.	0	yes
6.	0	yes
7.	0	yes
8.	2	no

**EXHIBIT A**

**FULL-TIME VACANCY EEO INFORMATION**

Page 2 of 2

<b>Job Title of Vacancy:</b>	<u>Staff announcer</u>
<b>Recruitment Source that Referred the Hiree:</b>	<u>8</u>
<b>Date Vacancy Opened:</b>	<u>4/20/18</u>
<b>Total Number of Persons Interviewed for the Vacancy:</b>	<u>2</u>
<b>Date Vacancy Filled:</b>	<u>5/21/18</u>

**Recruitment Sources Used to Fill the Vacancy**

<b>Recruitment Source (Name, Address, Contact Person, Telephone Number or Recruitment Source Table)</b>	<b>Total Number of Interviewees Referred by the Source for the Vacancy</b>	<b>Did The Source Request Notification?</b>
1.	0	yes
2.	0	yes
3.	0	yes
4.	0	yes
5.	0	yes
6.	0	yes
7.	0	yes
8.	2	no

## EXHIBIT B

### MENU OPTION ACTIVITIES

The licensee has engaged in the following outreach activities during the period covered by this report:

Activity Classification	Type of Activity	Brief Description
Business Showcase	Participated in MCC Showcase of Business November 15, 2018.	Provided informational booth about employment and business opportunities with KWGO/KTZU/KBTO at MCC Showcase of Business in the State Fair Center. Rick Gustafson GM, Kris Kelly OM and Staff attended.
Mentoring Program	Year Round.	Provide general broadcast training to first time employees facilitated by both management and staff.
Magic City Networking Club	Public awareness campaign to encourage local retail shopping presented July 19, 2018.	KWGO/KTZU/KBTO Station Owner J. Davis presented a program on the current state of local media, on-line shopping's effect on the local economy and Hometown Radio group's awareness campaign "Buy local pledge."
Community Leadership Institute Minot	Educational overview of marketing and the radio industry hosted Sept. 13, 2018.	Programmers Broadcasting Sales staff including manager Rick Gustafson and representatives Brenda Lee and Candy Macy lead the students of the CLI on a station tour and in a discussion of marketing strategies and the radio industry.
Kiwanis Club	Accessing local media for public service and community awareness campaigns presentation Aug. 14, 2018.	KWGO/KTZU/KBTO Owners J. Davis and Jean Schempp lead a discussion on how their stations give back to the community through public service efforts including; Buy Local Pledge, Backpack Buddies and Tough Enough to Wear Pink. The process for accessing media for public service was outlined.
Connect Minot	Accessing local media for public service and community awareness campaigns presentation Sept. 26, 2018	KWGO/KTZU/KBTO Owners J. Davis and Jean Schempp lead a discussion on community service organizations partnering with local media on public service projects. The "Buy Local Pledge" local retail shopping awareness campaign is introduced at Connect Minot's monthly meeting.

**EEO PUBLIC FILE REPORTS**

**FOR**

**PROGRAMMERS BROADCASTING INC.**

**STATIONS KWGO-FM, KTZU-FM, KBTO-FM**

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Job Title

Full-time Staff Announcer (0)

Full-time Advertising Sales Representative (0)

2. Total Interviewees for Full-Time Vacancies

The Stations interviewed the following total number of people for all full-time vacancies during the period covered in this Report: (0)

3. Recruitment Sources

The stations have an Equal Opportunity Program and Job Program for use in filling vacancies and making other employment decisions. It is our policy to provide equal opportunity to all qualified individuals without regard to race, color, national origin, religion or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

The following are the recruitment sources used during the period covered by this report and the cumulative number of interviewees referred by each:

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1. Minot Daily News P.O. Box 1150 Minot, ND 58702 857-1900 fax: 857-1907 Contact: Deb	0
2. Job Service North Dakota 3416 N. Broadway Minot, ND 58703 857-7500 fax: 857-7550 Contact: Kim	0
3. Minot State University, Broadcasting Dept 500 University Ave. West Minot, ND 58703 858-3175 Contact: Neil	0
4. Quentin Burdick Job Corps Center 1500 University Ave. West Minot, ND 58703 857-9600 fax: 838-9979 Contact: Lynn	0
5. Velva Area Voice 3 South Main PO Box 630 Velva, ND 58790 338-2599 fax: 338-2705	0
6. allaccess.com	0
7. on-air employment advertising	0
8. Internal company listings	0

4. Supplemental Information

Exhibit A contains the following information for each full-time vacancy:

- \* The recruitment source(s) used to fill each vacancy, identified by name, address, contact person and telephone number;
- \* The recruitment source that referred the hiree for each full-time vacancy;
- \* The total number of persons interviewed for each full-time vacancy; and,
- \* The total number of interviewees referred by each recruitment source used in connection with each vacancy.

Exhibit B contains a list and brief description of outreach initiatives undertaken pursuant to the FCC's EEO rules during the time period covered by this report.

