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Kentucky
Press



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Speakers will present variety of topics at the 2004 KPA Winter Convention

By DAVID GREER
Member Services Director

Whether your job is to generate revenue for your newspaper, spur circulation gains or produce a high-quality editorial product, the 2004 Kentucky Press Association convention Jan. 22 and 23 in Lexington will have something to offer. But that's not all. Those attending will also learn about a major software advance in newspaper production, in addition to the dos and don'ts of newspaper advertising and learn ways to cut postal expenses while improving delivery of your paper. Reporters will even get a new tool to help them better cover the courts.

The 2004 KPA convention will be Thursday and Friday, Jan. 22 and 23 at the Embassy Suites Hotel, 1801 Newtown Pike, in Lexington. Watch for our registration mailing.

Thursday's agenda will include noted newspaper industry software expert and trainer Russell Viers. He will demonstrate Adobe's new Creative Suite software. Viers and others predict this new software package will revolutionize the newspaper production process.



Russell Viers

Thursday's schedule also features the convention trade show and a reception.

A full day of business begins Friday morning with the annual KPA business meeting at 8 a.m. The trade show featuring vendors from throughout the Commonwealth and surrounding areas will continue. The annual Changing of the Guard luncheon will begin at noon.

Break-out sessions begin at 9 a.m. and continue throughout the day. They will include:

—Robie Scott, 15-year veteran of

The Post & Courier, Charleston, S.C., on successful NIE programs. Elected to the South Carolina State Board of Education in 1997, Scott returned recently from Argentina where she worked with the English-language Buenos Aires Herald to lay the foundation for an NIE program. While there, she trained 280 teachers.



Robie Scott

—“You don't have to be big to be mighty.” Hear NIE success stories from Kentucky papers ranging from a weekly to small dailies.

—U.S. Postal Service representatives will discuss newspaper postal issues in a roundtable moderated by Max Heath, vice president of Landmark Community Newspapers Inc. and noted postal expert.

—KPA attorney Kim Greene will conduct an open meetings and open records session. At the conclusion, representatives of the Administrative Office of the Courts will debut their new Reporter's Handbook for covering courts in Kentucky. New reporters and veterans alike will find this to be a very useful reference tool in better understanding the courts and how best to cover trials, preliminary hearings, locating records, a glossary of legal terms and more.



Kim Greene

—Reporters, editors, photographers and page designers will attend a presentation by Jock



Jock Lauterer

Lauterer, founding director of the Carolina Community Media Project at the University of North Carolina at Chapel Hill School of Journalism and Mass Communications where he also teaches community journalism and newswriting. Lauterer's 60-minute session will emphasize packaging photos and text for maximum reader impact. Prior to returning in 2001 to UNC-Chapel Hill, his alma mater, Lauterer ran the photojournalism program for 10 years at Penn State. He also has 15 years experience as co-founder, publisher and editor of two North Carolina papers and has authored six books.

—Newsroom personnel will also want to attend Jeff Wagner's “Writer's reality workshop,” a hands-on interactive newsroom seminar. The three-hour session gives editors and reporters the chance to test their news sense and editorial skills while covering a simulated breaking news event. Audiotape and 35mm slides take seminar participants through a news department budget meeting, story development and eventual writing of the story. Ethical issues are also discussed in detail. Wagner is general manager of Iowa Information Inc., his family's publishing business. He began as a staff photographer in junior high school and created the award-winning design for The N'West Iowa Review, his firm's flagship publication.



Jeff Wagner

—Credibility and newspapers. Retired Louisville Courier-Journal public editor Linda Raymond, now a college journalism instructor, spent 30 years in the trenches with the Courier-Journal and the Louisville

See CONVENTION on Page 3

December News & Notes

KPA Convention room reservations

It's time to start making plans to attend the 2004 KPA Winter Convention and Trade Show at the Embassy Suites Hotel in Lexington Jan. 23-24.

The deadline to reserve a room in KPA's room block is Jan. 5, 2004. After this time the rooms will be released to the general public and rooms will be on an available basis. Room rates may also be increased after this date.

Send your name, company, address, number of persons per room, phone number, arrival and departure date along with a credit card number, and expiration date to: Embassy Suites Hotel, 1801 Newtown Pike, Lexington, KY 40511.

Please indicate king, double, non-smoking or smoking room preference.

The cost of the rooms is \$99 single occupancy, \$105 double occupancy. Rate includes nightly managers reception and full breakfast daily.

Institute of Newspaper Technology announces session in March

The Institute of Newspaper Technology is hosting its hands-on training program March 11-13, 2004 on the campus of the University of Tennessee in Knoxville.

The multi-day intensive training program brings newspaper professionals up-to-date on the rapidly changing technology front, with classes in Photoshop,

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Kentucky people, papers in the news

News-Enterprise publisher named to post in Maryland

The News-Enterprise's first female publisher is moving to a sister publication within Landmark Community Newspapers, Inc.

