



### Russian journalists get insights at KPA

See page 5

Kentucky Press Association  
101 Consumer Lane  
Frankfort, Ky. 40601

PRE-SORT STANDARD

U.S. Postage  
PAID  
Frankfort, Ky. 40601  
Permit No. 478

F (UK) LEX 405  
REPROGRAPHICS  
UNIVERSITY OF KY  
211 KING LIBRARY SOUTH  
LEXINGTON, KY 40506-0039



### Don't forget to just ask

By JOHN WHITLOCK

See page 3

# The PRESS

www.kypress.com

Per Dept  
PN  
4700  
v. 79  
no. 10  
2008  
Oct.

VOL. 80 • OCTOBER 2008 • NUMBER 10

## People Papers

UNBOUND PERIODICALS COLLECTION

Gary Barker, publisher of the *Flemingsburg Gazette*, has released his latest book, "Head of the Holler."

According to a release, Barker is a humorist in the tradition of Andy Griffith and Loyal Jones. He grew up in Elliott and Fleming counties of Kentucky, graduated from Berea College, and worked as an arts administrator and writer until he retired from Morehead State University. He lives at Bald Hill in Fleming County and is the publisher of the *Flemingsburg Gazette*.

Barker is the author of 10 published books. His "Head of the Holler" newspaper column has run in regional papers since 1988.

"Head of the Holler" may be purchased from Kentucky bookstores, on-line vendors such as Amazon.com and Barnes & Noble or from the publisher.

.....

Laura Hagan has joined *The Oldham Era* in LaGrange as a staff writer.

Hagan comes to the *Era* from another LCNI paper - *The News-Herald* in Owenton.

Hagan covers city and county government for the *Oldham County* paper and will also write some feature stories.

.....

Allison Lynn has joined the *Casey County News* in Liberty as an advertising sales representative.

Lynn, 24, is a native of Casey County and a graduate of Eastern Kentucky University.

Her duties at the *Casey County News* will include calling on advertisers, serving existing customers and developing new ones. She'll also

See PEOPLE on Page 2

## Woody returns



PHOTO BY RHONDA SMYTH/ CITIZEN VOICE AND TIMES

Leigh Anne Florence, right, brought Woody and Chloe for a visit to West Irvine Elementary. Leigh Anne and her dogs, who serve as the stars and inspiration for several Kentucky Press Association Newspapers in Education chapter series, spent the entire day at the school. According to *Citizen Voice & Times* Editor Rhonda Smyth, the children loved meeting the dogs and were eager to start the next NIE program.

## e-Transparency work continues

BY JONATHAN MILLER  
CHAIRMAN OF THE  
E-TRANSPARENCY TASK FORCE

This spring, Gov. Steve Beshear issued an Executive Order to establish the e-Transparency Task Force, a 14-member panel committed to provide a more transparent, accountable state government, a government that helps eliminate wasteful spending and restores public faith in its leaders. To that end, Task Force members

have been asked by the governor to establish Kentucky's Open Door, a Web site designed to provide a one-stop venue where citizens can review how their tax dollars are being spent, as well as obtain other vital information about state-funded programs. Kentucky's Open Door will be launched by January 2009, and will serve as a user-friendly forum that will display all state expenditure information that is permitted

See MILLER on Page 3



JONATHAN MILLER

# P A S S I N G S

## Ken Litchfield



PHOTO SUBMITTED

Ken Litchfield (right) and David Riley unwrap a framed edition of the Kentucky New Era on Oct. 26, 2004 in the newspaper's kitchen. The signed and framed edition was presented to Litchfield for his retirement party.

Ken Litchfield, who worked for the Kentucky New Era in Hopkinsville for nearly 48 years before retiring in 2004, has died. He was 79.

Litchfield died Sept. 20 at his Hopkinsville home.

Litchfield was the newspaper's wire editor when he retired and had been city government reporter for more than 40 years.

The newspaper reported that Litchfield began walking to and from work every day in the late 1970s and didn't take a day off -- including Thanksgiving, Christmas and Sundays, when the newspaper didn't even publish -- for about two decades beginning around 1980.

His funeral was held at Maddux-Fuqua-Hinton Funeral Home, with burial in Riverside Cemetery.

## PEOPLE

Continued from page 1

work closely with the editorial staff to develop special projects.

.....

**Hawkins Teague** has joined the news staff of the **Murray Ledger & Times**.

He will hold the position held previously by **Holly Wise** and will cover the Murray City Council, City of Murray committees, Murray State University and general assignments.

Originally from Madisonville, Teague graduated from Western Kentucky University in May 2006 with a bachelor's degree in print journalism and a minor in theater.

.....

**Marty Finley** is the new government reporter for **The News-Enterprise** in Elizabethtown.

He is a native of Manchester.

He graduated from Eastern Kentucky University with a degree in journalism.

.....

**Carrie Poe** is the new editorial assistant at the **Grant County News** in Dry Ridge.

Her duties include typing copy as well as serving at a proofreader, reporter and photographer.

She has a degree in communication studies from Liberty University.

.....

