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Kentucky Press

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Supreme court rules inserts subject to use tax

The Kentucky Supreme Court ruled May 24 that newspaper inserts and catalogs sent through the mail are subject to the state's 6 percent use tax, reversing a lower court ruling and a 30-year practice.

The Kentucky Board of Tax Appeals and lower courts had ruled that the Revenue Cabinet wasn't allowed to tax inserts and catalogs because it had failed to do so for some 30 years. Lower courts had ruled that cabinet auditors had failed to assess the use tax in a

total of 18 audits against six retailers over a 30-year period and that the inserts, then, were not subject to being taxed.

The Supreme Court disagreed, saying the "doctrine of contemporaneous construction cannot be founded upon an administrative agency's failure to correctly apply the law."

The ruling will be used by the cabinet on retailers who place newspaper inserts or mail catalogs when that material is printed out of state. If the retailer did not pay a state sales tax

in the state where the material was printed, then the Revenue Cabinet will charge the retailer the six percent use tax on those inserts and catalogs.

Revenue Cabinet attorney Mike Kalinyak, who handled the case before the Supreme Court, said the decision will not mean any liability or responsibility for newspapers. "Newspapers will not have to pay the use tax or

See INSERTS, page 12

Recycled newsprint hits record percentage

Kentucky newspapers used a record 96.54 percent recycled newsprint in 2000, according to a KPA report to be filed with the Kentucky Natural Resources and Environmental Cabinet.

The 96.54 percent surpasses the previous high of 96.209 percent in 1996 and reflects a substantial increase over 1998 and 1999. The report excludes four Kentucky newspapers printed out of state.

The report on newsprint and recycled newsprint consumption by Kentucky newspapers is required to be filed annually with the cabinet, following passage of House Bill 228 in 1994. That law required newspaper publishers to file the report but KPA has been collecting the information and filing the report each year.

The report will show that the 42 printing plants in Kentucky used 85,705.290 tons of newsprint in 2000, with 82,739.060 containing some level

See NEWSPRINT, page 12

From broadcasting to newspapers, Backus made jump and loves it

This year's KPA
President has broad
range of experience

By LISA CARNAHAN
KPA Member Services Director

Marty Backus may not have started his media career in newspapers but he certainly bleeds ink now.

Publisher of the Appalachian News-Express in Pikeville and this year's president of the Kentucky Press Association, Backus got his start in radio. He even worked in television before he saw the light and entered the newspaper industry some 23

See BACKUS, page 6



Appalachian News-Express Publisher Marty Backus is this year's president of the Kentucky Press Association.

Joint summer convention nears

The Tennessee Press Association will bring its members north to Kentucky for a joint summer convention later this month.

This year's meeting, June 21-23 at the Marriott in Covington, features plenty of entertainment opportunities for the entire family and valuable training sessions for you and your staff. And this time, everything will be joint (Kentucky and Tennessee participating) with the exception of the awards ban-

quet on Friday evening. The Tennessee group will be headquartered next door at the Embassy Suites.

There are 11 different sessions, something for each segment of the newspaper business from circulation to editorial.

Things get underway Thursday with a trip to the Cincinnati Zoo. Then we'll have

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What's Ahead

June 21-23: 2001 KPA/TPA Joint
Summer Convention - Northern Ky.

Inside

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A vital part of a newspaper's role

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definition under state law

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matter how silly you think they are

Kentucky people, papers in the news

Howard promoted at London-Laurel NJ

Mitch Howard was named publisher of the London-Laurel News Journal in April. He replaces Don Estep, who served as the paper's publisher for five years. Estep previously led operations in Somerset and Corbin. He's now publisher of the Corbin News-Journal.

"It was impossible for him to be three places at once, so the decision was made to promote someone within the company," Howard said.

Howard has a journalism and broadcasting degree from Eastern Kentucky University. He began his career at the Corbin Times-Tribune in 1988. He then worked at the Corbin News-Journal for two years before leaving to sell insurance for

a time. Eventually, he came back into newspaper work. Prior to his promotion, he was sports editor at The Corbin News-Journal for eight years.

Louisville journalist honored by his peers

Nick Anderson, an editorial cartoonist for The Courier-Journal of Louisville, won a Sigma Delta Chi journalism award during ceremonies at Indianapolis on April 24.

Anderson was honored by the Society of Professional Journalists for his editorial cartoons covering the 2000 election, Elian Gonzalez and the National Rifle Association.

Other winners included journalists for The Associated Press, The Washington Post and the

Kansas City Star.

Walker named ME at Murray daily

Eric Walker was recently named managing editor of The Murray Ledger & Times. He previously held the position of sports editor at The Mayfield Messenger.

Walker was also a former reporter for the Mayfield newspaper, and previously worked as a sports reporter at the Herald-Citizen in Cookeville, Tenn., and was the editor of the weekly South Lake Press in Clermont, Fla.

Kellem named PR liaison at Bardstown

Amy Kellem, newspaper design leader for The Kentucky Standard in Bardstown, will take on the responsibilities of the Standard Communications' newly created position of public relations liaison.

Kellem will coordinate speaking engagements for the Standard and PLG TV, in addition to her current job responsibilities.

"Standard Communications hosts a variety of talented professionals in several fields — whether it be news, graphic design, broadcast or Internet," Kellem said. "My job is to coordinate speaking engagements which will allow our employees to share their expertise with local organizations, groups and schools."

Kellem is a 1999 graduate of Indiana University Southeast in New Albany, Ind., where she received a bachelor of arts degree in communication. She has worked at the Standard since October 1999.

Carlisle County News hires Newell as editor

Brenda Newell was hired in April as the new editor at The Carlisle County News.

Newell is a 1967 Ballard Memorial High School graduate. She is also a Sunday School teacher and a missionary to the Navajo Indians.

"I am glad to be affiliated with Carlisle County News and hope to meet as many people as possible. I'd like to work with the people of the county to build a newspaper to the quality they expect," she said.

UK grad Canedy wins Pulitzer Prize

Journalist Dana Canedy, a 1983 graduate of North Hardin High School, has won a Pulitzer Prize as part of a team from The New York Times that collaborated on a series about race relations in America.

Canedy has worked for several newspapers since earning her bachelor's degree from the

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The Kentucky Press

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Deaths

Michael Joseph Quinlan

Michael Joseph Quinlan, a former reporter for The Courier-Journal of Louisville, died of complications from brain cancer April 20 at his home in Lawrenceburg. He was 45.

Before ill health forced him to quit working last year, Quinlan worked for the newspaper's Frankfort bureau, covering health-care and social services issues. He began his career at The Courier-Journal in 1981 as a clerk and later was a general assignment and police reporter and southern Indiana government reporter.

"What stands out to me about Mike was that he was genuine and didn't put on airs," said Courier-Journal regional editor Gideon Gil, Quinlan's former boss. "He could get anyone to talk to him. He was a hardworking, regular guy, I think, in a profession that's becoming increasingly out-of-touch with ordinary people. He had the touch to talk to anyone. He was a blue-collar guy in what's become a white-collar

profession."

Quinlan wrote a book titled Little Lost Angel, about the 1992 murder of Shanda Shearer of Jeffersonville, Ind.

Quinlan, a Louisville native, was a 1982 University of Louisville graduate. As a teen-ager, he lived in St. Petersburg, Fla., for a time and worked as a clerk at the St. Petersburg Times.

Survivors include his wife, Kathy Mason Quinlan; his mother Agnes Davis Quinlan of St. Petersburg; a daughter, Jennifer Quinlan of Louisville; and three sisters.

Contributions are suggested to the Michael Quinlan Brain Cancer Foundation, in care of Kathy Quinlan, 1183 Ashby Road, Lawrenceburg, Ky. 40342-9519. The foundation is to provide information and financial assistance to brain cancer patients and promote brain cancer research.

Quinlan donated his body to the University of Kentucky Medical Center.

Viewpoint

NNA membership offers multiple benefits, services

By **CHIP HUTCHESON**

There's a lot going on at the National Newspaper Association these days.

The 2001 Government Affairs Conference was the best one in 40 years.

President George Bush, Secretary of State Colin Powell and four members of the cabinet were among the speakers who traveled to the convention hotel to speak with NNA members.

Over 50 Members of Congress joined us at the congressional reception that was held in the evening atop the Senate Hart Office Building. Postmaster General William Henderson was there to join in presenting the 2001 Benjamin Franklin Award of Excellence to a postmistress from North Dakota.

If you would like to see what the President and speakers said about community newspapers, you can get copies of their speeches by contacting NNA at (703) 907-7927.

Don't miss next year's GAC — mark your calendar now for March 20-23, 2002.

There's still plenty of time to make plans to attend NNA's 116th Annual Convention and Trade Show in Milwaukee, WI. The convention will be September 12-15, 2001.

The theme of this year's convention is "Genuine American City, Genuine American Newspapers, Genuine American Value."

Details on the program and social events will be found in upcoming issues of Publishers' Auxiliary and on the NNA web site (www.NNA.org).

