

SCIARRINO & SHUBERT, PLLC  
BROADCAST & MEDIA LEGAL SERVICES

Dawn M. Sciarrino‡ dawn@sciarrinolaw.com (202) 256-9551  
Katherine Tranchemontagne\*† ksuh@sciarrinolaw.com (202) 905-8291  
Megan Wilson Davis\*^ megan@sciarrinolaw.com (979) 574-9272

Uploaded to Public File: June 8, 2023

Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Attn: Elizabeth E. Goldin, Assistant Chief

Re: EEO Audit Response  
WNDV-FM, South Bend, IN (FCC ID No. 41675)<sup>1</sup>

Dear Ms. Goldin:

Sound Management, LLC (“Licensee”), licensee of radio station WNDV-FM, South Bend, IN (FCC ID No. 41675 (the “Station”) hereby responds to the Commission’s April 24, 2023 EEO Audit Letter (the “Audit Letter”). The Licensee provides the following information in response to the Audit Letter:

1. The Station is part of a Station Employment Unit (“SEU”) which, during the period covered by the Audit Letter, included the following additional stations:

WYXX(FM), Goshen, IN (FIN: 49558) and  
WYET(FM), New Carlisle, IN (FIN: 63772) (together the “SEU Stations”)

2. The Station’s most recent license renewal was granted on July 16, 2020. The Station employs the following 12 full-time employees:

General Manager	40 hours per week
National Sales Manager	40 hours per week
Business Manager	40 hours per week

---

<sup>1</sup> The Audit Letter, DA-23-232A1, misidentifies the Station’s community of license as Indianapolis, IN, as opposed to South Bend, IN.

330 FRANKLIN RD. SUITE 135A-133 BRENTWOOD, TN 37027-3280  
202.217.3929 (FAX)

‡ Admitted in TN, DC, NY and VA \* Of Counsel † Admitted in DC ^Admitted in TX

Sales Person 1	40 hours per week
Sales Person 2	40 hours per week
Sales Person 3	40 hours per week
WNDV Program Director and Midday Host	40 hours per week
WNDV AMD Co-Host	40 hours per week
WNDV AMD Co-Host	40 hours per week
WNDV PMD	40 hours per week
WYXX Program Director and Midday Host	40 hours per week
Group Engineer	30 hours per week

3. In response to question 2(b)(i) of the Audit Letter, the Licensee’s Annual EEO Public File Report for the period from April 1, 2021 through March 31, 2022 is attached hereto as Exhibit 1. The Licensee’s Annual EEO Public File Report for the period from April 1, 2022 through March 31, 2023 is attached hereto as Exhibit 2.

4. In response to question 2(b)(ii) of the Audit Letter, each SEU Station’s website has an “EEO” link on its homepage to the last eight Annual EEO Public File Reports at the following addresses:

WNDV:	<a href="https://u93.com/pages/eoo">https://u93.com/pages/eoo</a>
WYET:	<a href="https://1023radio.com/pages/eoo">https://1023radio.com/pages/eoo</a>
WYXX:	<a href="https://977rock.com/pages/eoo">https://977rock.com/pages/eoo</a>

5. In response to Question 2(b)(iii), the dates of hire for each of the five positions filled during the period covered by the 2021-2022 EEO Public File Report, along with dated copies of all of the vacancy advertisements bulletins, letters, faxes, emails or other communications announcing the positions, are reported in Exhibit 3 hereto. In response to Question 2(b)(iv), the total number of interviewees for each vacancy and the referral source for each interviewee is reflected in the 2021-2022 EEO Report attached at Exhibit 1.

6. In response to Question 2(b)(iii), the date of hire for the six vacancies filled during the period covered by the 2022-2023 EEO Public File Report, along with dated copies of all of the vacancy advertisements bulletins, letters, faxes, emails or other communications announcing the position, is reported in Exhibit 4 hereto. In response to Question 2(b)(iv), the total number of interviewees for the vacancy and the referral source for each interviewee is reflected in the 2022-2023 EEO Report attached at Exhibit 2.