**Pat Keefe** is the new publisher at the **Central Kentucky News-Journal** in

See PEOPLE on Page 11



THE MONTHLY PUBLICATION OF THE KENTUCKY PRESS ASSOCIATION

## Kentucky Press Association

- |   |  |
|---|--|
| President - Taylor Hayes<br>Kentucky New Era<br>Hopkinsville    | District 10 - Cheryle Walton<br>Beattyville Enterprise   |
| President-Elect - Edmund Shelby<br>Beattyville Enterprise       | District 11 - Willie Sawyers<br>London Sentinel Echo   |
| Vice President - Chip Hutcheson - Princeton Times-Leader        | District 12 - Donna Carman<br>Casey County News  |
| Treasurer - Dennis Hetzel<br>Kentucky Enquirer<br>Covington     | District 13 - Wayne Snow<br>Lexington Herald-Leader  |
| Past President - Kriss Johnson<br>Lexington Herald-Leader       | District 14 - Scott C. Schurz Jr.<br>Advocate Messenger  |
| <b>Board of Directors</b>                                       | <b>State At-Large</b>  |
| District 1 - Loyd Ford<br>The Lake News, Calvert City           | John Mura - Courier-Journal<br>Rob McCullough - Morehead<br>News<br>Mark Van Patten -<br>Bowling Green Daily News<br>Dennis Hetzel - Kentucky<br>Enquirer  |
| District 2 - Ryan Craig<br>Todd County Standard                 | <b>Division Chairman</b>   |
| District 3 - David Dixon<br>The Henderson Gleaner               | News Editorial Division - Mike<br>Alexieff, Bowling Green Daily<br>News  |
| District 4 - Jeff Jobe<br>Butler County Banner                  | Advertising Division - Eric<br>Ballerstedt, Oldham Era<br>Circulation Division - Jamie<br>Sizemore, Kentucky Standard<br>Associates Division -<br>Helen Carroll - Toyota Motor<br>Manufacturing<br>Journalism Education<br>Representatives<br>Stan McKInney<br>Campbellsville University<br>Pat Moynahan |
| District 5 - Chris Ordway<br>Elizabethtown News Enterprise      | Northern Kentucky University<br><b>General Counsels</b><br>Jon Fleischaker, Ashley Pack,<br>Dinsmore & Shohl   |
| District 6 - Kerry Johnson<br>Shelbyville News                  |  |
| District 7 - Kelley Warnick<br>Gallatin County News             |  |
| District 8 - Bob Hendrickson<br>Maysville Ledger<br>Independent |  |
| District 9 - Ralph B. Davis<br>Floyd County Times               |  |

## Kentucky Press Association Staff

- |   |   |
|---|---|
| David T. Thompson, Executive<br>Director  | Marketing Coordinator<br>Sue Cammack, Administrative<br>Assistant   |
| Bonnie Howard, Controller                 | Rachel McCarty, Advertising<br>Assistant  |
| Teresa Revlett, Director of Sales         | Holly Willard, INAN Business Clerk  |
| David Greer, Member Services<br>Director  | Marlene Studler, Tearsheet Clerk  |
| John Whitlock, News Bureau<br>Director    | .....   |
| David Spencer, New Media<br>Administrator | Staff members, officers and direc-<br>tors may be reached by e-mail using<br>the individual's first initial, full last<br>name@kypress.com. |
| Buffy Sams, Bookkeeping<br>Assistant      |   |
| Stephanie Conrad, Research/               |   |

The Kentucky Press (Permit #478) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Third Class postage is paid at Frankfort, Ky. 40601. Subscription price is \$8 per year. Postmaster: Send change of address to The Kentucky Press, 101 Consumer Lane, Frankfort, KY. 40601, (502) 223-8821.

# You can't be an expert on everything

I have to empathize with John McCain. I don't know a lot about economics.

Although I had heard of Fannie Mae and Freddie Mac, if those names came up in casual conversation, I would probably associate them with characters from *The Beverly Hillbillies*.

For the average person, trying to wrap their heads around the inner workings of high finance and Wall Street can be a pretty daunting task. Unless your television is stuck on CNBC, the average person probably has a lot of questions about how the economy got in such a mess and if the actions of Congress will really help or harm the financial outlook in the long term.

For most people, the struggles of day-to-day living take center stage to the inner workings of the free market.

Most journalists aren't much different than civilians in this instance. The major media has plenty of experts who live, eat and breath all this FDIC, golden parachute, sub prime market meltdown stuff.

I like to think I have a decent understanding of the situation but I would certainly have a tough time writing an in-depth piece about the situation.

For a reporter at a Kentucky community newspaper, as the old saying goes, you must be a jack of all trades and a master of none.

When I was a young reporter in Corbin, I was directed to cover the monthly meeting of The Whitley County Solid Waste Advisory Board. The group's mission was to oversee the operation of a local landfill local in a tiny bend in the road called Woodbine.

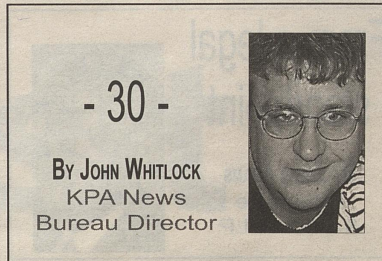
The landfill had been closed at least one time and the relationship between the board and the ownership was shaky at best.

There had been allegations that chemicals from the landfill had been found in drinking water from members of the board.

A spokesman from the landfill owners claimed leachate was being contained by a state of the art lining system prior to the commencement of deposit.

Somewhere in my head, someone said "Huh?"

"Leachate?"



Is that some kind of French bug related to a regular leach? "Leachate."

It was a term never covered in my journalism class.

I started listening very intently, trying to figure out what the heck they were talking about so feverishly.

Since I was the only member of the media or the public attending the meeting, I couldn't nudge a neighbor and ask them what the heck they were talking about.

Whatever it was, it apparently was quite dangerous and was sparking a lot of debate among the board members and the landfill owners' representative.

I started getting the impression that I was over my head, drowning in leachate - whatever that might be.

For nearly an hour, the debate continued back and forth with each side tossing out accusations of leachate leaks, inadequate protection measures against leachate invasion and allegations the owners didn't care if members of the community were harmed by leachate transgressions.

At this point, I was pretty sure leachate was The Blob from the old horror movie with Steve McQueen.

After exhausting each other with accusations and counter-charges, the meeting broke up and the members mingled with each other as the landfill representative quickly skipped out.

After an hour of sitting there taking notes, it came time to reveal my ignorance.

I walked up to one member of the board who also happened to serve on the Corbin City Commission. He was a big guy - friendly, loud and outspoken.

"Hey Cleland," I said. "I've only got a few questions. You got a minute?"

"First ..." I paused. "I think I understand most of what is going on and what you're accusing the landfill owners of doing ..."

"But?," he said.

"OK," I said, swallowing my pride and embarrassment. "What the heck is leachate?"

The big guy laughed - loud, long and hard. "John, leachate is simply garbage juice - all the liquid that drains from what is put in the landfill. It collects at the bottom of the garbage pile. That's why there has to be a liner at the bottom to collect all the garbage juice."

With that simple explanation, an hour's worth of notes suddenly fell into place.

I felt pretty dumb.

His laugh had drawn the attention of the other board members. Now, everyone smiled at the novice reporter.

I hated those smiles.

After that, I made a simple rule for myself - if I didn't understand something - no matter how seemingly trivial - I would find out as soon as possible even if it meant causing a minor distraction to a meeting.

Newspaper readers don't expect a community journalist to know the ins and outs of Wall Street finance. They want to read reports from someone who does have a good understanding of the subject matter.