NNA continues to work on our behalf on postal matters. The new Postal Handbook edited by Max Heath provides explicit advice on how to save money under the new postal rates. The special NNA member rate is \$39.95 (call 703-907-7916 to order). NNA members may also contact Senny Boone of the NNA staff for advice and assistance on specific issues.

NNA staff can also keep you posted on the next postal rate case that is now scheduled to be filed in June or July of this year.

Protection of public notices in newspapers and elimination of the death tax (e.g. estate tax) are among the other issues on the NNA agenda.

"The NNA annual convention is a great place to see old friends, make new ones and gain valuable ideas on how to make money over the coming year."



Chip Hutcheson
Princeton Times-Leader
NNA State Chairman

NNA members may receive a free copy of the NNA 2001 Public Policy Handbook by calling (703) 907-7900. This valuable publication provides an overview of the key public policy issues that affect our newspapers.

If you're not already a member of the Congressional Action Team, just let Senny know that you would like to join. This grassroots network is a critical element in NNA's public policy program and strengthens our voice in Washington.

NNA is also continuing to provide programs and products that enhance the bottom line. The new Community Newspaper Handbook on Buying and Selling Newspapers (call 703-907-7916 for information) provides excellent information on the buying and selling process.

Even if you may not be buying or selling a newspaper for several years, this important handbook identifies steps you should be taking now.

Another new benefit is health insurance for community newspapers.

Information on this valuable new benefit can be found in the May 14 edition of Publishers' Auxiliary. NNA's libel insurance program remains the best in the newspaper industry — and protects your information in both the newspaper and on the Internet.

Take advantage of your NNA membership. In addition, why not encourage any non-members in your area to join the association? The more voices we have in our national community, the stronger our voice.

As your NNA state chair, I welcome your input and ideas. Please contact me, Chip Hutcheson, The Times Leader, Princeton, KY (270) 365-5588.

Community involvement a must for newspapers

On the Association Front

By **Lisa Carnahan**
KPA Member
Services Director



I'm devoting this space to one of my favorite topics: the need for community service or community involvement.

I feel very strongly that being a leader in your community is one of the primary goals every newspaper should strive for — just as important as good local news coverage, high circulation penetration and increased ad sales.

If your newspaper isn't viewed as a mover and shaker in the community, your editorial voice is moot. Readers won't respond to your calls for action on issues if they've not seen any action on your part.

Community service doesn't have to cost an arm and a leg, but admittedly, the really big projects can be expensive. But many efforts involve using what you have at your disposal — ink and paper. A series of house ads prominently placed and front-page coverage of the project isn't going to break your budget.

Is there a worthwhile project in your community that's dying (or in major need of a facelift) that you could co-sponsor? What about political forums or voter registration drives during election season? Sure, these type of projects involve some extra work from your employees but in many cases, employees will respond enthusiastically when given extra work that's community-minded. And

foremost, the effort has to start at the top — first with the publisher and then editor before anything can be expected to trickle down to the rest of the staff.

If you're reading this wondering what type of projects merit the involvement of your newspaper, look for the ones that benefit: 1) a large section of your community or readership; 2) a section of the population that's largely ignored or under served like minorities or the elderly; and 3) last, but certainly not least, kids — especially kids in areas where there's little to do.

And speaking of kids (another one of my favorite topics), if you become involved to some degree with any project that benefits children, you're a winner no matter how you look at it. Whether you've invigorated some lack luster project or event for kids, spear-headed a fundraising drive to save a community center, or launched a summer reading program for needy children, you've not only accomplished the initial goal, you've forged a relationship with young readers.

These kids won't forget it was their local newspaper that saved the only pool and recreation center in town or gave them a framed certificate and put their picture in the paper when they read 10 books over the summer.

Relationship building with young readers is vital for newspapers in their quest to survive, more so today than ever before because no longer are we the only game in town. There are far too many choices available for people to find out what's happening in their communities and those choices are only going to increase. But, that's column fodder for next time....

Job Shop



Take advantage of KPA's "Job Shop." List your newspaper's job opening for just \$10. Or, if you are a newspaper professional seeking new opportunities, send us that information. Call 800-264-5721 or e-mail lcarnahan@kypress.com

Photographer/Reporter

Photographer-reporter needed for six-day a week newspaper in Western Kentucky. Candidate should have a degree, basic reporting skills, experience in digital pho-

tography, Photoshop, QuarkXpress, Photo Illustrator, Macintosh computers and layout/design. Send samples of work and resume to: Editor, Murray Ledger & Times, P.O. Box 1040, Murray, Ky. 42071-1040.

Two journalism students win SPJ scholarships

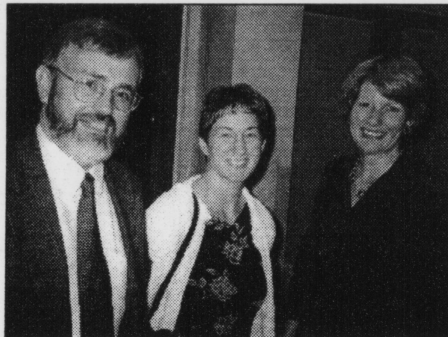
Jennifer Rogers, a junior journalism major at Eastern Kentucky University, was awarded a \$500 scholarship from the Bluegrass Professional Chapter of Society of Professional Journalists at its meeting May 21 in Lexington.

The other recipient was Ashley York, a senior at the University of Kentucky and editor in chief at the Kentucky Kernel next fall. York, originally from Pikeville, is working this summer as a tape editor at WTVQ in Lexington.

Rogers, a Lancaster native and graduate of Garrard County High School, was selected for her high academic performance and for the recognition she has received in collegiate journalism, the chapter's selection committee noted.

Rogers was news editor of The Eastern Progress her sophomore year and won first place in the state copy editing competition during this year's meeting of the Kentucky Intercollegiate Press Association. She is working this summer at the Danville Advocate-Messenger as a Kentucky Press Association intern.

Rogers will return to the Progress staff in the fall at EKU, where she is also a member of the Honors Program.



EKU junior Jennifer Rogers, center, is congratulated on receiving one of two Bluegrass SPJ journalism scholarships by national SPJ vice president Al Cross and outgoing Lexington Herald-Leader editor Pam Luecke, who was the guest of honor at the May 21 meeting in Lexington.

NNA slams announced postal rate increase

On May 8, the Postal Board of Governors voted unanimously to increase rates by \$975 million. The Board voted in a closed session to modify the April 10 decision of the Postal Rate Commission that had increased rates in January. The Board claimed in its release that the earlier rate increase was made on a "provisional basis," because the Board had allowed the rates to take effect under protest on January 7, 2001.

The impact on newspapers using the postal service will range between 1-3.7 percent in increases depending upon the mail preparation used by the newspaper.

Newspapers' shopper mail rates will also see an average increase of 1.4 percent. This rate hike is in addition to the 6-9 percent increases that went into effect in January. In-county non-automation piece rates increase by 2.01 percent. In-county auto flats increase by 1.45 percent. Standard Enhanced Carrier Route (ECR) increases by 1.3 percent.

"This increase shows a disregard by the Board of Governors for the needs of its smallest, most dependent customers. Mail service for newspapers is down, the economy is declining, and this Board is unilaterally increasing rates. No one is taking responsibility for the inefficiencies and overspending that have led to rising costs for the Postal Service," said Ken Allen, NNA Executive Vice President and CEO.

The Governors pointed to a weakening economy, soaring fuel costs and personnel expenses as reasons for another increase after the January rate hike. The Board has already asked Postal Service attorneys to prepare for another full-scale rate increase request before the Postal Rate Commission in July. The Postal Service expects to lose \$2-3 billion this year, and fears losing another \$3-4 billion next year. There appears to be no detailed explanation for the losses.

"Raising rates again is a knee-jerk reaction, not leadership. We just went through a 10-month proceeding, culminating in a rate increase for the Postal Service. The Board is asking its mail customers to face another rate increase this year due to its own lack of courage to take needed steps to cut costs. If the Postal Service continues down this path, it will see a dim future of spiraling rate hikes, bloated expenses, and unhappy customers examining all other delivery options," said Allen.

Other options exist, never 'squeech' visual elements

Design is Everything

By Edward F. Henninger



I lost 20 pounds last month! I've spent the last 10 years or so struggling with my weight — a daunting task for us travelers. I've got to be constantly careful: no heavy or late dinners, avoid those vending machine chips and candies, no airport donuts.

But last month, I lost 20 pounds in an instant! It happened when the editor of one newsletter horizontally squeezed my headshot to fit it within the column — instead of decreasing the photo both vertically and horizontally. As a result, I "lost" 20 pounds. Wow! Now I can't wait to really lose that weight — I'm gonna be one svelte guy!

All this squeeching of elements is a mistake. Yes, I call it "squeeching" — the squeezing or stretching of visual elements to just to make them fit. And it's unprofessional.

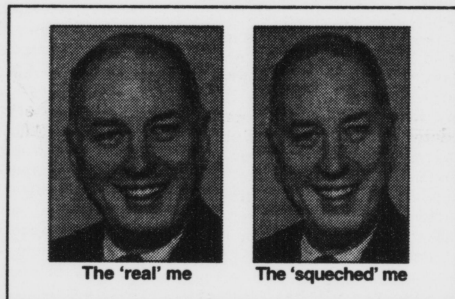
Newspaper designers, first and foremost, should be journalists. No journalist I respect squeeches the facts. We don't squeech reality — we report it. We don't squeech the truth — we protect it.

