



To All Broadcast Clients

March 27, 2007

## FCC ASSESSES FORFEITURE FOR PUBLIC INSPECTION FILE VIOLATIONS

The FCC has proposed that Gaston College, licensee of non-commercial station WSGE(FM), Dallas, North Carolina, be fined \$10,000 for violations of the FCC's public inspection file rules.

An individual visited WSGE(FM)'s main studio on two occasions to review the station's public inspection file, but in each instance was denied access on the grounds that he had not made an appointment. In part because this individual and the College had previously battled over the right to own the station, the College's attorney told the individual to leave the campus or face arrest. When the individual was ultimately granted access to the public file, a copy of "The Public and Broadcasting," several issues/programs lists, and the Station's EEO public file report were found to be missing from the file. The College was assessed a fine of \$10,000 for refusing to honor the request for inspection and for having an incomplete public file.

The FCC has consistently held that a licensee's public inspection file must be promptly accessible for review to members of the public during regular business hours. Even when there are good reasons to question the motives of an individual requesting access, members of the public cannot be required to make appointments to review the file or be otherwise restricted in their right of access to the file. Your station personnel who deal directly with the public

must be able to provide anyone requesting to see the file the opportunity to do so, in its entirety, without unreasonable delay; it is not permissible, for example, to ask someone to return later to see the file because it is locked in a manager's office during lunch time, or, as Gaston College learned, to require that any person, even one who is adversarial with the station before the FCC or otherwise, to follow special procedures to be able to inspect the file. You may ask for the name of the person requesting access, but you cannot require further identification or require that the person explain why he or she is making the request.

Moreover, the FCC has repeatedly assessed fines against stations for the omission of even a single required document from a public inspection file, calling that omission a serious violation.

For these reasons, we recommend that you periodically review with your staff, and make sure all new employees who may deal with the public are aware of where the file is kept in your facilities and the FCC's requirements concerning requests to view it. In addition, you should designate at least one person to be responsible for the file and to review it at least quarterly to make sure that all required documents have been included. If you would like a copy of our memos outlining the documents to be placed in the file and the period of required retention, or if you have any other questions concerning the public file, please contact any attorney in office.

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This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. To discuss any of the issues presented here, please contact any attorney in our office.