As newsrooms across the state are asked to do more with less, following one of the basic rules of journalism is more important than ever - if you don't understand the subject, you can't explain it to the public.

It was hard for me to stand up in front of all those people I barely knew and ask such an obvious question.

But I knew it had to be done. Sometimes, you can craft a story that hides your ignorance, lack of research or failure to ask the obvious question.

But eventually, you'll get busted for it.

So if you ever find yourself in a similar situation, swallow your pride and ask the question. The readers, the editors and the public will thank you for it.

Like drinking or drug abuse, admitting you have a problem is the first step.

## MILLER

Continued from page 1

under state law.

- This will include data available under the Open Records Act, but exclude data that is "protected" pursuant to applicable state, federal law, policy/procedures.

- The current and previous two fiscal years of data will be made available.

- Citizens will be able to access data by agency and by category (with drill-down capabilities to specific vendor payments); and by vendor.

### Progress

- On June 19, the Task Force held its first meeting to outline the governor's vision, to take testimony

from the treasurer and secretary of state on their current smaller models to provide public data in the transition, and to hear from government experts about the challenges and legal limitations that will define the Task Force's work.

- Since the June 19 meeting, executed letters of acceptance have been requested from the Transportation Cabinet, the Auditor of Public Accounts, and the Finance and Administration Cabinet to allow the State Treasurer's Office to proceed with uploading their data live into the V.I.E.W. application.

Once these final letters of acceptance have been received in the next few weeks, the application will be placed in production and made live at [www.kytreasury.com](http://www.kytreasury.com).

- The state Controller's Office has completed its preliminary interviews with all state agencies, and is circulating letters of understanding which provide a

mutual understanding on the expectations and types of information that would be included in our transparency efforts.

- Finance's Office of General Counsel has been in communication with state agencies to identify any specific types of information which need to be protected and would be excluded from public view. Examples would include: settlements which have a specific legal obligation not to be disclosed, payments to victims of crime, and any payments to individuals protected by federal privacy or confidentiality laws.

### Assignment for Task Force Members:

- At the June 19 meeting, all Task Force members were asked to review e-transparency models in other states to advise the Task Force on elements and features for Kentucky's final plan.

# Teacher hearings can be closed door

The question below was fielded recently by your KPA Hotline attorneys. In the event you have questions of your own, you may direct them to the attorneys listed below.

**Q.** When I was at the Board of Education recently on a Friday, I happened to overhear someone mention that a "tribunal" was being conducted the following Monday to consider the board's action firing a teacher. When I inquired, the superintendent indicated that the meeting would be closed to the press and the public. Is that proper?

**A.** Possibly. However, a careful examination of this situation -- along with another that has led to litigation in Spencer County -- makes it clear that some school officials around the state may be operating with some mistaken impressions about when a "disciplinary" matter may, and may not, be the basis for closing a meeting to the public.

Because these two controversies arose in close succession, we think that it may be wise for journalists around the state to refresh their knowledge of some of the law governing when a "personnel matter" may be cited as a proper ground for closing a meeting -- and when it may not be.

The "tribunal" that sparked the telephone call is a somewhat unusual creature of state statute. KRS 161.790 provides that where a superintendent notifies a teacher that the teacher's contract is being terminated, the teacher may answer the charge in a hearing before a three-member tribunal.

The tribunal, however, is not a creation of the school board. Rather, the statute provides that the three members are to be appointed by the state education commissioner.

The commissioner also names a fourth person, a hearing officer, who does not have a vote but rules on procedural questions.

At the hearing, the school district acts more or less as prosecutor, presenting the case for termination. The teacher puts forth a defense. The hearing officer presides, much like a judge, and the three tribunal members serve as triers of fact, much like a jury.

It was just such a "tribunal" that the reporter who made the above Hotline call happened to stumble upon. So, can such a meeting be open to the public? As we said above: Yes. But, as with

## From a legal standpoint

By JAMES ADAMS  
Dinsmore  
& Shohl LLP



## If you have any legal questions, call the KPA hotline attorneys:

Jon L. Fleischaker: 502-540-2319

R. Kenyon Meyer: 502-540-2325

Ashley C. Pack: 502-540-2385

Jeremy S. Rogers: 502-540-2384

.....

**DINSMORE & SHOHL LLP**

Switchboard: 502-540-2300

Facsimile: 502-585-2207

most things, there is a catch.

The statute creating the tribunal takes the question of openness away from the Open Meetings Act by providing explicitly that "the hearing may be public or private at the discretion of the teacher."

After checking with us about the above statute, the reporter then did what good reporters do -- he called the teacher to ask if she had chosen a public or private hearing.

The reporter learned two interesting things. First, three days before the hearing was scheduled to happen, the teacher was unaware that she had the ability to decide whether the hearing

would be public. And second, the teacher said that she had no objection to the reporter's presence at the hearing.

This, in turn, raised other interesting questions. Clearly, either the state education department or the hearing officer was asleep at the wheel. Assuming that this was to be an open hearing, exactly when and how was the public and the press supposed to find out about this? (The legislature has some blame here, too. The statute creating the tribunal makes no provision for notice to the public.)

And, what made the school superintendent so sure that the hearing was going to be closed -- especially considering that the "decider," the teacher, at that point was still unaware that she was the decider. (As it turned out, after taking the weekend to think it over, the teacher changed her mind and on Monday opted for a closed hearing.)

In any event, the lesson for journalists is this -- when a state tribunal convenes to hear a teacher's answer to a termination notice from a school superintendent, it is the teacher, not the school superintendent, who has the final say on whether you and the public may attend.

At the same time that the above controversy was brewing, an internal fight was heating up within the Spencer County Board of Education over a closed session of the board held in June. The purpose: discussion of the performance evaluation of the school superintendent.

The board vice-chair, Sandra Lee Clevenger, protested the closing, and won. In August, the attorney general, in an Open Meetings Decision (08-OMD-165, available on the Web site of the attorney general, <http://ag.ky.gov>) held that the board improperly invoked the "personnel matter" exception to the Open Meetings Act, and violated the act by meeting in secret.

The decision held that a meeting can be closed to discuss appointment, discipline or dismissal -- see KRS 61.810(1)(f) -- but "general personnel matters," including the performance review of a school superintendent, cannot be the basis for closing a meeting of a school board. The board also violated the act by failing to state publicly its reason for going into closed session with sufficient specificity.

The school board, unhappy with this outcome, filed a complaint Sept. 9 in Spencer Circuit Court against Ms. Clevenger, appealing the decision.