But apparently some designers feel that the rules of reality and truth need not apply to the display of visual elements.

Ah, but they do. And when we squeech visual elements — especially photos (and perhaps photos of people even more so) — our squeeching of the truth is more obvious than if we misstate the facts in a story. The visual is out front, in your face, but the misreported data in a story may be lost somewhere in the thirty-second paragraph.

Type that's squeched takes on an ugliness all its own.

Squeeching, I'm sure, does not come as the result of some evil intent — no designer purposely does the wrong thing on a page. But squeeching occurs nevertheless. And it most often occurs as part of a last-moment fix to a package. Something just doesn't fit right: the story's a bit too loose, a bit too tight; the



head's a tad too deep, a tad too shallow; we need a smidge more negative space, perhaps a smidge less.

So...we squeech. It's easy. It's fast. All it takes is a tug with the mouse and it's done. And on to another page.

Those of you who have been reading this column for some time know I'm suspicious of most things that are easy and fast. But I'm not at all suspicious or hesitating when it comes to squeeching — I know it's flat-out-knock-down-drop-dead wrong.

Here are some options to squeeching:

1. When you resize an element, be sure to do it so proportions remain the same.
2. Edit the story so you don't have to adjust size of visual elements. If you don't have the authority to edit as you design, then you're not a designer. You're a paginator. If that's so, then work with the editor to adjust the story.
3. Rework the element that's at the heart of the problem. If the headline is too short, fix the headline. If there's too much negative space, inserting a pullout might be the answer.
4. Rethink — and perhaps redesign. This may be the last resort, but sometimes it's impossible to fix the problem without redoing the entire package.

You may be able to conjure up some additional options. Please do.

Don't be a squeech wretch. (Edward F. Henninger is an independent newspaper consultant and the director of OMNIA Consulting in Rock Hill, S.C. You can reach him at 803-327-3322.)

Are you and your computer ready for Apple's OS X?

Dr. Tech

By Tim Jones
Parts Plus, Inc.



Have you tried OS X? That is the new operating system for Macintosh called OS 10.

The promise from Apple is that OS X will end freezing and crashing.

That is very attractive. I have tried it and here are a few observations.

First, many software products are not yet ready for OS X. The publishing world will not be moving to OS X until Photoshop, Quark Xpress, Indesign, Acrobat and several other applications are ready. If hardware is ready, loading and setup is simple. About forty-five minutes will have it ready to run.

Second, hardware compatibility is also an issue. While Apple says hard drives formatted with third party software should work with OS X, I could never get it to recognize a Seagate IDE drive formatted with FWB Hard Disk Toolkit.

It does work well with the original hard drive that came on the computer which is a six gigabyte Quantum drive. Startup time for the systems is about the same.

OS 9.1 by itself will start in two minutes. Both OS X with Classic OS 9.1 included starts up the computer in four minutes. While in the OS X mode, the system can be switched to Classic which is OS 9.1. While in this mode, the old software works well but some control panels refuse to operate. Among the ones I encountered were Modem, Control Strip, Energy Saver and Kensington Trackball. I would expect updates to these.

After installing OS X there are two system folders on the hard drive. Using the startup control panel there is a choice to start up as normal OS 9.1 or OS X.

When running OS X, control panels have been replaced by an Apple Menu item, System Preferences. This opens a folder of items for settings and one of these allows choice of startup systems. This operating system looks different and some things are not where they were before, such as Shut Down and Restart are under the Apple Menu.

We will be using OS X in the future because Apple is headed in that direction. It could appeal to those who have been Windows fans in the past. There will be updates and upgrades until they get it almost right, then it will be time to talk about OS 11!

Call me anytime with questions, Monday through Friday, 8:00 am to 6:00 pm.

Acrobat 5: Improving with age

Technology

Tips

By Kevin Slimp



Last year I was having lunch with an Adobe executive in Boston. I asked him about the excitement that must have been swelling up around Adobe's offices with the release of several new products including InDesign. His answer surprised me a little. He mentioned that, while excited about InDesign and other new releases coming down the pike, the future of Adobe rested firmly entrenched in Acrobat. With the release of version 5.0, I see what he was getting at.

The newest version will turn the world of paperwork upside down. It makes it possible for business users to create files, send to other users who can mark the document with notes and suggestions for changes, send to another location for final editing, converted to a form (if necessary) and finally - printed in final form. I received a request from a company in Seattle a few weeks ago to evaluate one of their employees. They sent the request (by email) along with a form (in PDF format), which I completed, onscreen and returned. It's amazing to see how far the PDF file has come.

Newspapers generally don't use PDF files for the same purposes as the average business user. We want to create files that will offer perfect printing results at a remote location, while reducing the file size adequately to make trans-

mission a quick and painless matter. With that in mind, here are a few features that folks in our industry will find of interest:

- The methods for creating PDF files haven't changed much since version 4 of Acrobat. If a newspaper is using Acrobat only to create PDF files to send to another location, there is no pressing reason to make the switch to the newer version.

- Acrobat Distiller 5.0 allows the user to create files which will print correctly from either version 4 or version 5 of Acrobat. I haven't seen the problems related to creating files and printing from a different version in earlier releases of Acrobat.

- Acrobat 5.0 has the ability to save pages in various image formats, including JPEG, TIFF and EPS.

- Catalog is now built directly into Acrobat 5.0 and works almost identically to previous versions of the product. Catalog is one of the most valuable features of Acrobat. It's a shame more people in our industry don't use it.

- A new job option, "Convert Gradients to Smooth Shades," has significantly improved the results of gradient fills converted to PDF files.

I will be giving Acrobat 5.0 a good workout next week as I travel to a conference in North Carolina where my staff will produce a daily newspaper "on the road." We'll be taking digital cameras, Titanium and G3 Powerbooks, and other necessities to make this effort reasonably painless. We've arranged to have our pages printed overnight by a local printer. This is

See ACROBAT, page 11

NAA: Soft economy blamed as advertising spending slows in first quarter of '01

Newspaper advertising expenditures for the first quarter of 2001 totaled \$10.4 billion, a decrease of 4.3 percent over 2000, according to preliminary estimates from the Newspaper Association of America.

It was the first such decline since the first quarter of 1992.

Retail advertising showed the smallest decline, down 0.4 percent to \$4.6 billion.

National advertising was off 3.7 percent to \$1.75 billion, and classified advertising slid 8.6 percent to \$4.0 billion.

"Obviously, it would be hard to match the incredible gains of last year, particularly in national, which registered an 18.7 percent gain in the first quarter alone," said NAA President and CEO John F. Sturm.

"As is the case with other advertising-supported media, the

slowing economy effected our business in the first quarter. From what we've seen, the slowdown in spending, while disappointing, isn't a big surprise," he said.

Within the classified category in the first quarter, real estate showed a significant gain of 11.6 percent to \$745 million, though other categories declined; recruitment advertising was down 16.9 percent to \$1.7 billion, automotive declined 6 percent to \$1.1 billion and all other classified decreased 7.9 percent to \$512 million.

"We expect the overall economy to pick up in the second half of this year and that should improve the comparisons," said NAA Vice President/Market and Business Analysis Jim Conaghan. "The bright spot this past quarter was real-estate advertising, and that reflected the fundamentally strong housing market."

Need technical advice?

Got a problem with your Mac?
Call the Dr. Tech Hotline - it's a KPA member service!

Hotline Numbers

1-800-484-1181
code:7076

859-623-3880
859-624-3767

Cell phone:
859-314-5146

email:
tjones9692@aol.com

FAX:
859-624-9893

Backus

Continued from page 1

years ago.

Backus' career not only transcends the boundaries between print and broadcast, it also breaks that rigid barrier between news and sales. He's done it all — from reporter (news and sports) to news director, and ad director to anchor.

Now, nestled in the state's largest county, he's publisher of a multi-weekly newspaper that has a bigger circulation than 10 of the state's 24 dailies. And he couldn't be happier.

Backus doesn't shy away from controversy

Backus' background in news and sales most likely molded him into the type of publisher he is today: one that loves an aggressive news department as much as a blood-thirsty sales department. He doesn't shy away from controversy, even when it translates into lost sales.

Take the most recent ongoing controversy involving a columnist, Larry "Red Dog" Webster. Webster, a former owner of the paper and a local attorney, writes a weekly column for the News-Express that's often controversial. He also writes a column for the Lexington Herald-Leader. The latest episode came when Webster wrote in a column that a local high school cheerleading squad's national title was fake and likened it to a beauty pageant that could be bought at a drug store. Or in Webster's own words, "like one of those Little Miss Walgreen Drug Stores Miss USA Pageants, where you pay to compete with only the few others who pay."

The fact Webster's column contains an explanatory graph at the end with the disclaimer "Red Dog often contains satire and is not always meant to be taken literally," didn't appease the locals.