Sarah K. Baker, 54, has accepted the publisher position at The Carroll County Times, located in Westminster, Md., a Baltimore/Washington D.C.

suburb. She begins her job in February. No replacement has been named.

Baker, a native of Korea, was appointed publisher of The News-Enterprise in 2001 after serving as a vice-president and general manager with the Greensboro (N.C.) News & Record.

The Carroll County Times is published seven days a week and has a circulation of more than 23,000 daily.

Baker joined Landmark Communications, LCNI's parent company, in 1990, taking responsibility for its corporate information systems. She became the company's benefits manager in 1992.

She is a graduate of Old Dominion University in Norfolk, Va., and a certified public accountant.

Before moving to the United States, Baker spent 10 years living near Seoul. She moved to the United States in 1977.

She also was a part-time hospital chaplain at St. Luke's Regional Medical Center in Sioux City. She attended North American Baptist Seminary in Sioux Falls, S.D., working towards a master's in divinity.

Bandza graduated from Briar Cliff University in 1990 with a major in theology/philosophy, minoring in sociology, speech and theatre.

The Kentucky Press

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Gray to retire as ad director after 30 years

After more than 30 years with LCNI, Bonnie Burks Gray has decided to retire at the end of the year.

Gray began her career at The Shelby News as an associate editor in 1970 before the newspaper was acquired by Newspapers, Inc. and then later Landmark.

Gray moved from news to advertising in 1975. During her time as advertising manager at The Sentinel-News, she developed new strategies to grow revenue and spearheaded the introduction of county guides.

In 1988, Gray joined the corporate staff as advertising director. In this role she has made many contributions to LCNI. Through her hard work, LCNI papers were some of the first "C" and "D" markets to receive coupon inserts from Valassis and News America. These coupons continue to be important to the division's circulation growth efforts.

Gray is also the person most responsible for developing the Louisville sales and Kentucky combo network. This combo sales strategy has been a key part of the company's growth over the years. In addition, Gray has been the person LCNI has depended on to negotiate contracts with key customers such as Kroger and Winn-Dixie.

She has also worked with the company's papers over the years to develop sales strategies and performance expectations as well as advertising rate strategies.

Bandza joins Carrollton staff as editorial assistant

Marguerite Bandza is the new editorial assistant at The News-Democrat in Carrollton.

A native of Sioux City, Iowa, Bandza moved to Kentucky in April 2000. She was formerly a part-time staffer at the Sioux City Journal, a daily newspaper with an approximate circulation of 100,000.

Photographer wins spot in Photos of the Year contest

Michael W. Bunch, photographer at The Glasgow Daily Times had a photo selected as one of the Photos of the Year in the Editor and Publisher photo contest.

The photo depicts Joseph Fant, age 7, wandering away during a meeting of the Barren River Autism Support Group in South Central Kentucky. The youngster is severely autistic, and also faces the challenges of moderate mental retardation.

The photo was selected as a winner in the Features under 25,000 circulation category.

This year's contest, the fourth annual, drew wider interest than ever with 600 entries in the three usual categories of news, features and sports, plus a new one, multiple images. There were four circulation groups. There were 16 winners and 12 honorable mentions. Winning photos can be seen at www.editorandpublisher.com. They were also on display Oct. 30-Nov. 1 at the "PhotoPlus Expo" at the Jacob K. Javits Convention Center in New York.

Collins hired as circulation manager at News-Express

Veteran newspaperman Rod Collins has joined the News-Express and sister paper The Paintsville Herald in Johnson County as regional circulation manager.

He will be responsible for circulation at both papers.

Collins most recently served as publisher of the Floyd County Times. While there, he added a Sunday edition. He also took on publisher responsibilities of the Hazard Herald during that time. While in Hazard, Collins combined both shoppers for Prestonsburg and Hazard and created the largest TMC product in the area, reaching more than 50,000 homes in 10 counties.

Collins attended Wittenburg University where he majored in business. After retiring from a successful

See PEOPLE on Page 12

Just a little bit of everything, anything

From the tone of Dana Ehlschide's last e-mail, guess it's time to write my column. As the editor of The Kentucky Press, she has to remind

On Second Thought

By David T. Thompson
KPA Executive Director



those of us who write columns that we're about to miss her deadline. And after a few more pleasantries are exchanged, she puts her foot down and demands, "I need it now." Only David Greer is exempt from the constant harassment. He gets his columns written well before deadline. Teresa and I? Well, we do get it there. Finally.

Problem is nothing seemed to come to mind this month that would fill up the space so allow me a "this, that and the other" approach — a variety of topics. If for no other reason than to get her off my back.

2004 Winter Convention - David Greer's been working on this program for a couple of months and it's shaped

up to be one tremendous program. From Thursday afternoon with Russell Viers, to a full-day of top-rated programs and speakers.