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If you have questions concerning this Report, contact: Jean Kircher, Vice President Programmers Broadcasting.

**EXHIBIT A**

**FULL-TIME VACANCY EEO INFORMATION**

**Page 1 of 2**

**Job Title of Vacancy:**

**Staff announcer**

**Recruitment Source that Referred the Hiree:**

\_\_\_\_\_

**Date Vacancy Opened:**

\_\_\_\_\_

**Total Number of Persons Interviewed for the Vacancy:**

\_\_\_\_\_

**Date Vacancy Filled:**

\_\_\_\_\_

**Recruitment Sources Used to Fill the Vacancy**

<b>Recruitment Source (Name, Address, Contact Person, Telephone Number or Recruitment Source Table)</b>	<b>Total Number of Interviewees Referred by the Source for the Vacancy</b>	<b>Did The Source Request Notification?</b>
1.	0	yes
2.	0	yes
3.	0	yes
4.	0	yes
5.	0	yes
6.	0	yes
7.	0	yes
8.	0	yes

**EXHIBIT A**

**FULL-TIME VACANCY EEO INFORMATION**

Page 2 of 2

**Job Title of Vacancy:**

Advertising Sales Rep.

**Recruitment Source that Referred the Hiree:**

\_\_\_\_\_

**Date Vacancy Opened:**

\_\_\_\_\_

**Total Number of Persons Interviewed for the Vacancy:**

\_\_\_\_\_

**Date Vacancy Filled:**

\_\_\_\_\_

**Recruitment Sources Used to Fill the Vacancy**

<b>Recruitment Source (Name, Address, Contact Person, Telephone Number or Recruitment Source Table)</b>	<b>Total Number of Interviewees Referred by the Source for the Vacancy</b>	<b>Did The Source Request Notification?</b>
1.	0	yes
2.	0	yes
3.	0	yes
4.	0	yes
5.	0	yes
6.	0	yes
7.	0	yes
8.	0	yes



**EXHIBIT B**

**MENU OPTION ACTIVITIES**

The licensee has engaged in the following outreach activities during the period covered by this report:

<b>Activity Classification</b>	<b>Type of Activity</b>	<b>Brief Description</b>
Business Showcase	Participated in MCC Showcase of Business November 14, 2019.	Provided informational booth about employment and business opportunities with KWGO/KTZU/KBTO at MCC Showcase of Business in the State Fair Center. Rick Gustafson SM, Kris Kelly OM and Staff attended.
Mentoring Program	Year Round.	Provide general broadcast training to first time employees facilitated by both management and staff.
Magic City Networking Club	Public awareness campaign to encourage local retail shopping presented November 21, 2019.	KWGO/KTZU/KBTO Sales Manager Rick Gustafson presented a program on the current state of local media, on-line shopping's effect on the local economy and Hometown Radio group's awareness campaign "Buy local pledge."
Community Leadership Institute Minot	Educational overview of marketing and the radio industry hosted Sept. 24, 2019.	Programmers Broadcasting Sales staff including Station owner Jay Davis lead the members of the CLI on a station tour and in a discussion of marketing strategies and the radio industry.
Minot High School Entrepreneurship Class	Educational presentation on local media marketing. Feb. 4 <sup>th</sup> 2019.	KWGO/KTZU/KBTO Owner J. Davis offered a presentation to Mr. Ben Berg's Advanced Entrepreneurship class on local business marketing plans, the station's Buy Local Pledge and the importance of business' promoting buying local first.

ATTACHMENT C  
Recruitment Initiatives

11/15/18 SEU Stations participated in MCC Showcase of Business. The Stations provided an informational booth about employment and business opportunities with KWGO/KTZU/KBTO at MCC Showcase of Business in the State Fair Center. Rick Gustafson, Chris Kelly and Staff attended.

9/13/18 SEU Stations hosted the Community Leadership Institute of Minot with an educational overview of marketing and the radio industry. Programmers Broadcasting Sales staff including Rick Gustafson and representatives Brenda Lee and Candy Macy lead the students participating in the CLI on a station tour and in a discussion of marketing strategies and the employment opportunities in the radio industry.

9/24/19 SEU Stations hosted the Community Leadership Institute Minot with an educational overview of marketing and the radio industry. Programmers Broadcasting Sales staff and PBI's Owner lead the members of the CLI on a station facilities tour and in a discussion of marketing strategies and the radio industry, including the SEU station's recently launched "Buy Local" initiative.

2/4/19 PBI owner John Kircher addressed the Minot High School Entrepreneurship Class with an educational presentation on local media marketing and employment opportunities. Included is a presentation to Mr. Ben Berg's Advanced Entrepreneurship class on local business marketing plans, the station's Buy Local Pledge and the importance of business' promoting buying local first.

Mentoring program (year round): SEU management provides general broadcast training to first time employees facilitated by both management and staff.