# Slander case dismissed against newspaper

By STEPHEN LEGA  
LEBANON ENTERPRISE

A defamation claim against The Lebanon Enterprise has been dismissed.

On Sept. 5, Marion Circuit Judge Douglas George signed an order dismissing the claim filed by convicted murderer David Nichols against the newspaper, Editor/General Manager Stevie L. Daugherty, Advertising Manager Mary Anne Blair and the insurance company providing coverage to the other defendants.

"I had no doubt that the court would dismiss the lawsuit quickly," Daugherty said. "I agree with the

judge that this lawsuit was without merit."

Nichols filed a complaint last month based on an advertisement published in the Aug. 17, 2007, edition of the newspaper.

He accused the newspaper of "slander, defamation of character and emotional distress."

The ad was printed in memory of Joshua Kenneth Wright who died Aug. 19, 2000, at the age of 18, after Nichols stabbed him in the chest.

Testimony at trial showed that Wright was attempting to help another man when Nichols stabbed him. Nichols was convicted of wanton murder in January of 2002, and the jury recommended a life sentence. Marion Circuit Judge Douglas George imposed that

sentence on Nichols in February of 2002.

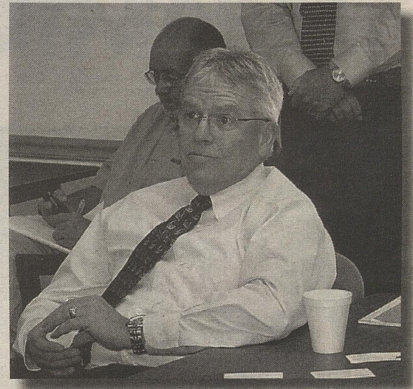
He is serving his sentence at the Eastern Kentucky Correctional Complex in West Liberty.

The ad in question was purchased in memory of Wright by his parents and siblings and appeared in the classifieds section.

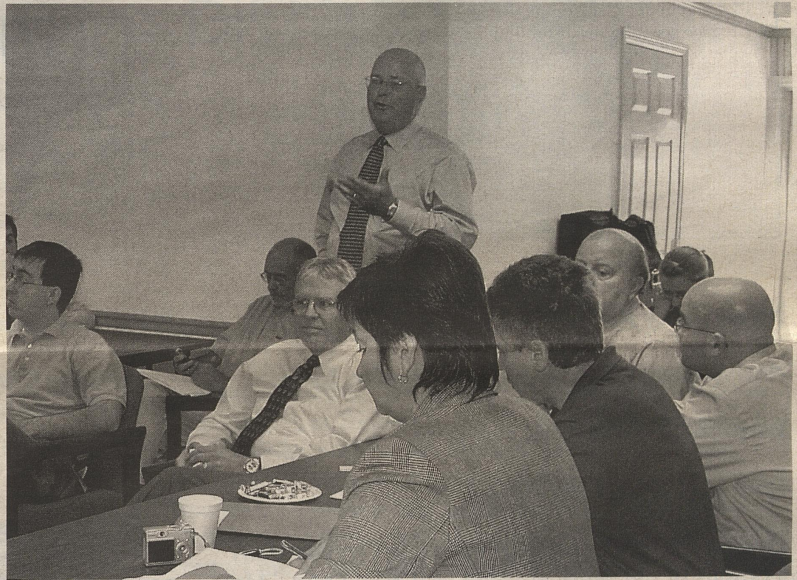
The copy of the ad indicated that Wright's family still miss him, and they are still upset that he is gone. A section of the ad notes that Nichols is the person who ended Wright's life.

Jim Adams, the attorney for the Enterprise, argued that truth is a defense against defamation, and since nothing printed about Nichols was untrue, his complaint should be dismissed.

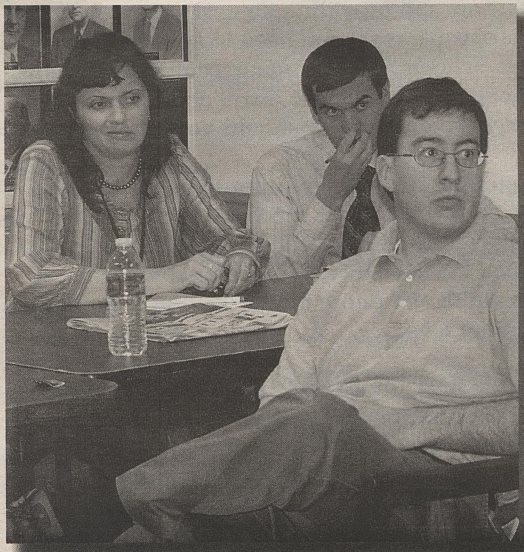
# International visit



A group of Russian journalists visited the offices of the Kentucky Press Association Sept. 24. The meeting was designed to examine the differences in American and Russian journalism. Kentucky writers, editors and publishers from across the commonwealth attended the event. Clockwise from top: John Nelson, executive editor of The Advocate-Messenger in Danville, listens to the discussion; KPA Executive Director David Thompson, center, addresses the group and welcomed the Russian delegation to Kentucky; A Russian journalist listens to the discussion as she sits besides former KPA President Kriss Johnson, right; Paul Glasser of the State Journal in Frankfort, right, takes part in the discussion with two Russian journalists,



PHOTOS BY TERESA REVLETT



# Meet the newest members of the KPA Board of Directors



## KERRY JOHNSON

DISTRICT SIX

**Name:** Kerry Johnson

**Rotary and Board of Directors for Leadership Shelby**

**Newspaper:** Sentinel-News, Shelbyville, Ky

**Goals for KPA:** Learn as much as possible about Kentucky newspapers and offer any ideas or experience I may have picked up from other newspaper organizations.

**Position/Title:** Regional Publisher

**How long held:** 1 year

**Views on future of newspapers:** I love community newspapers. I watched for 22 years as the large daily papers I worked for stopped doing the things that were the foundation of good newspapering. Community newspapers are still providing the real news and information that people want and need to help them in their daily lives. Schools, police, zoning, community events, roads, emergencies and, those warm and fuzzy stories about someone you know or should know in your community.

**Previous professional experience in and outside of newspaper industry:**

Twenty-two years with Gannett at four different daily newspapers. Starting as an ad salesperson, sales manager, Retail manager, Classified Manager and Advertising Director.