Seriously, I could not tell you the last time we put together such a list of good speakers and topics for most everyone on staff.

We'll be mailing the particulars the week of Dec. 1. Please share it around the office and get your people to sign up. Russell Viers (technology); Peter and Jeff Wagner (advertising and reporting); Jock Lauterer (photography); Robie Scott from Charleston, S.C. and a panel of Kentucky newspaper people on Newspaper in Education programs; Kim Greene (Open Meetings/Open Records) and Kentucky Chief Justice Joseph Lambert (unveiling the Reporter's Handbook on covering the state's courts system); Mark Cohen (online revenue); repre-

sentatives of the Federal Trade Commission, Kentucky Attorney General's Office, and the Better Business Bureau on dos and don'ts in advertising; Linda Raymond (newspapers and credibility); Max Heath and some Kentucky postal officials discussing newspaper delivery; all wrapped around Stan Lampe.

Stan is another story. His session, "Stan Lampe Unplugged," comes as he prepares for retirement. This KPA Associates program is described as "60-minutes of over-the-top pontificating." The program topic came as a surprise to one Associates Board member, who asked, "Was Stan Lampe ever plugged in?"

The mailing you'll receive in a few days will detail the day and a half of programs, packed tightly, but in a way to get something for most every on staff.

The convention will be Thursday and Friday, Jan. 22-23, at the Embassy Suites Hotel in Lexington.

Board Discussions/Actions — The

KPA Fall Board Retreat was held on Oct. 21-22 with two, half-day sessions addressing most every aspect of the Kentucky Press Association and Kentucky Press Service.

Just to bring you up-to-date:

•Charlie Portmann, editor of The Franklin Favorite, was voted unanimously by the Board to be the 2004 KPA Vice President. Charlie served this year as treasurer of KPA/KPS. Charlie's nomination will be brought to the full membership at the Business Meeting on Friday, Jan. 23. Glenn Gray, with the Manchester Enterprise, was elected treasurer by the board. That vote is not required to go to the full membership.

Many of you know Charlie but perhaps some don't know a little about his KPA connection. When I was a student at UK, I remember this elderly gentleman, sitting in a rather small office on the second floor of the journalism building. Really didn't know him too

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CONVENTION

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Times. She spent the last five years as public editor where she spent time talking with readers daily hearing their concerns, complaints and perceptions of the paper. Hear her views on newspaper credibility as papers work to gain new readers and retain the ones they already have.



Linda Raymond

—Mark Cohen, vice president/division manager for CNHI, has led a task force to examine Internet strategies. His session, "25 ideas for generating online revenue," will help papers of all sizes develop new online revenue streams. He began his career at the Cincinnati Enquirer in 1979 as an account executive. Later, he took a management assignment with a weekly chain in Northern Kentucky. Positions in Terre Haute and Indianapolis followed before joining CNHI.



Mark Cohen

—Peter Wagner, with more than 30 years in the newspaper business, is the consummate "idea man." He and

his wife founded a weekly paper, The N'West Iowa Review, in 1972. Since then, The Review has been named one of the best weekly papers in America on numerous occasions. His company also operates other publications, including a second weekly, a 17,000-circulation shopper, a weekly tri-state entertainment guide, a magazine for upscale readers, a public relations agency, specialty tabloids, and a printing plant. Wagner will present two advertising break-out sessions. The first, "Sales secrets I learned at the track," covers maximizing face-to-face sales, identifying your best customers, relationship building and team selling. His second session will be "50 all-new ideas for fun and profit!" This is a follow-up to his original "100 ideas for fun and profit." His new session features 50 new sales promotion ideas published during the past 18 months. Emphasis is placed on ways to maximize revenue from each promotion and shows the importance of being your community's revenue idea leader.



Peter Wagner

—"Green Lights & Red Flags: the dos and don'ts of print advertising." This three-hour session features Lesley Fair of the Federal Trade Commission, James Shackelford of the Kentucky attorney general's

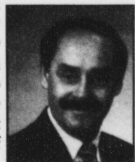
Consumer Protection Division and Neil Kingery and Heather Clary of the Lexington-based Better Business Bureau of Central & Eastern Kentucky Inc. Together, they will offer insight on acceptable advertising practices while steering newspapers away from illegal and unethical practices. Fair is a senior attorney with the FTC's Division of Advertising Practices, where she has represented the federal agency in numerous investigations of deceptive advertising in traditional and online media. Shackelford has spoken at a number of Continuing Legal Education seminars on commercial and consumer topics. His views on consumer protection have been published in "Debtor and Creditor Relations in Kentucky." Kingery is president and CEO of the BBB in Lexington. He is also president-elect of the BBB Southeast region, comprised of 40 additional offices. Clary is BBB director



Lesley Fair



Heather Clary



Neil Kingery

of communications in Lexington. She joined the BBB in 1999 after 12 years as a radio news reporter in Kentucky.