7. In response to Question 2(b)(v), dated documentation of the SEU’s recruitment initiatives during the period covered by the 2021-2022 EEO Public File Report is attached hereto as Exhibit 5. Dated documentation of the SEU’s recruitment initiatives during the period covered by the 2022-2023 EEO Public File Report is attached hereto as Exhibit 6. The Annual EEO Public File Reports indicate which SEU personnel attended the recruitment initiatives detailed therein for the relevant period. The SEU employs a total of 12 full-time employees and the SEU Stations are located in a “small market”; no SEU station serves any metropolitan area

with a population of 250,000 or more. Therefore, the SEU was required to perform two initiatives within a two-year period.

8. In response to Question 2(b)(vi), there are no pending or resolved complaints against the Station or any station in the SEU during the current license term alleging unlawful discrimination in employment practices of the SEU on the basis of race, color, religion, national origin or sex.

9. In response to Question 2(b)(vii), the Licensee's General Manager is primarily responsible for day-to-day EEO compliance by the SEU during the Station's current license term, along with the President of the Licensee, who is also the majority owner. Together, they oversee implementation of the Licensee's EEO program and ensure appropriate record-keeping and documentation related to job openings, as well as managing ongoing education about EEO rules and procedures among SEU employees. Job applicants are notified of the SEU's EEO policies in connection with the Licensee's job listings (on-air and online), in EEO-specific on-air announcements and on the company's website. The SEU's EEO policies are detailed in the employee handbook for all existing employees, which is read and signed by each employee.

10. In response to Question 2(b)(viii), during the current license term, the EEO recruitment program is the subject of an annual meeting of the entire full-time staff. At this annual meeting, the staff reviews the EEO requirements, with the assistance of an independent Human Resources attorney, and discusses any changes from previous years. In such a forum, management and employees have the ability to offer feedback concerning the EEO recruitment program to ensure that it is effective, and to discuss any problems that may have arisen. Employees of the Licensee have the ability to ask questions and receive clarification about the company's EEO program.

11. In response to Question 2(b)(ix), during the current license term, Licensee engages in ongoing internal discussions to analyze its procedures for examining pay, benefits and seniority practices, promotions and selection techniques and tests. These issues are evaluated periodically by management-level personnel to ensure that they provide equal opportunity and do not have a discriminatory effect, and also to ensure Licensee is competitive as an employer in the market. For example, over the past two years, Licensee has enacted three across-the-board cost of living adjustments, and as new personnel were hired at higher rates of pay, existing employee pay was increased to match the higher rates. In addition the Licensee implemented a matching 401(k) program in 2023. The General Manager discusses such evaluations with ownership. The Licensee does not have any union agreements.

12. In response to Question 2(b)(x), the Licensee is not a religious broadcaster, and, therefore Question 2(b)(x) is not applicable.

13. In response to Sections 3 and 4 of the Audit Letter, the Station is not a brokered station and, therefore, the questions concerning time brokerage are not applicable.

14. Pursuant to Sections 5(a) and (e) of the Audit letter and Section 73.3526(e)(10) of the Commission's Rules, copies of the Audit Letter and this response have been uploaded to the SEU Stations' FCC online public inspection files.

15. Pursuant to Section 5(d) of the Audit Letter, a certification as to the accuracy and completeness of this response made by an officer or principal of the Licensee is attached hereto as Exhibit 7.

Should you have further questions regarding this matter, inquiries concerning this response may be made via email to Arthur Angotti III, Managing Member of Licensee, at [arthur@artisticradio.com](mailto:arthur@artisticradio.com) or to the undersigned Katherine Tranchemontagne, Esq. at [ksuh@sciarrinolaw.com](mailto:ksuh@sciarrinolaw.com).

Sincerely,

*/s/ Dawn M. Sciarrino*

Dawn M. Sciarrino  
Katherine S. Tranchemontagne