**Education:** B.S. University of Florida, MBA, University of Central Florida

**Family:** My wife, Kaaren, is the journalist in the family and I have two beautiful daughters, Carolyn, 19, at the University of North Carolina, Chapel Hill and Kathryn a junior at Shelby Co. High School.

**Civic Clubs/Organizations:** Currently Shelby County

We are still the best army of information gatherers, regardless of how it may be delivered in the future, we just have to keep it relevant and pertinent to every reader. I believe there is no competitor that can beat our breadth and depth of information if we stay focused on our jobs.

**What is the best advice you can give for successfully operating a community newspaper?** It's all about the people, readers, advertisers, subscribers, employees, they are our life blood and you must listen to them. They will tell you everything you need to know, good and bad.



## RALPH DAVIS

DISTRICT NINE

**Name:** Ralph B. Davis III

**Civic Clubs/Organizations:** --

**Newspaper:** The Floyd County Times

**Position/Title:** Managing Editor

**How long held:** Since Nov. 1999

**Duties, responsibilities of position:** Overseeing and motivating editorial staff, focusing direction of news coverage, addressing concerns of the public, facilitating interdepartmental cooperation and communication, working with editors of sister newspapers to develop shared-coverage opportunities, developing content for special publications, newspaper layout.

**Previous professional experience in and outside of newspaper industry:**

- Editor, Jackson County Sun, Sept. 1992 to March 1996
- Editor, Paintsville Herald, March 1996 to Sept. 1999

**Education:**

- BA Liberal Studies, Kentucky State University, 1992
- BS Political Science, Kentucky State University, 1995

**Family:**

- Wife, Carla, married since 1992
- Sons, Ralph IV, 14, and Paul, 10

**Goals for KPA:** My goal is to faithfully represent the newspapers of District 9, always keeping the needs of the small-market publications that dominate the district at the forefront of my decision-making. Toward that end, I welcome and value any input from fellow District 9 media professionals and encourage them to contact me at rdavis@kypress.com with any concerns they have.

**Views on future of newspapers:** The most notable change will be the increasing portability of technology. As internet-capable devices become as easy to transport and read as paper, electronic delivery will become more than just a sideline revenue stream for newspapers.

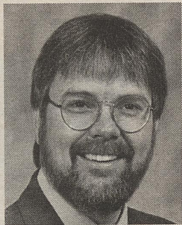
The biggest impact of this will be the continued and accelerated movement away from subscription-based business models, and this will pose significant challenges for smaller-market newspapers.

**What is the best advice you can give for successfully operating a community newspaper?** There is a fine distinction between making money to publish a newspaper and publishing a newspaper to make money, and understanding that distinction makes all the difference in whether your newspaper is a vibrant and integral community asset, or just another business in town.

# Acrobat still has some tricks up its sleeve

## Tech Talk

By KEVIN SLIMP



OK. Stop what you're doing. Seriously, stop. What I am about to tell you is worth a few minutes of your time.

I get software upgrades constantly. Designers and paginators salivate when they come by my office and see all the software on my desk. Right now there is a glut of products from Adobe, Extensis, Subrosa, Quark and a few others lying there. Sometimes I have to force myself to look at another upgrade. But that's what I do. And I don't take this duty lightly. So, against all natural tendencies, I keep inserting those disks and installing those new versions. And a day like today makes it all worth it.

Could any product be worth this build up? Yes, it could. Adobe Acrobat 9 Pro has impressed me once again! How can it be? Has it really been 15 years since I created my first PDF file? Has it been 14 years since the first full-color PDF, a Frank and Ernest comic strip, was printed in a building behind my office? Has it really been 13 years since the first newspaper printed totally from a PDF file came off the press? I must be getting old.

You might remember my review of Acrobat 8 Professional last year. I was blown away by the "fixup" capability added to the preflight function. You may remember that this tool allowed users to fix specific problems in a PDF file.

These included removing OPI information and converting the PDF, among others. A few of the solutions didn't work as well as I had hoped. One, meant to convert all colors to grayscale, tended to miss color in EPS files. A few others had similar problems. That was OK, though. The ability to find and remove OPI information and convert the PDF version with the click of a button more than made up for any problems.

In my review, I mentioned that there were a couple of new features I hoped for in version 9. One was the ability to convert all colors to CMYK or grayscale with a simple click. The other was the ability to convert text to outlines. As I live and breathe, I think Acrobat Pro 9 has done it!

We'll get to the text conversion when I have more time to devote to that feature. For now, let's look more closely at color conversions.

Initially, I tried using the color fixups in the preflight area to see if they worked. You have a lot more control over which colors to convert, but color still snuck through when I chose the "Convert Color to BW" option.

There's good news. As in previous versions, I could still use Ink Manager to convert the spot colors to process. But I was looking for a method of converting all colors to process or grayscale with the click of a button. I found it in the updated "Covert Colors" command.