This session is based on a previous program using the same name that was presented in Louisville over the summer.

—"Stan Lampe Unplugged." KPA associate members will be treated to 60-minutes of over-the-top pontificating from Stan Lampe, the recently retired director of media relations at Ashland Inc. in Covington. He has frequently been quoted in local, regional and national media on behalf of Ashland, the largest public company in Kentucky.

Lampe worked previously as a public relations and government relations specialist for Canadian-based Alcan Aluminum. Never shy or short of opinions on most everything, Lampe is sure to be informative, entertaining and maybe just a little crazy. After all, Stan says his father passed away before seeing his son attend Harvard but the shock of his second son going to Harvard would have killed him anyway.

The convention will conclude Friday evening with the always-popular awards reception.



Stan Lampe

Advertising has changed over the years for one long-time newspaper advertiser

Mort Seaman, co-creator of Rooms To Go furniture stores, talked to a group of newspaper publishers Nov. 18 and said he would use television exclusively for advertising if he had his way.

Advertising Plus

By Teresa Revlett
KPS Director of Sales



Fortunately, the decision is not totally his and newspapers do get a portion of advertising dollars from his furniture company. Seaman's company was started in 1954 and admittedly he said his early success stemmed from inexpensive newspaper advertising.

"You [newspapers] need some innovation in advertising to create a desire to read newspapers," Seaman said. "The newspaper is not where my 40-year-old daughter gets her news."

Today's ROP ads don't bring readers into his stores, Seaman said during an address at the SNPA 100th Anniversary Convention in Boca Raton. Preprints don't get the expected results either, Seaman continued.

Today Seaman is a "silent" partner in his son Jeff's business.

In his first year in business back in the mid-1950s, Seaman said the store did \$150,000 in volume, and he made \$7,500 in salary and profit. Then he started using ROP newspaper ads. The ads would contain a certain item at a certain price, and Seaman said he could count the number of customers who bought the special. The results were noticeable back then. In the 1970s Seaman used color in newspaper ads and said the return was usually \$100,000 for every \$6,000 ad.

Today, however, furniture marketing has changed. Rooms To Go does not advertise price in their ads. Instead they use concept advertising with upbeat, snappy television commercials and a web site aimed at attracting young buyers. Entire rooms of furniture are offered instead of individual pieces.

Seaman said one problem that he had with newspapers is that they will not vary from rate cards. He would like to be able to offer a negotiable price to newspapers in order to target the Rooms to Go message.

"Unfortunately most of the time, the newspaper reps who come to see me are young and have no negotiating

power. They should be sending their advertising directors if they want our business," said Seaman.

Taylor Hayes, publisher of the Kentucky New Era in Hopkinsville has been attending

SNPA meetings for nearly 15 years. He joined the SNPA board of directors in 2002.

"In my opinion there was an underlying theme brought about on several fronts by several speakers ... the need to listen and change to meet the needs of customers in a new era. The two sessions I thought really brought this to light during this past convention were the ones we heard from Mort Seaman, the founder of Rooms To Go and the panel discussion on ethics - credibility," said Hayes.

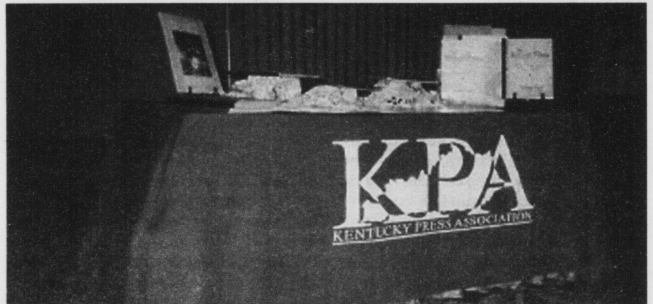
Seaman told the audience that he still got his news and information every day by reading the New York Times from cover to cover. However, young readers and buyers are not headed in that direction.

"While Mr. Seaman's message was a dagger in many respects, it is also a 'wake up call' that newspapers must change their perspective to attract both readers and advertisers. As I have told my own managers and employees, 'If we are wanting to see different results than we are currently getting, then maybe our actions should be different.' In other words, how do you expect different outcomes if you continue working the same way? Every single department must look internal to change in order to meet the demands of our customers ... both readers and advertisers. This is done by sincerely listening to them," Hayes said.

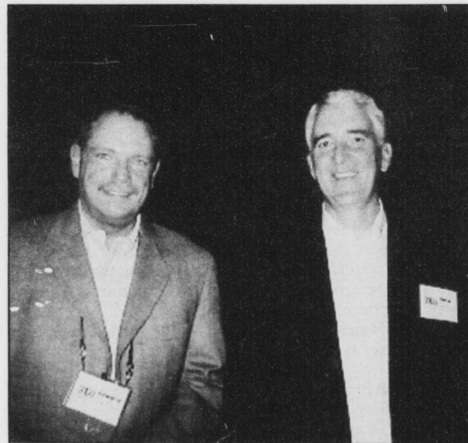
Seaman pointed out in his message that cable television was one example of a rising market because they were able to garner some of the national television advertising dollars with their willingness to negotiate rates.