Unidentified parties launched a campaign against the newspaper that included ads in the News-Express, radio spots on all the area stations and television ads on the local CBS affiliate, WYMT-TV, all calling for a boycott of the newspaper.

What was Backus' reaction?

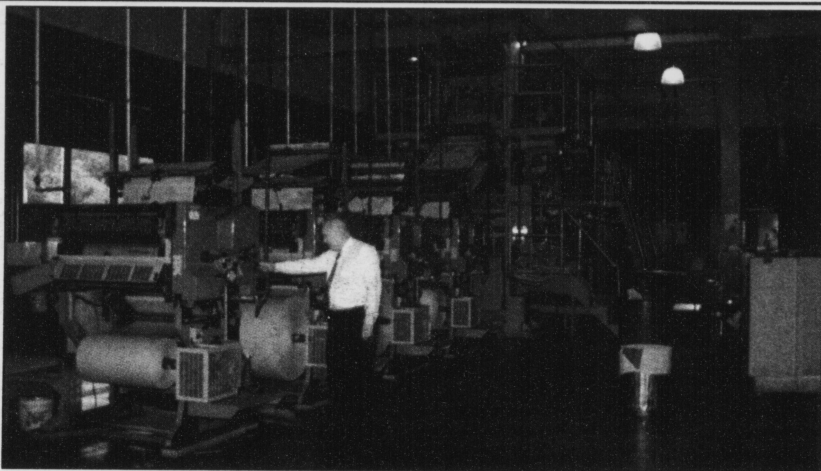
"I couldn't afford to buy this much publicity," he said. He even had bumper stickers printed that read "I Support Red Dog & The Appalachian News-Express."

Backus says he acquired his philosophy for running a newspaper from his former radio boss and the most influential person in his career, the late Bill Becker.

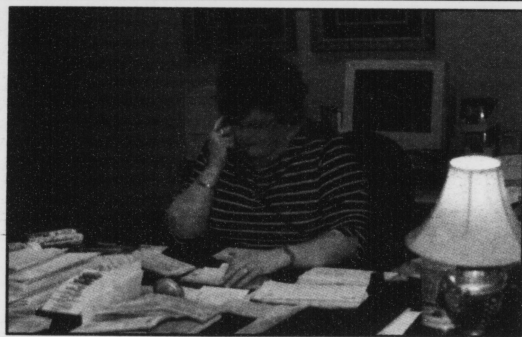
"We were working in West Virginia and Bill heard a rumor that Island Creek Coal was moving its headquarters out of Holden, W.Va.," Backus said. "They called us in for a meeting, it was Bill and I and the head guy for Island Creek Coal. He started 'reminding' us that they were our largest advertiser and I'll never forget what Bill told him. He told him that if he started letting advertisers tell him what to report, he'd have no credibility and he might as well let them run his whole radio staff."

And while he says he's "not on a crusade," Backus' newspaper has tackled some tough issues and taken stands against influential people in the region.

"I keep the advertising department as far to one side away from the newsroom as possible and I'm sure it's cost me some money," he



Above: Backus is especially proud, and for good reason, of the newspaper's new printing press. The DGM press features four ground units, two four-highs, and two automatic splicing machines. It can print 30,000 copies per hour, two sections at once, and it doubled the amount of color that can be produced in one issue. Right: Backus is equally proud of his wife, Judy, the newspaper's office manager. He credits her as being a big part of the Appalachian News-Express' success.



said. "But I can't let what folks spend dictate what this newspaper reports. I feel like we try and give them all the facts and let the readers make their own judgment."

More than a business partner

Working close by Backus' side is his wife, Judy. Far more than the newspaper's office manager, Judy is one of the key reasons for the paper's success.

"Judy really has been instrumental in our achievements here," said Backus. "She was very reluctant to get into this business...but she jumped in when I needed her and taught herself everything on the computers. And now she says she's got ink her blood, too, and there's no other job she'd rather have."

The couple met in 1984, during Backus' stint as ad director at the News-Express.

"I was doing this really great promotion, a 'Who's Who Contest,' he said. "It was my first really good idea."

Good in more ways than one, considering the outcome. Backus went to the Pikeville Dawahare's where Judy had just started working as the Estee' Lauder representative.

"I walked in the store, saw her and thought 'that's the most beautiful woman I've ever seen'...and I took her picture for the promotion," he recalled.

The two celebrate their 16th wedding anniversary June 16.

The secret to their personal success?

"I can honestly say we work really well together," said Backus. "And in all these 16 years, we've never had a serious argument. Never gone to bed mad."

Judy adds, "...and we tell each other we love each other every time we talk, even when it's for a minute or two on the phone at work."

A state-of-the-art facility in the heart of the mountains

Under the corporate owner of Lancaster Newspapers, Inc., The News-Express recently completed a long-anticipated multi-million dollar construction and renovation plan. A grand opening was held last December and Gov. Paul Patton made the trip back to his home county to christen the new facility.

The News-Express now encompasses an entire city block in downtown Pikeville and houses state-of-the-art computers and a new press that doubled the paper's color printing capabilities. The 26,000 square-foot office structure is tastefully decorated throughout and features a large conference room that's being used by several area groups for meetings. The newspaper building also has two break rooms for employees, one with a full kitchen, and a large private bathroom with showers for the pressroom crew.

Prior to the new construction, the News-Express staff was split between two floors, a work environment not conducive to productivity.

"We had the composing room, dark room and bookkeeping all on the second floor," said Backus. "We had some employees making 15 to 20 trips a day up and down stairs."

Work began on the new facility in September 1999 and was completed last year.

"I've wanted a larger building for the newspaper since I came back here in 1990," said Backus, who noted the renovation and construction was delayed twice. "We finally got some people in here (from the corporate office) who realized we did need to expand."

"This has been a dream of mine for a long time...and it's something that shows the rest

See BACKUS, page 7

Backus

Continued from page 6

of the state of Kentucky that to be in Eastern Kentucky you don't have to be behind the times," he said.

How it all began

Backus was born in Beckley, W.Va., the son of a railroader and dress shop owner. After high school graduation, he entered West Virginia Wesleyan College for what he called a "not so successful tenure." After "flip-flopping" between programs, he eventually ended up with a two-year certificate in broadcasting from a junior college in Washington, D.C.

"The first place I went was a radio station in Logan, W.Va., which was a great place...it's just like Eastern Kentucky," said Backus. "I cut my teeth on murder indictments and crooked elections. Young people need to know that Eastern Kentucky, working at a small newspaper, is a great place to start. You won't get pigeon-holed into doing one thing, like obituaries. You'll get to do it all. There's no more exciting place for news than the mountains."

Backus has four children, from a previous marriage, and 11 grandchildren. His son Marty Jr., is a publisher in Waldron, Ark., at another Lancaster operation. When Marty and his first wife divorced, his youngest daughter, Robin, who was 16 at the time, chose to live with him, and she calls Judy "Mom."

By 1979, after 13 years in broadcasting (11 at the radio station in Logan, W.Va., and two spent as anchor at WSAZ-TV in Huntington, W.Va.), Backus knew he had gone as far as he could in a family-owned operation.

Happening at about the same time, Tom George, publisher of the Logan (W.Va.) Banner, bought the Appalachian Express from Larry Webster. He then later purchased the older, established paper in Pike County, the Pike County News, and merged the two papers into the News-Express.

"I was courted to come over here and be ad director," said Backus. "I knew I could sell...I just had to learn the lingo."

In 1986, Backus was given a publisher's slot in Madison, W.Va. On his sixth day there, the entire staff walked out, taking the paper's two largest accounts with them, and opened a competing newspaper.

"That's how I got Judy into the business with me...I begged and begged her to come in and take care of the books," said Backus.

After 22 months in Madison, Backus was brought back to Kentucky to run the Floyd County Times in Prestonsburg which had been bought by the predecessor to Lancaster management, Smith Newspapers. While at Prestonsburg, Backus moved the paper to publishing from once to twice a week, but all the while making it known how much he wanted to return to Pikeville.

The Lancaster group had purchased the Pikeville paper but it was still being managed by Smith Newspapers.

Three weeks before the Smiths' management contract expired at Pikeville in 1990, the



It's hard to capture the expansiveness of the Appalachian News-Express' new facility. This conference room is being utilized by not only the newspaper but area organizations' boards as well.

newspaper's publisher (a friend of Backus') had the opportunity to move to another location better suited for him and Backus was given the chance he'd been waiting for.

"It was basically a case of the squeaky wheel gets the attention," he said. "I was moved ahead of all the Lancaster people. I had 30 minutes notice that I had an interview with the Lancaster corporate folks in Gadsden, Ala. I spent half a day convincing them why I was the best choice for Pikeville. Judy and I did a pretty good sales job that day and it's been an amazingly enjoyable ride with the Lancasters ever since."

The innovative approach

Backus likes to try new things at his newspaper. One of his pet peeves is the staunch, never-bend attitude that's plagued the newspaper industry for decades.

"I believe the one thing that disappointed me about newspapers when I started in this business is the lack of an aggressive sales approach," said Backus. "This attitude of 'you know where we are if you want to place and ad...and by the way, our office closes at 5'. And a rate card that told you all the things you couldn't do."