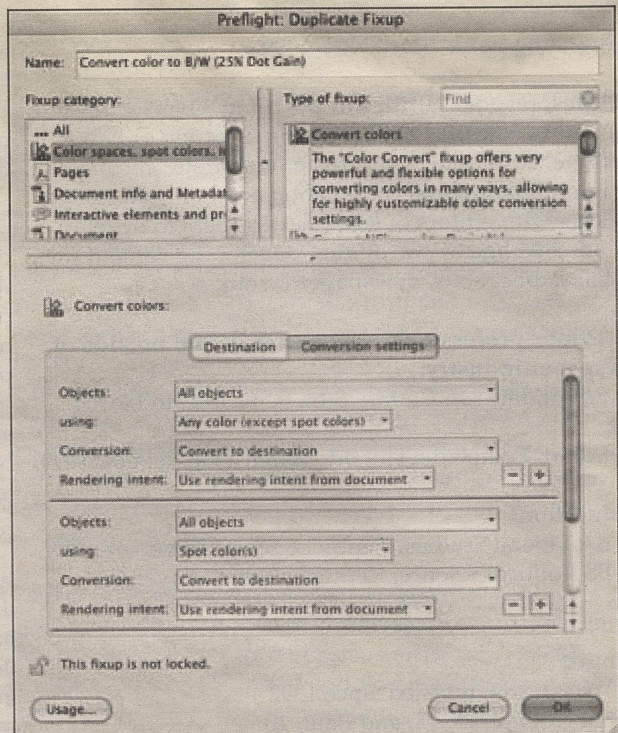
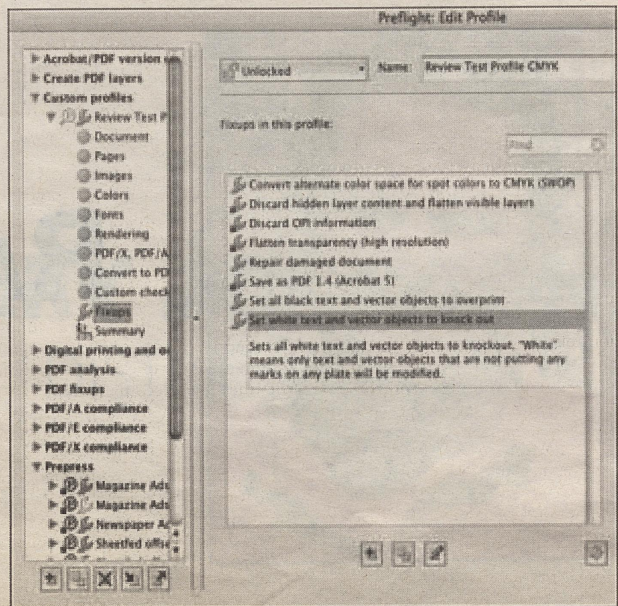
First, I instructed Acrobat to convert all colors to gray, with a 25% dot gain. Mission accomplished. Next, I opened an RGB photo in Photoshop and converted it to an RGB PDF file. I opened the PDF in Acrobat, selected "Convert Colors to Output Intent," and then selected "US Web Uncoated" as my output intent. You guessed it. The photo instantly converted to CMYK.

Finally, I created a document in InDesign and purposely included plenty of spot colors, RGB items and a photo saved in RGB. Yep, it worked like a charm. I almost leapt out of my seat when I checked all the items and found they were now in process colors.

One other feature that I really grew to appreciate as I tested version 9 is the ability to quickly select single fixups from the Preflight menu. For instance, if I wanted to be sure black text overprinted, I would simply select "Set Black Text to Overprint" from the fixup menu.

Do you want to know what I really think about Acrobat 9 Pro? It's too good. It's getting too easy to check PDFs for problems and fix them. I'm not sure how I'll spend all my time now. And now it even has a fix for those pesky CID fonts. Well, at least I have something to teach until Acrobat 10 is released.

*(Thanks to Blu for help with the updated info about text conversion)*



In the opinion of the Attorney General ...

# A reason must accompany denial

The Office of the Kentucky Attorney General has upheld an appeal made by a reporter for the Cadiz Record.

At issue in this appeal is whether the City of Cadiz violated the Kentucky Open Records Act in denying Cadiz Record Reporter Hawkins Teague's request for "the total amount that Benson International paid the city in payroll taxes and occupational license taxes."

By failing to cite the specific exception relied upon and provide a brief explanation of how it applies to the records withheld, the city violated the express and mandatory terms of state law.

The Attorney General's office found that Teague is entitled to know the name and the business in question, as well as whether the business is delinquent in paying its taxes but is not entitled to know the amount of the taxes owed or any other information such as profits, deductions, and salaries which reveals the "affairs of the business."

Although the city did not rely upon these specific and mandatory provisions initially or in responding to Teague's appeal, the A.G.'s office said it was "compelled by significant

policy considerations to uphold the denial on the basis of the applicable statutory provisions rather than compound any errors by issuing a decision finding that disclosure of records intended to be protected from public scrutiny must be disclosed.

In denying Teague's request, Cadiz City Clerk Lisa Rogers merely advised "the information which has been requested is an exempt record under (state law).

Noting the Cadiz Record "finds no exception specified in (state law) granting the city of Cadiz exemption from the Open Records Act.

Alan Reed, on behalf of The Cadiz Record, appealed the city's decision in a letter dated June 17.

In his appeal, Reed said the city has "violated its own precedent created by granting innumerable requests of (a) similar nature in the past pertaining to both individuals and business entities to this publication."

Allen O. Wilson, counsel for the city of Cadiz, initially argued that Teague's request was framed as a request for information, not for a public record.

Wilson said the city was authorized to deny such a request inasmuch as the Open Records Act does

not require public agencies to compile information to conform to the parameters of a request.

Likewise, the city's rules and regulations for inspection of public records adopted under state law mandates that requesters identify the specific records being sought and therefore denial of the request was proper.

Wilson also argues that information pertaining to occupational licenses is exempt.

"The occupational license information is exempt (under state law)," Wilson said in the city's response.

Wilson added that occupational license tax information is required by the city and is ordered to be released to the city and is "generally recognized as confidential or proprietary" and is "compiled and maintained for the grant or review of a license to do business pursuant to city ordinance."

Although the city's first response to the request was "deficient," the A.G.'s office found that the fact remains that the specific information requested is statutorily protected and the office upheld the city's decision.

"As a public agency, the city must adhere to procedural and substantive provisions of the Open Records Act,"

the A.G.'s office wrote. "(The statutes) contain the procedural guidelines which a public agency must comply with in responding to requests.

"Each public agency, upon any request for records made under KRS 61.870 to 61.884, shall determine within three days, excepting Saturdays, Sundays and legal holidays, after the receipt of any such request whether to comply with the request, within three days excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request and shall notify in writing the person making the request, within three days of its decision. An agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld."

The A.G.'s office wrote bearing in mind that public agencies like the city of Cadiz have the burden of proof in denying requests under (state law) requires the custodian of records to provide particular and detailed information in response to a request for documents.

See RULING on Page 10

## Giving back



PHOTO SUBMITTED

Times-Tribune Publisher Bill Hanson presents a check for \$415.32 to Corbin Chamber of Commerce President Jeanne Hensley. The donation represents a percentage of sales from the chamber's membership directory which the Times-Tribune publishes.

## Special prosecutor to investigate allegations of illegal meetings of Henderson County commission

A special prosecutor has been named to look into allegations members of the Henderson City Commission may have held meetings in violation of state law.

The special prosecutor, Hancock County Attorney Paul Madden Jr., was named by the office of the Kentucky Attorney General Jack Conway.

Allison Martin, a spokesperson for Conway, said the request for a special prosecutor had come from Henderson County Attorney Charlie McCollum.

"We have appointed a special prosecutor per his request," Martin said.