"This is a hard concept for the industry because we have been the one major mass media for so long ... we have become comfortable. We (the industry in general) are so afraid that a

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Top: The Kentucky Press Association was invited to create a booth highlighting its years of service to Kentucky newspapers at the 100th anniversary convention of SNPA. KPA has been serving Kentucky newspapers since 1869. Items at the booth included newsletters from the early days and the history book celebrating 125 years of KPA which was published in 1994. Bottom: Lifesize reproductions of actual newspapers were scattered throughout the meeting halls during the SNPA 100th anniversary convention held Nov. 16-19 in Boca Raton, Fla. Newspapers were asked to send a copy of their newspapers from 1903, which was the year SNPA was founded, and the replicas were made as they appeared. SNPA plans to display the copies at their office in Atlanta, Ga. and at future conventions.



Left: Edward VanHorn, executive director of the Southern Newspaper Publishers Association welcomed David Paxton, right, to the SNPA board of directors after the convention held Nov. 16-19 in Boca Raton, Fla. The SNPA board consists of one director from each of the 14 SNPA states and four at-large directors. Paxton, is president and CEO of Paxton Media Group in Paducah.

Deaths

Tri-City News columnist Daisy Myers Wilkie dies

Tri-City News columnist Daisy Myers Wilkie died Nov. 5 in Lexington.

She had been a weekly writer for the Cumberland, Tri-City News for several years where her folksy and nostalgic antidotes of her hometown were loved and enjoyed by many and drew nation-wide responses.

Wilkie transcribed her memories with pencil and paper until illness prevented her to do so. She then began dictating her memories, which were transcribed for publication.

In addition to her newspaper writings, she was a published author of three books. Her first, *My Beautiful Appalachia*, was a subject and region dear to her heart. Her second, *Three Great Stories*, and third, *Appalachia Murder Mystery* were well received.

Wilkie was buried in the Huff Cemetery in Cumberland, which was included as a subject in her last article "Memories of Cumberland" published on the day of her death.

Former employee at the Daily News in Bowling Green dies

Lorene Madison Ogles, of Bowling Green, died Nov. 5, at The Medical Center. She was 86.

The Edmonson County native was former co-owner and office manager of Ogles Transfer, an employee in the advertising department of the Daily News and an election officer.

Former editor of The Paris Daily Enterprise dies

Leo Edward Brauer, of Paris, died Sunday, Nov. 2 at Bourbon Community Hospital. He was 87.

He was a retired University of Kentucky College of Agriculture Communications Department special projects editor and former Paris Daily Enterprise editor. He also worked at the Sikeston (Mo.) Standard, the Warrensburg (Mo.) Star-Journal, the Sedalia (Mo.) Times-Free Press and the Columbia Missourian.

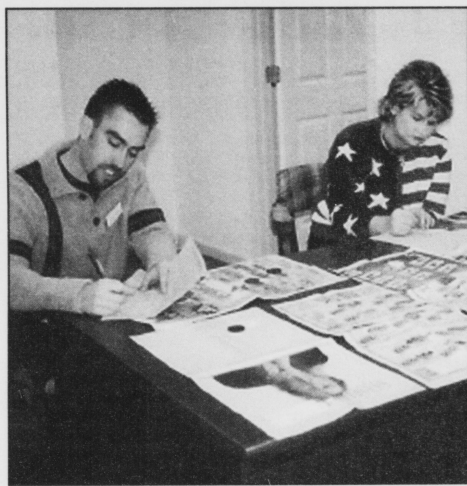
He was a graduate of Cole Camp High School, attended University of Missouri and Central Missouri State Teachers College and received his B.A. in English and Journalism from Midland College, Freemont, Neb.

He was the 1968 Chairman of the Associated Press in Kentucky.

See DEATHS on Page 8



Above: Carolyn Wilson, executive director of the Mississippi Press Association, gives instructions to Lori Ibarra, national account representative at the Herald-Leader, Lexington and Ann Laurence of CNHI, during the ad contest judging. Right: John Tebault of the News-Enterprise, Elizabethtown and Melissa Netherland of the Central Kentucky News Journal in Campbellsville, look over entries in the Mississippi Press Association advertising contest. Employees from Kentucky newspapers judged the contest in Frankfort on Nov. 13.



ADVERTISING

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line of ethics is going to be crossed that we have ignored what our customers have been telling us for years ... thus we have become stale and uninviting in so many ways ... again with readers and advertisers," Hayes continued.