"I like to try and be fairly innovative with our paper. We take ideas we see other places and try them out."

One such idea is selling advertising on the plastic bags that newspapers are wrapped in during inclement weather. That was successful. Another winning idea that Backus said came from his staff is the recent publication of "The Smoky Mountain Getaway Guide," a 20-page tab that details all the activities available in Gatlinburg and Pigeon Forge. The employees knew it was a hot vacation spot for Pike County and capitalized on that knowledge. The tab featured full color on each page and it was chock full of advertising.

"Newspapers need to get rid of the stuffed-shirt image," said Backus. "We like to have fun with our product here in Pikeville. We do straw votes, which by the way aren't popular with the candidates because people buy a bunch of papers and stuff the ballots...but people love 'em and it

sells newspapers. We also do a 'Best in the Valley' contest and it's the same way. One year we had somebody come in off the street and buy 150 newspapers so they could fill them out for a business. But the businesses love to have that framed certificate calling them the 'Best in the Valley' hanging in their front lobby."

Backus doesn't regret the time he spent in radio and television and believes it broadened his outlook and understanding of the media. But, he's glad he made the career move he did in 1978.

"There is no more challenging business than newspapers," said Backus. "I like the idea of being somewhere where there's almost always something that's so difficult or overwhelming that you think 'my God, I'm not qualified to handle this' — but somehow you do, you get it done and end up saying to yourself 'I enjoyed today.' That's a tremendous feeling."

KPA and the industry

Backus will serve the remainder of 2001 as president of the Kentucky Press Association and remain on the Board of Directors for an additional year as past president of the organization.

"I think now more than ever is the time to become involved with KPA," said Backus. "It's one hand washing the other, the association and the industry. With the KPA central office located in Frankfort, we have a front porch view of state government and its activities. One of my goals is to make sure we protect our public notice advertising, which I feel right now is being threatened by the internet. I want to make sure we have a safety plan and that it's up and operating."

"The association keeps us informed of new laws and any changes to existing laws that affect us. KPA expertly watches out for our interests when the legislature is in session. Kentucky newspapers need to recognize this and be actively involved in the association. If we don't watch out for ourselves, making every technical upgrade we can possibly afford, we'll become the dinosaur industry our competitors already say we are. We can't be afraid of change."

Convention

Continued from page 1

our opening reception at the Newport Aquarium. We'll have private admission into the aquarium so be sure to include the family for this outing.

On Friday, there will be activities in the morning and training sessions in the afternoon. In the morning, you'll have a choice of golf at Boone Links Country Club, one of Northern Kentucky's finest golf courses, or a trip to Paramount's King's Island amusement park.

Ticket prices to the Cincinnati

Zoo, Newport Aquarium, Golf and King's Island include bus transportation to and from the site. In the afternoon, the programs are at 2:30 p.m. and 4 p.m. More sessions are planned for 9 a.m. and 10:15 a.m. on Saturday.

Another shift in the traditional summer convention schedule is this

year's wrap-up event, a luncheon and keynote speaker. Walter Anderson, chairman of Parade Magazine, will join us and give the keynote speech.

If you have any questions about the convention, call us at (800) 264-5721. Deadline to register for the convention is June 14.

LEGAL NEWS & VIEWS

'Meeting' has broad definition under state law

By **KIM GREENE**
KPA General Counsel
Dinsmore & Shohl



"That was just an education session," came the response. Funny, it looked like a violation of the Open Meetings Act to the reporter. She didn't know for certain if any kind of vote had been taken, but she sure did think that public business had been discussed behind closed doors. What's the rule?

Let's start with a review of the definition of "meeting," as found in KRS 61.805(1) of the Kentucky Open Meetings Act:

"Meeting" means all gatherings of any kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting.

If "all gatherings of every kind" are meetings, can I get in to them? Perhaps not all meetings, but the law does entitle you to attend:

All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for specific exemptions.

This column is not going to discuss the exemptions contained in the statute. Instead, we're going to focus today on what makes a gathering a meeting that you are entitled to

attend.

It's a meeting when members of the city commission gather in an office prior to their regularly scheduled public meeting and discuss the agenda items for the upcoming meeting. It's a meeting when members of the county school board get together at the country club where one of them is a member to discuss a system-wide controversy. And it's a meeting when the county health department board gathers at a remote state park for an informational session on communicable diseases.

In each case, these public agency members are discussing public business; if a quorum of the public agency is present at any of these gatherings, then members of the public are entitled to be present as well.

In 1992 a new section was added to KRS 61.810 (the exemptions section) to deal with a public agency's attempt to avoid the "quorum" issue. In that section, the General Assembly specifically said that a public agency cannot get around its obligation to meet in public by conducting a series of meetings at which less than a quorum attends each gathering if the members attending one or more of the meetings collectively constitute a quorum of the public agency and the series of meetings are held for the purpose of avoiding the rule that meetings be open to the public. In that event, each of those meetings of less than a quorum must be open.

Maybe the more likely scenario is that you would find out about this series of meetings after the fact. In that case, it will obviously be too late for you to try to attend any or all of

them. Your recourse then is either enforcement by administrative procedure or judicial action (more on that in a minute).

The section on less-than-quorum meetings makes it clear, however, that the rule does not prohibit discussions between individual members of a public agency where the purpose of the discussions is to educate the members on specific issues.

Although there are not yet any cases or Attorney General opinions interpreting this language, the interpretation must be a narrow one to be consistent with the purpose of the statute. In other words, "discussions between individual members" must literally mean one-on-one discussions. A more difficult question is discerning the purpose of these one-on-one discussions * is it to educate, to pass on useful, general information on an issue, or is the purpose to obtain a commitment for an upcoming vote on that issue? The former is permissible but the latter is not.

Kentucky law has been clear for a long time that straw polls of public agency members — whether done in person or by telephone — violate the law. A vote that has to be taken in open session cannot be previewed by straw poll. Doing so deprives the public of the opportunity to observe public officials in the decision-making process.

Likewise, a public agency may not tabulate votes secretly or otherwise take a secret ballot on any issue. Again, the intent of the law is to allow the public to monitor the actions taken by

See **MEETING**, page 9

AG Opinions

Elbert Powell/Hopkins County Fiscal Court

The Hopkins County Fiscal Court violated the state's Open Meetings Act when a quorum of its members met in January without giving any notice to the public or the press, the attorney general said.

"The Kentucky Court of Appeals has recognized that the intent of the legislature in enacting the Open Meetings Act was to ensure that the people of the Commonwealth are given advance notice of meetings conducted by public agencies," Assistant Attorney General Amye Bensenhaver wrote, quoting a previous decision.

Five of the fiscal court's seven members and County Judge-Executive Richard L. Frymire met with architect Mike Barton to discuss the status of the renovation of the old post office building on Jan 15. Two days later, Hopkins County resident Elbert Powell challenged the meeting in a letter to Frymire, saying that it was illegal because neither the public nor the press had been notified about it.

Although Frymire did not respond to Powell's complaint, he said in a letter to the Office of the Attorney General that he had set up the meeting with Barton for his own information, and that it was not a called meeting of the fiscal court. He said five "interested" members of the court also wanted to attend, and did so.

Frymire said that if he had known Powell wanted to come, he would have been welcome also. He argued that the gathering was strictly informational, and had not violated the Open Records Act.

In the decision, Bensenhaver said that according to the law, any time a quorum of a public agency gathers and public business is discussed or action taken, the meeting should be open to the public.

Because the meeting was not a regularly scheduled meeting, it would be categorized as "special," she said. The fiscal court was required, by the Open Meetings Act, to provide written notice of the special meeting to news media and to also post a notice in the building where the meeting is being held at least 24 hours before it occurs.

City assessed \$11,175 for repeated violations of Open Records Act

By **LOUISE TAYLOR**
Lexington Herald-Leader

A judge has ordered Lexington's government to pay more than \$11,000 for flouting the state Open Records Act.

Chief Circuit Judge Mary Noble cited the city's obstinate failure to comply with the law regarding a request made by Philip Overstreet, a computer program-

mer in the city's Division of Engineering, who sought records of payments the city had issued to lawyer Robert Roark for legal work.

Twice before, Noble said, she had sanctioned the city for refusing to give Overstreet the records, but still it balked, withholding almost 2,000 pages of the 2,400

See **VIOLATIONS**, page 9

Got legal questions about a story or ad? Call the KPA FOI Hotline!

Hotline Attorneys

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R. Kenyon Meyer
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(502) 540-2364

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(502) 540-2373

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Lawsuit settled over bogus letter to Alabama newspaper editor

(AP) — A libel lawsuit concerning a bogus letter to the editor published in a Bibb County (Ala.) weekly has been settled for \$55,000.

The suit, which originally asked for \$80 million in damages, was filed by County Commissioner Gene Moreland, Tax Assessor E.C. Downs and Downs' son-in-law, Phillip Desmond.

The suit was filed in 1999 after The Centreville Press published a letter to the editor that accused Moreland and Downs of manipulating the county commis-

sion to get an employee fired.

