

**DISSENTING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Sinclair Broadcast Group, Inc.*, File No. EB-IHD-16-00021748.

On first read, one might easily conclude that today's enforcement action by the Republican-led FCC represents a strong stand against a company with a history of skirting FCC rules. But take a closer look: contrary to what the FCC majority would have you believe, the nearly \$13.4 million fine levied against Sinclair Broadcast Group represents a mere slap on the wrist.

Simply put, the 'punishment does not fit the crime' against a company that grossed more than \$2.7 billion in revenue last year.

What we are talking about is an egregious violation of the Commission's rules by a company that knows better. Specifically, this Notice of Apparent Liability (NAL) finds that Sinclair violated the FCC's sponsorship identification disclosure requirements more than 1,700 times – a well-known, well-established rule intended to ensure viewers know the origin of the content they are viewing, including any paid sponsorships. What makes today's action noteworthy is that the FCC is more than willing to propose fines in excess of \$100 million against a single individual who may never pay. Yet when it comes to a multi-billion-dollar company that misleads millions of viewers, the majority levies a fine that is just one-sixth of the statutory maximum and represents 0.5% of the company's 2016 revenues. For context, we routinely fine companies between 3-8% of their gross revenues for egregious violations of our rules. Does this mark yet another example of special treatment by the FCC majority? You decide.

We have seen violations of this nature before by this company. In 2007, Sinclair was fined \$36,000 after it aired programming on nine stations without disclosing that the commentator had ties to the Department of Education's No Child Left Behind program. And during the past decade and a half, Sinclair has been fined at least eight additional times, totaling almost \$10 million for various violations, including of the Children's Television Rules. In 2001 the company was fined \$40,000 for illegally exercising control of its business partner Glencairn Ltd. Most recently, in 2016, the FCC reached a consent decree with Sinclair for nearly \$9.5 million after it was found to have violated its obligation to negotiate in good faith when they engaged in prohibited joint retransmission consent negotiations.

The facts in this case are clear: Sinclair willfully and repeatedly violated the Commission's sponsorship identification rules. The NAL notes in fact, that "there are few, if any, actual disputes about the key facts associated with the apparent violations."

For all the above reasons, while I agree with the FCC acting against Sinclair for violating the FCC's rules, I dissent because of such a meager fine, which fails to match the scope and egregious nature of the violations that were committed.