The second session was the panel discussion on ethics and credibility. Participating in that panel were Alex Jones, moderator and director of the Joan Shorenstein Center in Cambridge, Mass.; Burl Osborne, publisher emeritus of the Dallas Morning News; Sandra Rowe, editor of The Oregonian, Portland, Ore.; Paul Tash, president and editor of the St. Petersburg Times, St. Petersburg Fla.; and Julia Wallace, editor of the Atlanta Journal-Constitution.

"Whether a perception is real or not, the industry as a whole does not have a good perception among the public. Part of perception is being caused by what Mort is saying ... we are not listening to our customers.

The other component playing a role in our credibility issue is the fact we do not do a good job of explaining to the public why we do something, why we do not do something, or how we made a decision we made. By not doing so, I think we are looked at as a 'greedy bully' at times," said Hayes.

The panel discussed the need for rules and deadlines but did feel like newspapers should be receptive to listening to readers without compromising integrity.

Hayes said that he felt like the

newspaper industry was making strides in listening to readers and wanting to provide the necessary information. However, the open line of communication should be maintained in order to build on that foundation.

On Monday, Nov. 17 sessions were held on six trends in classified advertising for 2004 by Carol Richer, president of Sales Training Plus in Tulsa, Okla. and "What your circulation managers talked about at the traveling campus" by Phil Hanna, circulation consultant with Anderson, Randles & Associates, Newnan, Ga.

Other sessions throughout the two-day conference included:

- Vincent Alabiso, vice president and director of Global Business Development/ Photos, Associated Press, New York, N.Y., showed the SNPA crowd "An Historic Look Through AP Eyes" by highlighting award winning published photos from years past.

- Larry Kaplow, international correspondent for Cox Newspapers talked about his work in Baghdad, Iraq and what steps he went through to gather the news on the people and the war.

- Charlie Cook, editor and publisher of The Cook Political Report, Washington, D.C. talked about the changing political climate.

- Dale Peskin, co-director of the Media Center at American Press Institute, Dallas, Texas, talked about "The New Terrain for the News Business."

- SNPA Photo of the Year Awards, presented by Gary W. Clark, chief of bureau, The Associated Press, Atlanta, Ga.

- Bill Schneider, senior political

analyst for CNN, talked about "What's Ahead and Who's Ahead in Politics"

- Tom Curley, president and CEO of The Associated Press, New York, N.Y. spoke about "The Current and Future of AP"

For two years the SNPA Foundation has offered a traveling campus to train newspaper personnel. Three-hour training sessions are offered for entire staffs usually within 100 miles of the newspaper. This minimizes travel expense as well as out of the office time. The traveling campus is sponsored by the SNPA Foundation and each state press association. This year Kentucky will host the traveling campus in March in Hopkinsville and in May in Lexington.

In Kentucky the SNPA foundation is supported by Mary Schurz in Danville, Bowling Green Daily News, Danville Advocate-Messenger, The Henderson Gleaner, Kentucky New Era, Hopkinsville, Lexington Herald-Leader, Louisville Courier-Journal, Madisonville Messenger, Owensboro Messenger-Inquirer and the Paducah Sun.

Also registered for the SNPA 100th Anniversary meeting from Kentucky, other than Hayes and his wife, Karen, were: Jay and Joanna Frizzo, Paxton Media Group, Paducah; John B. and Virginia Neel Gaines, Bowling Green Daily News; Mary Gaines, Bowling Green Daily News; David M. and Karen Paxton, Paxton Media Group, Paducah; Richard and Cheri Paxton, Paxton Media Group, Paducah; Mary Schurz, Danville Advocate-Messenger; and past SNPA president Creed C. Black (Oct. 1987-Feb. 1988), Lexington Herald-Leader.

Court rules U of L Foundation is public agency

By Kim Greene
KPA General
Counsel
Dinsmore & Shohl



In case anyone missed it, there's very good news to report this week. On Nov. 21, 2003, the Kentucky Court of Appeals ruled that the University of Louisville Foundation is a public agency under the Kentucky Open Records Act.

The decision was based on the "public agency" definition in subsection (j) of the definitions section in the Act, KRS 61.870. Subsection (j) says:

Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, counsel, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (k) of this subsection . . . is a public agency itself. The Court noted that the Foundation was established and created by the Board of Trustees of the University of Louisville ("UofL" or the "University") in 1970 at the time the University of Louisville was joining the state system of higher education. (It had been a municipal university, also a public agency.)

The Court also found that the Foundation is controlled by UofL. The fact that five of the Foundation's 11 directors are the President of UofL and four UofL trustees did not amount to control of the Foundation. However, the Court was persuaded by the fact that when it comes to soliciting contributions and managing the funds donated, the Foundation and the University are acting as one and the same. This was based on several facts.

First, UofL receives money from the state through the "Bucks for Brains" program under a state statute, KRS 164.7911. UofL receives its money for this program through its agent, the Foundation. If the Foundation were not the University's agent, it could not legally receive or hold the "Bucks for Brains" money.