The author of the letter used a fictitious name. The newspaper later apologized twice for the letter, but in the lawsuit Downs and Moreland accused newspaper employees of fabricating the letter.

Press Managing Editor Judy Farnetti referred questions about the settlement to a recent story in the Press that said the decision to settle was made by the insurance company "in order to avoid costly and time-consuming litigation." The story said newspaper officials "deny any liability or guilt."

Exemptions

Continued from page 8

public officials. Secret ballots deprive the public of that opportunity.

Back to the issue of discussions to educate a member on specific issues.

Recently, a five member public agency spent over half an hour in the middle of a public meeting in whispered discussions. There were about 20 citizens and news media in attendance. They just sat there and watched these public officials whispering among themselves, but of course could not hear any of the discussion.

They had no way of knowing, then, what the public agency was talking about, except that the whispering began as soon as the group turned to the agenda item concerning the annual budget. Surely, no one will argue that discussion of a public agency's proposed budget is anything but public business.

Surely, no one (but that public agency) would argue that a half hour interruption in the middle of a public meeting was discussions between individual members for the purpose of educating them. What that public agency did was conduct a closed session in the middle of their regularly scheduled public meeting. They were wrong.

A discussion of the budget is not among the exemptions to the general requirement of openness.

And even if it were, this public agency made no effort whatsoever to comply with KRS 61.815, which outlines the requirements for conducting closed sessions. Specifically, there was no motion made to go into executive session, no identification of the exemption which justified a closed session and no vote on the motion.

Often there is a legitimate basis for a public agency to go into executive session during its regularly scheduled meeting. When it follows the procedures outlined above, limits itself to the announced topic and takes no final

action during the executive session, it has complied with the requirements of the Open Meetings Law.

Likewise, there are often legitimate reasons why a public agency would call a special meeting to deal with a matter that cannot wait until the next regularly scheduled meeting of the agency.

When that happens, KRS 61.823 requires the public agency to provide written notice of the special meeting. The written notice must contain the date, time and place of the special meeting. It must also contain the agenda for the special meeting. Discussions and actions at the meeting must be limited to items listed on the agenda in the notice.

Special meetings are the only occasion for which the law requires pre-published agendas. The theory is that the public is on notice of regularly scheduled meetings and knows that any topic may be placed on the agenda. But a public agency may not sandbag the public by announcing a special meeting for one purpose and talking about something else.

The 24-hour written notice required for special meetings may be delivered personally, mailed or sent by facsimile. It will only be sent, however, to media organizations which have filed a written request to receive such notices. We recommend that you renew your requests at the same time each year so there is no question that you have an up-to-date request on hand.

Although it is not used very often, a 1994 amendment to the Open Meetings Law provides for video teleconference meetings of public agencies.

The same notice requirements apply to these meetings. In addition, the notice must specifically state that the meeting will be a video teleconference and precisely identify the video teleconference locations as well as the primary location of the meeting. So long as members of the public may attend and observe at one of these locations, the meeting is lawful. If, during the meeting, there is an inter-

Violations

Continued from page 8

he wanted.

The city was fined \$2,800 for those violations.

This time, Noble ordered the city to pay the maximum state law allows: \$4,745 in fines \$25 a day for six months of foot-dragging. She also told the city to pay James Morris, Overstreet's attorney, \$6,430.62 in legal fees.

Overstreet also has two other lawsuits pending against the city. In one, he claims he hasn't been promoted because he is black. In the other, filed in U.S. District

Court, he is challenging the legality of a city policy that regulates property ownership by Lexington city employees.

In October, the city suspended Overstreet from his job because he refused to complete property-disclosure forms the city required under a new policy.

While his own property holdings were public record, he insisted that those of his family are not the city's business and constitute an invasion of privacy, the suit says.

The city wanted to fire Overstreet for failing to fill out the forms, but the U.S. Court of Appeals blocked that action in December.

ruption in the video or audio broadcast of the meeting, the meeting must be suspended until communication is restored.

Finally, no meeting can be partially open. That is, a public agency may not pick and choose which members of the public may attend its meeting. No matter how miffed a public agency may be at your newspaper's coverage (or failure to cover) that agency's activities, the agency may not single out your newspaper for exclusion from an otherwise public meeting. Nor may the agency single out one news organization or select members of the public to attend the meeting while excluding the rest.

If you believe you have been excluded improperly from a public meeting, the law provides you with two enforcement options. First, you can choose to enforce the law by administrative procedure. To do this, you must submit a written complaint to the presiding officer of the public agency. That complaint must state (1) the date of the meeting, (2) what constituted the alleged violation of the Open Meetings Act, and (3) what the public agency should do to remedy the alleged violation.

For example, you could suggest that the public agency conduct the discussion again at a public session to allow the public to observe the discussion and the agency's vote on the issue.

The public agency has three business days to respond to the written complaint and let you know whether it will remedy the alleged violation. If the agency denies the suggested remedy, the agency must include a statement of the specific statute supporting its denial and a brief explanation of how the statute applies.

If you wish the Attorney General to review a public agency's denial of your written complaint, you must forward a copy of your written complaint and a copy of the written denial to the Attorney General within 60 days after receiving the written denial. If the public agency fails to give you a

written denial, you must forward a copy of your written complaint within 60 days from the date you submitted it to the presiding officer of the public agency.

You may also appeal to the AG if the public agency agrees to remedy an alleged violation but its efforts to do so are inadequate in your view. In that case, you must submit to the Attorney General a copy of your written complaint, a copy of the agency's response, and your written statement of how the public agency has failed to remedy the alleged violation.

Whichever party the Attorney General disappoints has 30 days from the date of the Attorney General's opinion to appeal the decision to circuit court.

As an alternative to that procedure, you may bypass the Attorney General altogether and file suit in circuit court. You must first go through the procedure of submitting a written complaint to the public agency and giving them an opportunity to cure the defect. You must file the lawsuit within 60 days from receipt of the agency's written denial of your complaint or, if the agency failed to respond, within 60 days from the date you submitted the written complaint.

Of course, peaceful coexistence between public agencies and the news organizations which report on them is always preferred. But in those instances where you are trying to determine whether an agency has failed to live up to its obligations under the Open Meetings Law, keep in mind the General Assembly's intent when it enacted the statute:

The General Assembly finds and declares that the basic policy of [the Kentucky Open Meetings Law] is that the formation of public policy is public business and shall not be conducted in secret and the exemptions provided for by KRS 61.810 or otherwise provided for by law shall be strictly construed.

If you have questions about meetings, or any other topic covered by the Hotline, don't hesitate to call.

People

Continued from page 2

University of Kentucky, including internships at the Lexington Herald-Leader and the The Courier-Journal/ Louisville Times. She also worked at The Palm Beach Post in Florida and The Plain Dealer in Cleveland, Ohio.

Canedy has been with The New York Times since 1996. She was recently transferred to the newspaper's Florida office, where she serves as the National Bureau Chief, responsible for news coverage in that state.

More than 30 reporters, writers, photographers and editors worked to produce the series of 15 articles, "How Race is lived in America." A team of seven senior editors and five others also worked to revise and hone the series. Canedy was one of three people who both wrote and edited the work.

"This series represents the kind of journalism you dream about ... A journalist hopes to be part of this kind of assignment," Canedy said. "I recognized this as a socially important topic. It was done right and The New York Times team was able to dedicate the span of time required for a project of this magnitude."

Browning rejoins staff at Tri-City News

Lavondia Browning has rejoined the staff of the Tri-City News in Cumberland as a sales representative.

Browning first worked at the newspaper in 1988. She's also worked as an insurance agent in the Tri Cities and surrounding area.

Clark named editor of WKU newspaper

Ryan Clark, a junior at Western Kentucky University, has

been named editor of the school's student newspaper, the College Heights Herald.

Clark was an intern at the Cadiz Record in the summer of 1999 and in 2000 interned at The Virginian Pilot in Norfolk. He's interning this summer at The Baltimore Sun.

The Todd Co. Standard undergoes redesign

The Todd County Standard unveiled design changes in its May 2 edition.

Brian Finch, youngest son of Mike and Belinda Finch, owners of the newspaper, and Marci Owen worked on the Standard's redesign as their project in an advanced editing class at Murray State University. Some of the changes include a new masthead, dropping the news brief column below the fold to allow more room for front page photos and increasing the type size.

The paper is also adding a printing unit that will allow color to be run more regularly, and plans to expand its pages to provide more news of regional interest.

Former C-J veteran takes editor's post in California

Laurel Shackelford, 25-year veteran of The Courier-Journal and The Louisville Times in Kentucky, has been appointed executive editor of The Monterey County (Calif.) Herald. She replaces Peter S. Young, who left in January.

Johnson hired at Berea Citizen as ad rep

Kristi Johnson joined the Berea Citizen team as an advertising sales representative. Johnson is a Berea native and attended Berea Community High School.

'Cool' way to boost single-copy sales

Trying to build a better mousetrap, newspaper executives are searching for the best ways to display newspapers.

The latest contraption comes on wheels, offers icy drinks on top and holds about 100 papers.

