

Fac ID 41157

Received & Inspected

MEMORANDUM

MAY 05 2015

FCC Mail Room

To: Mr. Peter H Doyle
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

From: Mary K Massey

Re: Obscenity, Profanity, Indecency Violations and
Gender Discrimination
Mendocino County Public Broadcasting, KZYX/KZYZ

Date: April 30, 2015

I am filing a formal complaint against Mendocino County Public Broadcasting, KZYX/KZYZ, for the airing of profanity and obscenity on at least two occasions. At the end of the memo, are two email exchanges about the two violations.

I also want to make claim: **three acts of direct Gender Discrimination were committed by female Program Director, Mary Aigner with the knowledge of her superior, John Coate, GM, and some, or all of the BOD, MCPB.**

In the **first incident**, on March 30, 2015, the Program Director, MCPB, aired profanity on a show she was producing, hosting, and engineering. The show, *Women's Voices*, aired that Monday from 7 p.m.-8 p.m.

Mary Aigner, the Program Director, allowed a **pre-recorded segment** to air without **first checking the segment for content**. This is a must when airing pre-recorded segments, for ease of transition, **content** and for timing. Ms. Aigner failed to do her job.

I wrote to the Board of Directors through the on-line web site form. **Stuart Campbell, Vice-President & Board Liaison**, responded to my complaint. (See email exchange below.)

In addition to the aired obscenity, I was making the Board aware that the web stream was down that entire day (March 30th.) and that the day before, (March 29th) while the web stream was working, there was loud static over top the programming.

Ms. Aigner is still on the air and still the Program Director. In short, nothing was done by the GM or Board. They simply looked the other way.

Subsequently, I have learned three male programmers have been dismissed by Ms. Aigner, for profanity **beyond the volunteers' control** and for the reporting of profanity. This is clearly a double standard.

Ms. Aigner has been the only Program Director in the station's 25 year history, and at a minimum, failed to perform her job to the best of her ability by not screening her show content so easily done in her own private office. She is a seasoned on air person.

The **second incident** was reported directly to the GM by then programmer, **Norman DeVall**. It occurred on the afternoon of January 14, 2014. (See email exchange.)

Mr. DeVall described to John Coate, that offensive language in a song played by **Sherry Glaser**, host, was broadcast over the air. Mr. Coate's response was: the 7-second delay isn't in place in Mendocino. Ms. Glaser received no reprimand.

The station only recently put in place a 7- second delay to censor profanity during broadcasts. However, the delay is only working in one (PHILO) studio of the three studios. (MENDOCINO/WILLITS.)

While Ms. Glaser is still on the air as of this writing, Mr. DeVall was purged of his show by Mary Aigner, Program Director. His offense? He was perceived as being critical of the station. In truth, Mr. DeVall had/has not committed any violation and was one of the more popular and professional programmers in the station's history.

Ms. Aigner failed in her responsibility to reprimand a programmer for an obscenity violation because **Sherry Glaser is her friend. Ms. Glaser knowingly played music that contained profanity. The GM and Board did nothing.**

What is important to know and investigate is why two female on-air persons were retained with no reprimand, and three male programmers were purged by Ms. Aigner, the PD, without any consideration that the profanity aired was beyond their control AND that the station was operating sub par without a censor in place.

Mr. Coate used this argument (lack of 7 - second delay) when writing to Mr. DeVall, and Mr. Campbell told me it wouldn't have made any difference. **This is a direct contradiction. Both airings of profane content were pre-recorded and within the hosts' control.**

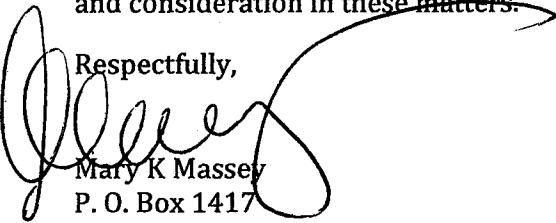
Ms. Aigner has historically decided who stays and who goes. She decided that the men would go and the GM and BOD backed her up. Two women retained, three men purged.