Second, all contributions to UofL, from any source whatsoever, whether payable to the University or the Foundation, are turned over to the Foundation. Third, the UofL web page states that the Foundation oversees funds donated to the University. Fourth, the University's own financial statements indicate that the Foundation acts as custodian and administrator for the University funds derived from gifts and other sources.

Taking all of these facts together, the Court reviewed KRS 164.830(1)(d), which defines the powers of the Board of Trustees of the University of Louisville. Those powers include the requirement that the Board of Trustees receive, retain, and administrate "on behalf of the University, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property."

If state law requires the University of Louisville Board of Trustees to receive and manage all of these funds but the Foundation is doing it instead, there are only two possible explanations. One would be that the Foundation is an agent of UofL, acting on its behalf and under its control. The other possible explanation would be that the University of Louisville is violating state law by delegating duties assigned to it to an unauthorized private entity. No one, including the Court of Appeals, could imagine that the University of Louisville would

so flagrantly violate such a clearly stated statutory mandate.

The Court of Appeals' decision puts an end to the Foundation's and the University's absurd dance of denial. Of course, the public should be entitled to know what's being done by the agency responsible for managing the millions of dollars (as of a June 30, 2000 report, the Foundation's assets were approximately \$543 million). How are those monies used? Do all of the "Bucks for Brains" dollars go to the intended use? Did Dr. Shumaker help himself to any Foundation funds?

Both the General Assembly and the courts have emphasized that the Open Records Act focuses on the citizens' right to be informed as to what their government is doing and that free and open examination of public records is in the public interest. The Supreme Court has also stated that "inspection of records may reveal whether the public servants are indeed serving the public, and the policy of disclosure provides impetus for an agency steadfastly to pursue the public good."

Well it's difficult to assess fully whether the public servants at the University of Louisville are indeed serving the public and pursuing the public good if the public has no way of knowing how those funds are used. Now the public will.

The Foundation has indicated it will ask the Kentucky Supreme Court to review this case. If the Supreme Court agrees to do so, it should reach precisely the same conclusion. The University and the Foundation act as one and the same; therefore, the Foundation is itself a public agency subject to the Open Records Act.

The Court of Appeals addressed one other issue in this decision. It reversed the trial court's holding that, as a matter of law, the privacy exemp-

tion in KRS 61.878(1)(a) of the Open Records Act can never apply to charitable donations by corporations and other private foundations. Although that exemption protects against the "unwarranted invasion of personal privacy," the Court of Appeals believed that there could be a circumstance in which there was an expectation of personal privacy for some corporation or private foundation. The Court of Appeals said this is an issue of fact that has to be determined on an individual or case-by-case basis. The burden of proving that a corporation or foundation has a protectable expectation of personal privacy is, as always, on the public agency.

This conclusion was based upon a 1992 Kentucky Supreme Court decision which made clear that the questions of whether a legitimate privacy interest exists and whether an invasion of that privacy interest is "clearly unwarranted" are intrinsically situational. As the Supreme Court stated, that can only be determined within a specific context.

Most all of the public universities in Kentucky have foundations. Some of them are more forthcoming to the public than others. If the public university in your area balks at responding to open records requests, take a close look at this recent Court of Appeals decision, *University of Louisville Foundation, Inc. v. Cape Publications, Inc., d/b/a The Courier-Journal*, number 2002-CA-001590-MR (11/21/03).

As always, if you have any comments or questions about this or other issues relating to publication or access, don't hesitate to call your Hotline attorneys.

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Fletcher wants C-J's questions in writing

Newspaper has been publishing questions on editorial page

Gov.-elect Ernie Fletcher issued a policy refusing to answer questions from Courier-Journal reporters unless the newspaper submits them in writing.

The newspaper reported that Fletcher spokesman Wes Irvin advised a Courier-Journal reporter of the new policy after

the newspaper published a story reporting that some members of Fletcher's transition team had conflicts or other business with agencies Fletcher has assigned them to study. The policy applies to only reporters from the Courier-Journal.

"That's the new format we have set for The Courier-Journal," Irvin told the newspaper. "And that's the way we'll respond to any and all questions."

At a news conference in Lexington, when Fletcher announced the appointment of Virginia Fox to head the

Education, Arts and Humanities Cabinet, Fletcher refused to answer questions from a Courier-Journal reporter on two different occasions.

Courier-Journal Executive Editor Bennie Ivory has indicated that the newspaper will not change the way it covers the incoming Fletcher administration. Ivory said no one from Fletcher's staff has called him with a complaint.

The Courier-Journal reported that some of the people on Fletcher's team helping him study the government and

plan the transition had potential conflicts with the agencies to which they were assigned. Both the newspaper and The Associated Press reported that the volunteers on the transition team included registered lobbyists as well as a number of business executives regulated by the state or lawyers with business clients regulated by the state.