The Columbus (Neb.) Telegram (10,361 Mon.-Fri./11,127 Sun.) began using the "Ice Man Newspaper Cooler Barrel" in January in convenience and grocery stores to help boost single-copy sales. The barrel consists of a

lidded cooler atop a row of shelves, with plastic casters underneath.

There is room on the sides for the paper's logo, plus additional space for advertising other products.

"Many of our stores are putting it by the cash register, where buying a newspaper can be an impulse kind of thing," says Vicki Cromwell, the Telegram's circulation manager. "It's a lot easier to grab a paper from one of these things that it is to put two quarters



See SALES, page 12

Editors care about grammar rules, that's why you should

Coach's corner

By Jim Stasiowski



Before I explain why you should follow writing's stupid rules, I'm going to list a few.

For instance, place the adverb in front of or in back of the full verb phrase. This is wrong: "Johnson has willingly given up his lucrative job with the company."

"Willingly" is an adverb. It modifies the full verb phrase "has given up." Place it in front of the full verb: "Johnson willingly has given up his lucrative job with the company."

And don't split infinitives: "She promised to frequently call him while she was away." Instead, put the modifier, "frequently," after "him": "She promised to call him frequently while she was away."

And use "such as" to introduce real examples; use "like" for only comparisons. This is incorrect: "Many celebrities, like Robert Downey Jr., struggle with success." You want "such as" there in place of like.

Now, I know what you're thinking. You're thinking: "Geez, Stasiowski, who put you in charge of what is right and wrong in the English language? If I write 'has willingly given up,' if I write 'to frequently call,' if I write 'like Robert Downey Jr.,' my readers will understand what I mean. Therefore, why should I spend so much of my concentration on antiquated, stupid little rules that only pig-headed grammar zealots will pay attention to?"

Well, first of all, "pigheaded" is one word, no hyphen. And second, you should follow such rules for a very practical reason: A lot of

prospective employers are pig-headed grammar zealots.

I cannot prove to you that an English-user rule exists requiring the adverb to come either completely in front of or completely behind the full verb phrase. Nor can I prove that a rule forbids the splitting of infinitives. And even language experts disagree as to whether the distinction between "like" and "such as" is worth preserving.

But let us deal with harsh reality. As long as learned nitpickers edit our newspapers, we all should follow rules that existed long before our fingers first tapped out our bylines. If you plunk an adverb between "has" and "given up," the editor you're trying to impress might say, "Well, here's one perspective reporter (or editor) we can eliminate."

A newspaper I worked for had a reporting job open. I told my copy editor, a stickler for proper usage, I had a friend who was perfect for it. When my friend didn't make the cut of those interviewed, I asked my editor why. He showed me my friend's letter, which had a glaring usage error: Instead of writing that the job "piqued" his interest, he had written "peaked."

He was an accomplished writer who, in one careless moment, lost a chance for an excellent job.

Rules that make a difference to the sticklers include:

(1) Don't use "apostrophe-S" as a contraction of "has." As a contraction "apostrophe-S" should be used for only "is."

(2) Don't use the forms of the verb "to see" to mean merely that something has happened and people have gone through it. For instance, this is a common mistake: "The company has seen its profits slip drastically since 1999." Inserting "has seen" there adds no life or meaning to the sentence.

See SENTENCE, page 11

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Sentence

Continued from page 10

Simply write, "The company's profits have slipped since 1999."

(3) Use "that" and "those" to refer to what came before; use "this" and "these" to refer to what comes after. In other words, if you are writing about a proposal in paragraph three, you may start paragraph four with, "That proposal ..." But starting with "This proposal ..." is incorrect.

(4) Don't use "Feel" or "Believe" when you mean "think." "To believe" means to accept on faith; "to feel" can mean to base an opinion on emotion.

Notice: "Mayor June Swanson said she believed the issue would not resurface." That implies the mayor is not thinking, but rather is basing her opinion on blind faith. You want "thought" there.

(5) Don't use "due to" when you're writing about the cause of something: "His business failed due to his negligence." Only the strictest of grammarians can explain the problem with "due to," so you'll just have to believe me, "because of" is a better choice.

Millions of such little rules exist, some of which make sense, some of which don't. In fact, today you'll find a lot of people splitting infinitives as casually as they split a pizza, and certainly, some infinitives deserve to be split: "Scott expects profits to more than double in 2002."

But every writer writes for two audiences: the readers and the editor.

If you don't think rules are important, if all you want to do is write, remember that the one person who allows you to write probably knows all the rules and judges you by your mastery of them.

THE FINAL WORD: "Masterful" sounds so perfect, it seems to describe a person who is a master at some particular art of science.

But sometimes, a word's sound is misleading.

To be "masterful" means to have the personality or force of a master. It implies that a person is domineering, not necessarily skillful. This is correct: "Stanton's masterful management style intimidated many employees."

If someone is skilled, the adjective you want is "masterly": "Her masterly handling of children made Wilcox a very popular teacher."

Writing coach Jim Stasiowski welcomes your comments or questions. Call him at 410-247-4600, or write to 5812 Heron Drive, Baltimore, Md.

Papers 'slashed by sharks' in employment advertising

Employment advertising at newspapers, their most profitable revenue category, is being "slashed by new sharks," including dot-coms, broadcasters and specialty services, but they say online services are helping them increase their print advertising revenue, a new report shows.

The report, "Help Wanted: Survivor's Guide to Employment Advertising Revenue" concludes that newspapers will never regain the predominant place they had in the field of recruitment advertising, but that they still have excellent opportunity to grow their revenue by offering a wide range of ancillary services.

The 67-page report was issued by Classified Intelligence, L.L.C., and the Advanced Interactive Media Group, L.L.C., affiliated consulting groups that work with newspapers, broadcasters and dot-coms to develop strong and effective interactive-media services. It was based in part on a survey of 62 daily newspapers throughout the United States, along with more

than 100 interviews of people involved in employment advertising at media companies, ad agencies and trade organizations.

"Newspapers aren't being nibbled to death by ducks in their employment advertising sector they're being slashed by new sharks, which smell blood in the water and are moving in for a feeding frenzy," said Peter M. Zollman, executive editor of the report and founding principal of the consulting groups.

"U.S. dailynewspapers rely on employment advertisers for as much as 20 percent of their revenue, but they'll have to become much smarter and more nimble in the new environment, as rates are challenged, profit margins are squeezed and new ways of putting employers and employees together proliferate," said Zollman.

Among the facts and findings in the report:

- Nearly three-quarters of all radio stations report that they are pursuing recruitment revenue — up from almost none in 1990 —

while television stations have also developed both on-air and online employment services during the past few years.

- Almost one-quarter of the newspapers interviewed for the report said they were increasing their print employment advertising revenue through the development of new interactive-media services.

- Newspapers offer a confused, almost bewildering array of rates and services for employers in their new-media efforts — with no apparent logic to what and why. The report includes three pages of information about rates and services offered.

The \$295 report offers strategies and suggestions for newspapers, broadcasters and dot-coms working to navigate the uncharted waters in the new sea of employment advertising choices.

Further details about the report, including a free preview version and information on ordering it, are available at www.aim-group.com/report.

Acrobat

Continued from page 4

what I had in mind for PDF files years ago.

Newest Powerbook Packed with a Punch

If you've known me very long you know that I'm not one of those people who can wait a year for the price of a product to come down. Not when my job depends on it. When Apple released its new "Titanium" Powerbook (Powerbook is Apple's term for "laptop") a few months ago, I was one of the first to place an order. From the day it arrived it seems as if everyone who has seen this computer wants to touch it. When allowed to open the lid, it's like watching a 16-year-old behind the wheel of his first car.

I've found three major advantages to the new Powerbook G4: speed, screen and weight. In terms of speed, the Titanium runs at speeds of 400 to 500 MHz. I purchased the 400 MHz model that comes with a 15.2-inch wide-screen display, a slot-loading DVD-ROM, 5 hours battery life and is all of an inch thick. I upgraded my model with 256 megs of Ram (I wouldn't purchase a new computer with less).

The screen on the Titanium is incredible. Because of the way screens are measured it's a little, but not much, smaller than a standard 17-inch monitor. And it is clear. I've found it not only possible, but also enjoyable to work on

design projects using this computer.

Finally, the weight. This may not be important to some, but with a bad back from years of living on the road, I truly appreciate the reduced weight of the Titanium. With my old G3 Powerbook, I ached every time I loaded the case in an overhead compartment. Not a problem anymore. Even a lightweight like me can handle this five pound wonder.

I have found a couple of problems with my new computer. First, I immediately noticed the Titanium didn't like CDs. When I placed a CD in the drive slot, it sounded as if an airplane was taking off. If I inserted a CD with a label, more times than not, the Powerbook refused to read the CD or release it from the slot. I quickly learned that this is not uncommon in the new machines and I had to return my unit to Apple (I had it back in my possession in three days) for a new CD Drive.

The local CompUSA informed me that Apple wouldn't allow anyone to work on a Titanium, thus the trouble of sending it back to Apple. If this happens to you, I learned that I could remove a CD in an emergency by inserting the tip of a business card in the CD slot.