McCollum confirmed that "I had a complaint and the complainant asked them to appoint a special prosecutor," Martin said, although he declined to provide details of the complaint. "Since I'm not handling the case, I think it's better that (the media) contact the prosecutor who is."

City commission candidate Robert Pruitt, however, confirmed that he is the source of the allegations although he is reluctant to provide details about it at this point in the investigation.

"I don't know if I'm at liberty to talk about it," Pruitt said. "I need to speak to Mr. Madden and let him know (the media) have contacted me about it."

Pruitt intimated, however, that the investigation is focusing on the allegation that the Henderson City Commission may have violated the Open Meetings Act in the hiring of former commissioner Russell Sights as assistant city manager and the appointment of Paul Kuerzi to the city commission.

"It's in that area," Pruitt said. "If all that comes out the way I think it's going to come out, I think we could be looking at (a meetings) in one state to do something in another state. This is what I believe they did wrong. It may come out that they didn't do anything, but I don't believe that."

Members of the city commission at the time declined to respond to Pruitt's allegations.



# KHSJA looking for additional sponsors

With about a month to go in the sign-up period for the 2008-09 school year, the Kentucky High School Journalism Association is well over half-way home to matching last year's record 112-school membership. Sixty-five schools have joined or been sponsored so far in the high school journalism association.

Of the 65 schools so far, 40 have been sponsored by newspapers. Here's a sponsorship run-down to date:

- Campbellsville University has sponsored 11 schools
- Kentucky New Era, Hopkinsville, has sponsored seven schools
- Ledger-Independent, Maysville, seven schools
- Advocate-Messenger, Danville, seven schools
- News-Enterprise, Elizabethtown, six schools
- Daily News, Bowling Green, four schools

- Oldham Era, LaGrange, three schools
- Central Kentucky News-Journal, Campbellsville, two schools
- Meade County Messenger, one school
- The Gleaner, Henderson, one school
- Flemingsburg Gazette, one school
- Woodford Sun, one school
- Greensburg Record-Herald, one school

Remember, it only costs \$50 to sponsor a local school for the current school year. We can bill you or even deduct it from your next KPS ad revenue check. Talk about being painless. Support high school journalism in your community by sponsoring your local schools in KHSJA. Member schools can compete in the annual KHSJA contest and attend KHSJA workshops and the annual convention.

# Rouse helps raise awareness of breast cancer

BY LEIGH LANDINI WRIGHT  
THE PADUCAH SUN

Alice Rouse doesn't give up easily. When Rouse sensed an abnormality with her left breast two years ago, she immediately called and scheduled an appointment with her gynecologist Eugene Cook of the Murray Woman's Clinic. The nurse practitioner examined her and summoned Cook, who told her he wanted her to undergo an ultrasound and biopsy to confirm his suspicions.

Cancer, the dreaded C-word. Another doctor confirmed the diagnosis after testing.

Rouse returned to her office at the Murray Ledger & Times newspaper and immediately told her office manager Rita Boggess.

Boggess began sobbing, but Rouse told her to dry the tears. "You're going to have to be strong for me," she recalled.

About two years after the diagnosis, Rouse believes in her heart that she has defeated the invasive lobular carcinoma breast cancer.



ALICE ROUSE

She celebrated the victory as the local hero for the 12th annual BMW Ultimate Drive, an annual event designed to raise money for the Susan G. Komen foundation.

Rouse spoke during the event.

"I tried to keep my life as normal as possible," Rouse said of the months after her September 2006 diagnosis. "I'd take chemotherapy on Wednesdays and Thursdays. I'd still be feeling good but by Friday, I was hitting the low points. I'd go home on Friday but by Monday, I was back up again. A lot of people didn't realize how much faith I had. I couldn't have done it with the prayers of the community here."

Rouse underwent surgery in February 2007, just a month after she relinquished the president's position of the Kentucky Press Association. Surgery removed both her breasts.

After surgery, Rouse joined the Eight Wonders, a breast cancer support group in Murray that also raises money for the American Cancer Society's Relay for Life.

"It's good to get into a group who can help support you," she said. "They can tell you about the next step. I think that really helped. My family certainly was a big support."

Rouse enlisted the support of her best friends as she battled the chemotherapy and resulting surgery. She handed each friend a charm to form the word "journey."

"It's been a long journey. It's a battle that you can't give up. You've got to overcome it. It can now see the light at the end of the tunnel. It used to be that people thought of breast cancer as a death sentence. If you catch it in time, it's curable."

"When (the Kentucky Cancer Program) asked me to do this, I thought 'I'm not a hero. I'm a survivor.'"

## RULING

Continued from page 9

"This office must conclude that the city's initial response was procedurally and substantively deficient," the A.G.'s office wrote. "However, the city has a least partially remedied any deficiencies on appeal."

The A.G.'s office said that in future requests, the city should be guided by "the long-standing principle that procedural requirements of the Open Records Act and the rules "are not mere formalities, but are an essential part of the prompt and orderly processing of an open records request."

In its decision, the office also added that city should cooperate with requests and not try to make it more difficult for the public to receive information.

"Neither (state statutes) can properly be construed to an erect impenetrable barrier to disclosure of records containing the requested information," the A.G.'s office wrote. "... although nothing in the Open Records Act prohibits disclosure of the fact

that a business is delinquent in paying any taxes owed, the amount of taxes owed reveals the private details of the taxpayer's business and therefore is protected from disclosure."

.....

The Office of the Kentucky Attorney General has ruled that the Campbell County Detention Center subverted the intent of the Open Records Act by requiring a requester to produce identification to prove that she was "the person who had requested the records" before permitting her to inspect the records.

Neither state law or the people interpreting the law support this practice.

The question presented in this appeal is whether the Campbell County Detention Center violated the Open Records Act in the disposition of Terry Whittaker's July 28 request to inspect any personnel records "available under the Open Records Act" relating to former employee Michael J. Petri.

The A.G.'s office ruled that the center subverted the intent of the act by requiring Whittaker to

produce identification as a condition to inspecting the requested records and refusing to accept payment for copies of those records to be mailed to the address appearing on her request as an alternative to on-site inspection.

In her letter of appeal, Whittaker said that she contacted the center on July 31 to ascertain the status of her request.

She received a return phone call from the center several hours later and was advised that the records were available for inspection.

When she arrived at the detention center, she was asked to produce identification to prove she was the person who requested the information.