**Session # 2 - Understanding and Accessing the Minot Media**  
**Thursday, September 13, 2018 – 7:45 a.m. to 12:00**  
**Minot Chamber of Commerce 1020 20<sup>th</sup> Ave SW**

**Objectives**

- To acquaint CLI students with the media in Minot
- To provide information and education on how the media works
- To guide students in making media contacts and preparing for media interviews

**Facilitator**

Jennifer Frey, 906-282-4634

**Group activity**

CLI students will learn the basics of making media contacts and presenting themselves for a media interview. They will visit Minot Daily News, WGO Radio and KMOT to see how the media works and operates on a day to day basis.

**Schedule**

7:45 a.m. – 8:00 a.m. Meet at Chamber to carpool  
8:00 – 9:15 a.m. Minot Daily News - 301 4th St SE  
9:30 – 10:45 a.m. WGO Radio - 624 31st Ave SW  
10:45 – Noon KMOT – 1800 16<sup>th</sup> St SW

## Session # 7 - Understanding and Accessing the Minot Media

Thursday, September 24, 2019 – 7:45 a.m. to 12:00

Minot Chamber of Commerce 1020 20th Ave SW

### Objectives

- To acquaint CLI students with the media in Minot
- To provide information and education on how the media works
- To guide students in making media contacts and preparing for media interviews

### Facilitator

Jennifer Frey, 906-282-4634

### Group activity

CLI students will learn the basics of making media contacts and presenting themselves for a media interview. They will visit Minot Daily News, WGO Radio and KMOT to see how the media works and operates on a day to day basis.

### Schedule

7:45 a.m. – 8:00 a.m. Meet at Chamber to carpool

8:05 – 9:20 a.m. Minot Daily News - 301 4th St SE (Half the class goes to Minot Daily)

WGO Radio - 624 31st Ave SW (Half the class goes to WGO)

(Once the class is finished at the newspaper, they will go to WGO – the other half will go to the newspaper)

9:30 – 10:45 a.m. Minot Daily News - 301 4th St SE (Half the class goes to Minot Daily)

WGO Radio - 624 31st Ave SW (Half the class goes to WGO)

11 a.m. – Noon KMOT – 1800 16th St SW



## Inside the Communicator

*Page 2: Businesses join  
and renew.*

*Page 3: Annual meeting  
highlights; Uncovering  
Leadership Blind Spots  
Dec. 5; CEO Roundtable  
set for Nov. 6 in  
Williston.*

*Page 4: Eagle Award  
winners honored; Nov. 6  
panel addresses business  
questions.*

*Page 5: CLI program  
graduates 23 on Nov. 7.*

*Page 6: Y's Men's Rodeo  
Business After Hours  
highlights.*

*Pages 6-11: Chamber  
Ambassadors celebrate  
businesses with ribbon  
cuttings.*

*Page 12-19: Members  
offer news and updates.*

*Page 21: Calendar of  
events*

## Showcase of Business set for Nov. 14

The 29th annual Showcase of Business is set for Thursday, Nov. 14 at the ND State Fair Center Magic Place from 5 to 8 p.m. This year's theme is "Superheroes," and businesses are asked to decorate around this theme showcasing products and services to nearly 1,000 attendees.

The Chamber Ambassadors started the Showcase 29 years ago as a major fundraiser for the Chamber. Today, that function is as important as it was back then.

Booth participants are also encouraged to offer a giveaway, and the winner will be announced at the end of the evening. Participants can also enjoy delicious hors d'oeuvres, and beverages will be available for purchase. Those attending enjoy the door prizes given out at the end of the evening, including a trip from our stage spon-

sor Delta Vacations, valued at \$1,600, and a VIP Minot package from Showcase of Business. This draws a crowd and keeps attendees there the entire evening. Thanks to our media sponsors KMOT/West Dakota Fox and Hometown Radio Group for getting the word out to bring people to the event.

Admission is \$10 per person. Call 852-6000 for more information.



## MADC names Chamber president as interim leader

The Minot Area Development Corporation (MADC) has an interim President/CEO, as the Minot Area Chamber of Commerce's President John MacMartin will handle the reins on a temporary basis. The MADC and Chamber Boards recently approved the interim position, with the contract being signed Oct. 31. Leadership from the two organizations agreed that MacMartin is a good fit for both entities and for the Minot region.

"Having a strong, well-knowledgeable interim leader will allow for a seamless transition, as the Minot Area Development Corporation executes a full job search starting in late 2019, early 2020," said MADC Board Chair, Brekka Kramer.

"John will continue to serve the hundreds of Chamber businesses well, as he takes on this brief role as interim president for economic development in the region," said Chamber Board Chair, Tom Rafferty. The two entities have long been champions of existing and new businesses, as well as advocates for a great community and region.

## Business After Hours at The Depot

Thursday, Dec. 5, 2019 • 5-7 p.m.

The Depot: 15 N. Main Street

Check out this beautiful event space in downtown Minot!

Network with other Chamber members, enjoy some delicious food, and take your chance at some great prizes, including \$500 in Chamber Bucks! If winner is not present, \$50 in Chamber Bucks is guaranteed. (Must be present to win) \$5 charge at the door