Another problem which quickly arose (while I was in front of a large audience, of course) was related to the energy saver. Any time my computer woke from sleeping mode, the keyboard was totally dysfunctional. I finally set the Energy Saver control panel to "never sleep."

Would I buy the Powerbook G4 again? You betcha. I'm addicted to speed and the Titanium offers what I need for design and production on the road. The 400 MHz model starts at \$2,499.

What a Difference a Flash Makes

A few months ago I wrote about the joy of using my new Olympus E-10. I'm enjoying it even more these days with a couple of accessory purchases. One was a wide-angle lens (along with a second, telephoto lens) which pops right on the standard lens and offers the view I need for group shots, etc.

The other is the Olympus FL-40 flash. I've taken several shots in dark rooms and can't get over the results. I had to set up a photo shoot in a dimly lit chapel for a high-resolution cover and the results were incredible. I used the new FL-40 for a "bounce" flash and the built-in flash on the E-10 for direct lighting.

The price drop of the E-10 since my original article would almost pay for all three of these items. I paid \$669 for the two lenses and flash. The E-10 is selling for under \$1,400 from some vendors.

(Kevin Slimp served as director of the Institute of Newspaper Technology from 1997 - 2000. He has been very active with newspapers of all sizes as a consultant and trainer since 1993. He serves as Director of Communications for the Holston Conference and Adjunct Professor of the University of Tennessee School of Journalism. He can be reached by email at kslimp@tnpress.com.)

Newsprint

Continued from page 1

of recycled fiber. The total newsprint used in 2000 was 7000 tons less than in 1999 and is almost identical to the 1993 consumption, the first calendar year for which the report was required.

Although 1999's 92,539 tons of newsprint is the highest in the eight years, only 78,382 tons of recycled newsprint were used by Kentucky newspapers that year.

"Since we began filing the report," said KPA Executive Director David T. Thompson, "we told the cabinet and the legislature that Kentucky newspapers have long done all they can to use recycled newsprint. I think that's reflected in the 96 percent use for 2000. Few states have ever topped

that percentage but Kentucky has been fairly consistent.

From 1994 through 1997, our newspapers used 93 to 96 percent recycled newsprint. I doubt few, if any states, have that consistency."

On an aggregate basis, the total amount of fiber contained in the newsprint consumption, Kentucky newspapers had 26,392.518 tons for 31.90 percent. That's an increase over 1999 but below the 32 to 34 percent for 1996 through 1998.

"In the mid-1990s, recycled newsprint was the buzz word," said Thompson. "The legislature was looking for all industries to use as much recycled products as possible and newsprint was part of that."

"We fought off attempts to mandate levels of recycled newsprint, assuring the legislature Kentucky newspapers were committed to recycled newsprint

Through the Years - Newsprint/Recycled Newsprint Use in Kentucky - 1993 to 2000

YEAR	NEWSPRINT TONS	RECYCLED TONS	PERCENT
1993	85,816.3590	49,220.8840	57.3561%
1994	84,716.0390	79,532.2400	93.8810%
1995	83,770.0390	80,403.2910	95.9810%
1996	81,285.0330	78,203.4740	96.2089%
1997	83,585.8920	79,546.9620	95.1679%
1998	83,699.3300	67,675.9700	80.8560%
1999	92,539.1050	78,382.5580	84.7021%
2000	85,705.3900	82,739.0600	96.5389%

and we would file annual reports.

"The emphasis has changed in the past couple of legislative sessions," he added. "The emphasis remains on the environment but it's more toward roadside trash and landfill space than on using

recycled products. For the last four to five years, the cabinet has not acknowledged receiving the reports and the legislature has not asked KPA to testify before any committees."

Sales

Continued from page 10

into a matching outside. One of our grocery stores has it and is selling Gatorade out of the top. They say sales have been going crazy."

In Harrisburg, Pa., The Patriot-News (99,426 Mon.-Sat./157,062 Sun.) is using the barrel in a joint agreement with Coca-Cola. As part of the five-year contract, Coca-Cola splits the cost of the 100 cooler barrels. Coke is sold exclusively out of the top, The Patriot-News from the bottom.

"This gives you the opportunity to partner with a nationally recognized brand," says Kurt Hower, assistant circulation director at The Patriot-News. "It gives some 'oomph' to the program, something the public can identify with."

The cooler barrel is the creation of The Keenan Group, a newspaper supply and marketing company based in Pleasantview, Tenn. Last year, the company contracted with a cooler manufacturer to build a newspaper display case that doubles as a cold-drink holder. The Keenan Group has helped a number of newspapers team up with Coca-Cola or Pepsi to use the barrels. It also sells the coolers outright to papers, which have used the coolers to bring attention to single copies or improve relations with their distributors by allowing them to advertise different products on the barrels.

In Annapolis, Md., for instance, The Capital (46,278 Mon.-Sat./49,291 Sun.) decorated its coolers with masks for the Halloween season and told stores to fill the top with Halloween candy, says Bob Keenan, president of The Keenan Group.

"It's been very popular. We've had many requests," Keenan says. "For a long time, newspapers have

been looking for some way to joint-venture their brand with another product. This is a beautiful tie-in. The newspaper has half-ownership in the unit and Coke or Pepsi is paying for the other half in many instances."

Cromwell, the Telegram's circulation manager, says the cooler caught her eye because she used to own a mini-mart in Genoa, Neb., and recognized the value of a display case on wheels.

"That makes it much easier for cleaning," Cromwell says. "You can move them so easily. When we had a convenience store and scrubbed it every night, anything permanent was such a pain. These are neat little things. They look like little R2-D2's (from the movie "Star Wars"). They also have a drain so ice can drain out of it."

At \$120 to \$140 each, depending on the number of coolers purchased, the coolers should "pay for themselves within a few months," with money from single-copy sales, says Cromwell, whose paper ordered 10 of the coolers.

"This is a good idea, especially in convenience store, because that's the big thing now," Cromwell says. "Convenience stores are everywhere nowadays. This gives us higher visibility and the stores can use it for specials. It really is a benefit to them because they can use it for advertising."

In Columbus, Neb., one of the coolers is in a Hy-vee supermarket, which used to only sell newspapers from a coin rack in front of the store. The cooler is wheeled around to different locations inside the grocery, but it spends most of the time by the customer-service counter. The store is currently selling Gatorade out of the top of the unit. The Columbus Telegram's logo is on the side of it.

"I have to fill it up every day, so it must be working," says Jim Akers, the assistant store director.

Inserts

Continued from page 1

any portion of it," said Kalinyak. "The retailer is responsible for that. And newspapers won't have to file any reports or collect any portion of the tax. We're not interested in what newspapers charge for inserts. Our concern will be with the retailer, who owns the inserts and catalogs."

Kalinyak met with KPA Executive Director David T. Thompson on May 29 to discuss the ruling.

"We're trying to create an equal playing field," said Kalinyak. "Retailers are accustomed to paying either a sales tax on the printing or the use tax in other states. If the retailer had its inserts printed in Kentucky, the retailer would be responsible for paying the 6 percent state sales tax. Frankly, what this does is mean no longer will a retailer find an advantage to having inserts printed out of state."

Before this decision, it might have been an advantage to print the inserts out of state because in printing the inserts in Kentucky, the retailer had to pay the 6 percent state sales tax. But by printing out of state and then having the inserts or catalogs shipped into Kentucky, the retailer wasn't paying the 6 percent as a use tax."

The use tax will be applied on any newspaper inserts coming into Kentucky, or catalogs mailed into Kentucky if the retailer did not pay a printing sales tax in the other state. "With this ruling, if a retailer uses a mailing service or an out-of-state newspaper to send inserts into Kentucky, then at that point they'll be subject to paying the use tax regardless of how the insert is distributed to Kentucky consumers."

Asked if there would be any advantage for a retailer to use a mailing service to get around the

use tax, Kalinyak replied, "ADVO was specifically mentioned in our case and the same rule applies. If ADVO sends the insert into Kentucky, then the retailer will be responsible for the use tax. This gives us the even playing field because inserts sent by a mailing service will not be treated any differently from newspaper inserts or from the catalogs going through the postal service into Kentucky."

The Kentucky Press Association had filed an amicus brief in the Lazarus case, a move that was opposed by the Revenue Cabinet. "I know KPA and its members felt this would financially impact newspapers but we don't believe that's the case. I learned a lot about the newspaper advertising business during this case and the decision might mean newspapers will use more 'we-prints' or even ROP advertising," said Kalinyak. (We-prints would be subject to the state's 6 percent sales tax on printing and charged by the printing plant to the retailer. ROP -- run-of-paper advertising that's more commonly referred to as "display" advertising -- is not subject to any tax in Kentucky.)

He said that the cabinet will audit the books of retailers and if it finds printing expenses it will examine where those inserts were distributed. "This isn't about newspapers at all. Newspapers have no tax liability or responsibility under this ruling as far as the cabinet is concerned."

Kalinyak invited newspapers to contact him directly at the Kentucky Revenue Cabinet, at (502) 564-3112 with any questions or clarifications about the Supreme Court's ruling or how the use tax will be applied to retailers. KPA has written a detailed report on the meeting with the Revenue Cabinet. The report will be mailed to all publishers.