After issuing an appeal to the Kentucky Attorney General's Office, it was determined that the detention center had violated state law by asking for identification before turning over the records.

The Kentucky Open Records Act contains no provisions that ID must be presented to obtain public records.

The staff of the detention center was informed to cease the practice.

# Nominations are being accepted for Lewis Owens Community Service Award

Each year, the Lexington Herald-Leader honors a newspaper person, or a newspaper staff, by presenting its Community Service Award. The award was renamed the Lewis Owens Community Service Award in 1996.

Presented annually by the Lexington Herald-Leader, the award recognizes outstanding community service by a Kentucky newspaper person or staff. The award was originally established in memory of Edwards M. Templin, promotion director of the Lexington Herald-Leader and president-elect of the Kentucky Press Association when he died in 1967. It was later renamed to honor and memorialize Lewis Owens for his many years of service to community and service organizations and to Kentucky's newspaper industry.

Previous recipients include the staff of the Falmouth Outlook, Merv Aubespain, Tom and Pat Gish, Russ Metz, Max Heath, Betty Berryman, Louise Hatmaker, David McBride, Don Towles, Niles Dillingham, Floe Bowles, John B. and Ray Gaines, Fred Paxton, among several others.

The Lexington Herald-Leader is now accepting nominations for the 2008 Lewis Owens Community Service Award.

The award will be presented in January at our 2009 Kentucky Press Association Winter Convention at the Galt House East Towers in Louisville. The deadline for nominations is Friday, Nov. 7.

If you wish to nominate someone for this award, send a letter detailing the nomination by Friday, Nov. 7, to:

Tom Caudill  
Lexington Herald-Leader  
100 Midland Avenue  
Lexington, KY 40508

A list of previous recipients is printed in the 2008 KPA Yearbook and Directory.

# Put your photos on display

At the 2009 KPA Winter Convention, (January 22-23 at the Galt House East Towers in Louisville), we will display photos from Kentucky newspaper photographers that were taken in 2008. These are on display during our trade show and the exhibit is available for local use, at public libraries for instance, after the convention ends on Jan. 23.

Kentucky is known for having some of the best newspaper photographers in the country and this is our way of displaying the work of those photographers.

This is not a contest and most all photos are used in the exhibit, depending on space available.

Photos may be in color or black and white; should be no larger than 11 x 14; and should be mounted, preferably on black poster board. The photo should be affixed to the poster board along with the name of the newspaper and the photographer's name and a cutline, if appropriate. These do NOT have to be photographs that were published in the newspaper.

The deadline for sending photos for the KPA Photo Exhibit is Dec. 12.

If your newspaper would be interested in displaying this exhibit after the convention, please contact Sue Cammack at (800) 264-5721.

Please indicate on a cover memo that the photographs are being submitted to use in the KPA Photo Exhibit. Mail the photos to:

Bonnie Howard, Kentucky Press Association, 101 Consumer Lane, Frankfort, KY 40601

# Ruling delayed on Stanford newspaper editor

A motion to dismiss a criminal charge against George Lewis, editor of *The Interior Journal*, was delayed because the attorney general had not yet appointed a special prosecutor.

The complaint against Lewis was filed by public defender Susanne McCullough, who alleged that Lewis "violated the confidentiality of a juvenile court proceeding" when he took and published a photo of her client, 23-year-old double-murder

suspect Jamarkos Campbell, who was named in a sealed indictment.

Campbell was a juvenile when the murders occurred and has been protected under the state's juvenile codes, with officials declining to name him or release records about the case.

The charge against Lewis is a Class B misdemeanor and carries a maximum sentence of 90 days in jail and \$250 fine.

Lewis' attorney Kenyon Meyer argues in his motion to dismiss that Lewis took the picture from a public area outside the courtroom and did not violate any law.

The law under which Lewis is charged also is "unconstitutionally vague," Meyer said. Meyer also contends that Campbell is no longer a juvenile and that his identity already had been made public in newspapers.

## PEOPLE

Continued from page 1

### Campbellsville.

Keefe comes to the newspaper from Junction City, Kan., where he was the marketing director of *The Daily Union*, a 5,000 circulation Sunday through Friday daily newspaper.

He and his wife, Diana, will relocate to Campbellsville in the near future.

.....

Cindy DiFazio has joined the staff of the **Henry County Local**.

She came to Landmark from Ripley Publishing in Indiana where she was a reporter/photographer for two weeklies in Versailles, Ind.

She now makes her home in LaGrange.

.....

Jesse Osbourne has been nominated for Kentucky

Farm Bureau Communications Award.

Osbourne is a reporter with **The Advocate-Messenger** in Danville.

The winner will receive a plaque, a cash award and a expenses paid trip to Washington D.C.

.....

Larry Borton has joined the staff of the **Henry County Local** as a graphic designer.

Borton came to the Local from the racing industry and has worked for a major oil company.

He brings 35 years of design experience to the paper.

.....

Barbara Didier has been hired as an advertising representative for the **Henry County Local**.

She has a variety of sales experience including several years as a real estate agent.

She now makes her home in Spencer County.

.....

Don Porterfield has decided to leave **Landmark**

**Community Newspapers Inc.** and pursue a new opportunity with his church.

Porterfield will become the general manager of *The Southeast Outlook*, which is a weekly newspaper published by Southeast Christian Church in Louisville and mailed to 30,000 households and read by over 70,000 people.

Porterfield began his career with Landmark in 1978 as an advertising sales rep at **The Galax (Va.) Gazette**. In 1987, he moved to Landmark of Maryland as production director. In 1997, he joined LCNI's corporate staff in Shelbyville as new revenue director and a regional manager.

His last day with LCNI was Oct. 2.

.....

Larry Rowell of Campbellsville has joined **The Casey County News** as a staff writer.

Rowell, 52, earned his degree from Western Kentucky University.

Rowell recently served as a staff member at Campbellsville Baptist Church but left that position to pursue a degree in journalism.

# THE RACE IS ON . . .

**Be  
the  
first  
to  
place  
your  
ad  
in  
the  
2009**

Don't miss this chance to promote your newspaper to advertisers across the country.

The Kentucky Press Association Directory, available in January 2009, is a resource used throughout the year by potential advertisers including more than 175 agencies.

Your ad, promoting your newspaper and services, will be read by the people who make major buys.

**KPA**  
**Yearbook and Directory**

Contact Bonnie Howard or Buffy Sams today at 502-223-8821