I should mention **the men WERE NOT permitted a grievance procedure equitable to all parties.**

This is Gender Discrimination.

I urge you to investigate all matters at your earliest convenience. Thank you for your time and consideration in these matters.

Respectfully,



Mary K Massey
P. O. Box 1417
Mendocino, CA 95460

Attachments: Email: Mary Massey and Stuart Campbell, VP & Board Liaison, MCPB
Email: John Coate, GM and Norman DeVall, Former Programmer, MCPB

MAY 05 2015

FCC/AB.com

Mary Massey mkathrynmassey@gmail.com
Date: April 1, 2015
To: MCPB: <mailto:BOD@kzyx.org>

Hi, Stuart,

Thanks for your note. I understand that Mary can't listen to *everything* that other programmers pre-record. But, why wouldn't she listen to her own program that she is producing and engineering? Wouldn't she need to listen to it for purposes of the best segue to each of the different pre-recorded interviews?

As a former radio staff person, we were required to listen to everything (pre-recorded) we engineered before we put it on air. That way, profanity or questionable content was caught prior to airing. No egg on one's face, so to speak. If the 5 second delay is only in effect for live shows, this seems like the best way to ensure objectionable content is not aired "live."

I would think that in Mary's office, she could listen to content for shows she was set to air, as she busied herself throughout her work day. Radio people are in 'listening mode' all the time. Or they could be.

Still seems like she is responsible for the content of the show she was engineering. Where I worked for public radio, I would have been fired. No kidding. No review. I hadn't done my job. Gone.

Sincerely,

mkm

On Wed, Apr 1, 2015 at 10:03 AM, MCPB Board <BOD@kzyx.org> wrote:

Dear Ms. Massey,

Thanks for informing us about this issue. We have followed our personnel policies and FCC guidelines in dealing with this error. Programmers are responsible for the content of their shows; Mary does not have the time to preview all pre-recorded material and relies on programmers to make sure the content is appropriately edited, which obviously did not happen in this case. All programmers have been reminded of their responsibility in this area.

Our delay feature is only engaged during select live shows.

Again, we appreciate that you have supported us in complying with FCC regulations.

Sincerely,

Received & Inspected

Stuart Campbell
Vice-president & Board Liaison

MAY 05 2015

FOC Mail Room

On Monday/03/30/15 7:52 PM, KZYX Admin wrote:

I am writing to make you aware that the Live Web Stream has been inoperable today, Monday, March 30, 2015. Yesterday, the stream was operating, but the static noise Mr. Coate writes about in the GM Blog from today continued intermittently throughout the day.

While driving in my car this evening and listening to Mary Aigner at the board for Women's Voices, a prerecorded taping with poet, Ruth Weiss contained profanity. Ms Weiss was not reading a poem, she was just talking to the interviewer. She said "some such shit" to the person taping the interview. This occurred at 10 minutes after 7 p.m.

It is my understanding that you have a 5 second delay in place, but maybe not. Better yet, why did Mary Aigner not know the profanity was on the tape and edit it out of the program?

Sincerely,

M Kathryn Massey

Submitted by 67.174.232.155

Received & Inspected

MAY 05 2015

FCC Mail Room

From: "John Coate" <gm@kzyx.org>
Subject: Re: Jan. 21, 2014: 3:25 PM
Date: January 21, 2014 5:50:41 PM PST
To: "Norman de Vall" <ndevall@mcn.org>

Thank you. I do indeed want to know.
We have not yet installed the device. And it will only work in Philo.
Sherry Glaser was the host and she was in Mendocino.

John Coate
General Manager
KZYX

John,

Please let this note confirm my telephone message
to you this date:

That at 3:25 PM this afternoon the host/programmer
played a song which included both the "fuck" and
"bull-shit".

With everything else happening around the station
I thought you'd want to know about it.

I thought that with the new board we were going
to get a 7 second delay system.

Norman