

FCC Form 2100, Schedule 303-S
Kentucky Authority for Educational Television
Renewal Certifications

Adverse Finding

Kentucky Authority for Educational Television (“KET”) provides the following update with respect to a previously disclosed adverse finding. KET notified the FCC of this matter in annual updates submitted pursuant to Section 1.65(c) of the FCC’s rules by letters dated March 24, 2017, March 28, 2018, March 26, 2019, and March 5, 2020 (copy of 2020 filing attached). Most recently, as noted below, this matter was settled by the parties while an appeal to the Kentucky Supreme Court was pending.

As KET informed the FCC in those prior filings, an adverse ruling was issued against KET in connection with a claim before the Commonwealth of Kentucky Personnel Board (“KPB”). In *Patrick J. Wise (Appeal No. 2011-201), Estate of Patrick J. Wise, Christopher Wise, Administrator (Appeal No. 2011-201) v. Kentucky Authority for Educational Television and Kentucky Personnel Cabinet*, as filed September 9, 2011, Mr. Wise claimed race, color, sex, and age discrimination as the basis for his termination in 2010. A Final Order Sustaining Hearing Officer’s Finding of Fact, Conclusions of Law and Recommended Order was issued on July 13, 2016, upholding Mr. Wise’s claim of age discrimination.

The ruling was appealed before the Franklin Circuit Court on August 12, 2016. By Opinion and Order dated March 7, 2018, in Civil Action No. 16-CI-857, *Kentucky Authority for Educational Television v. Estate of Patrick Wise, et al.*, the Franklin Circuit Court affirmed the KPB’s Final Order, finding that the KPB has jurisdiction over Petitioner’s appeal, that the Petitioner timely filed the appeal, and that substantial evidence supported the KPB’s decision. On February 7, 2020, the Kentucky Court of Appeals affirmed Franklin Circuit Court’s 2018 opinions and orders and the finding of age discrimination (*Kentucky Authority for Educational Television v. Estate of Patrick Wise, et al.*, No. 2018-CA-000793-MR). On June 10, 2020, KET appealed the case to the Kentucky Supreme Court (*Kentucky Authority for Educational Television v. Estate of Patrick Wise, et al.*, No. 2020-SC-0245-MR). In December, 2020, while KET’s appeal was pending, the parties reached a settlement to resolve the matter and in which KET denied any liability. The Kentucky Supreme Court dismissed the case as settled on January 8, 2021.

Despite the fact that this matter was ultimately settled by the parties without admission of liability, KET provides this update to its earlier disclosures out of an abundance of caution. As KET indicated in its prior annual disclosures regarding this matter, it respectfully submits that this one case does not have any significant bearing on its FCC licensee character qualifications or its stewardship of its broadcast stations.

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STAMP & RETURN

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March 5, 2020

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
ATTN: Media Bureau/Ownership Section
Note: No filing fee required

Accepted / Filed

MAR - 5 2020

Federal Communications Commission
Office of the Secretary

Re: Report on Adverse Finding (2020 Update)
Kentucky Authority for Educational Television

Dear Ms. Dortch:

On behalf of Kentucky Authority for Educational Television (“KET”), licensee of sixteen noncommercial educational television stations (identified below), and pursuant to Section 1.65(c) of the FCC’s rules, we hereby submit an update to a prior Report on Adverse Finding.

Background. As KET previously notified the Commission by letters dated March 24, 2017, March 28, 2018, and March 26, 2019, an adverse ruling was issued against KET in connection with a claim before the Commonwealth of Kentucky Personnel Board (“KPB”). In *Patrick J. Wise (Appeal No. 2011-201), Estate of Patrick J. Wise, Christopher Wise, Administrator (Appeal No. 2011-201) v. Kentucky Authority for Educational Television and Kentucky Personnel Cabinet*, as filed September 9, 2011, Mr. Wise claimed race, color, sex, and age discrimination as the basis for his termination in 2010. A Final Order Sustaining Hearing Officer’s Finding of Fact, Conclusions of Law and Recommended Order was issued on July 13, 2016, upholding Mr. Wise’s claim of age discrimination.

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Update. On February 7, 2020, the Court of Appeals issued its opinion in *Kentucky Authority for Educational Television v. Estate of Patrick Wise, et al.*, No. 2018-CA-000793-MR, affirming the Franklin Circuit Court’s 2018 opinions and orders and the finding of age discrimination.

March 5, 2020

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This filing is made out of an abundance of caution. The most recent Court of Appeals ruling does not change the previously disclosed findings in this matter, and KET continues to believe that this matter does not have any significant bearing on its FCC licensee character qualifications or its stewardship of its broadcast stations.

KET is licensee of noncommercial educational television stations WCVN-TV (Facility ID 34204), WKMA-TV (34212), WKMJ-TV (34195), WKPC-TV (21432), WKLE (34207), WKMR (34202), WKMU (34174), WKOH (34205), WKPI-TV (34200), WKPD (65758), WKSO-TV (34222), WKZT-TV (34181), WKON (34211), WKAS (34171), WKGB-TV (34177), and WKHA (34196).

Should any questions arise concerning this matter, kindly contact this office.

Very truly yours,



Barry S. Persh
Counsel for KET