Since the implementation of the policy, the Courier-Journal has been publishing written questions to the governor on its editorial page.

State Bar survey shows perceptions judges, attorneys have toward journalists

Reprinted with permission
By Melony Leazer
Kentucky New Era

More than half of Kentucky Bar Association members surveyed last year said they could think of no opportunities to help journalists, lawyers and judges understand each other's roles better.

The survey also showed that 48 percent of the bar membership believed the media should refrain from "eve of the trial" coverage to prevent jury influences.

"I don't think there's any doubt that people can be influenced, but that's the whole purpose of voir dire, so that the attorney can ask potential jurors whether they remember any publicity about the case," said Jason Fleming, assistant Christian County attorney.

Results from the 2002 survey will be discussed during a series of forums sponsored by the Kentucky Court of Justice and funded by the state Justice Institute. (The first of the forums was held Nov. 6 in Paducah and Nov. 7 in Bowling Green.) The panel discussions are part of the 2003-04 bench and media regional forums being conducted statewide.

The Kentucky Press Association, the Kentucky Broadcast Association,

The Associated Press and the Louisville Metro Public Defender's office are providing assistance with the forums.

The New Era often publishes "eve of the trial" stories, which has made jury selection difficult in some local cases that have garnered media attention, according to Commonwealth's Attorney Rick Boling.

"From a prosecutor's standpoint, I would prefer stories with no factual allegations, only what's on the indictment and what time the trial is to start," Boling said.

Christian Circuit Judge John Atkins, who has had previous experience as both an attorney and a news reporter, said it is his responsibility as a judge to warn jurors to blind themselves from trial publicity.

"I ask jurors not to read or listen or watch news media of upcoming trials, if I feel that is going to be an issue," he said.

It is unclear exactly when and where in 2002 the Kentucky Bar Association survey was conducted. The 10-question survey revealed other perceptions that attorneys and judges have of the media:

•93 percent said lawyers use the media to gain an advantage in pending

litigation.

•76 percent of the respondents said the television media do not have a right to bring cameras into the courtroom and televise proceedings conducted in open court.

Judges at the Christian County Justice Center follow a statewide recommendation of allowing only one television camera in a courtroom. If there is more than one television station bringing a camera, the stations must decide which one will provide videofeed to the others.

"The one-camera rule has worked very well for us," Atkins said. "The videocamera that gets there first is the one that gets to stay."

•92 percent indicated that journalists are not subject to the ethics code of the Society of Professional Journalists to the same extent that attorneys are bound to the Kentucky Rules of Professional Conduct.

Andrew Self, a partner with the law firm Deatherage, Myers, Self and Lackey, said while he understands the media has an audience to serve, he has an "ethical obligation" to his clients.

"My favorite thing to do is to decline comment," said Self, whose firm in recent years has handled a few high-profile cases and provided legal

services to a couple of public agencies. "It's stressful when people are going through a legal situation. It's not something they want everyone else to know."

"I operate on a 'need-to-know' basis. Journalists tend to function on a 'need-to-tell' concept," he said.

•News reporting is slanted frequently through choices of headlines or broadcast teasers, use of language and code words, selection of quotations and story placement, according to 68 percent of the bar association membership responding.

The survey and forums are designed to foster understanding and create discussion, but Fleming said the relationship between local media and justice leaders is "better than people want to admit."

"We all have jobs to do. The media has their job, and we've got ours," he said. "Sometimes, those jobs do come into conflict. But who's to say whose job is more important?"

The remainder of the 2003-04 Bench/Media Regional Meetings will be held: Thursday, Feb. 5, Paintsville; Thursday, Feb. 19, Louisville; Thursday, March 4, Lexington; Thursday, March 18, Florence and April (Date TBD), Somerset.

Grab a copy of this book for your favorite reporter

A highlight of the KPA convention in January will be the unveiling of the newly compiled Reporter's Handbook published by the Administrative Office of the Courts. Believe me, I wish I had this publication when I began covering the courts about 20 years ago in Nelson County. I think today's reporters covering the court beat across Kentucky will quickly come to regard the Handbook as an invaluable resource.

As a young reporter covering district and circuit court, I was fortunate to have a sympathetic circuit judge who took me under his wing and explained the ins and outs of covering preliminary hearings and trials and how to find court records and so on. He believed, he told me, that front-

Oh, By The Way

By David Greer
KPA Member Services
Director



page newspaper coverage of court proceedings was a deterrent to crime. So, he figured, by helping me to better understand the courts, the paper's court cov-

erage would be better and that, in turn, would help him and make the community a better place to live.

But not every reporter is lucky enough to have his or her own "court-appointed Good Samaritan." For those who don't, enter the AOC's Reporter's Handbook. It will quickly establish itself as a useful reference tool for all Kentucky journalists covering the courts.

As you read these words, the Handbook's final draft is being edited. Here's an advanced peek at the content:

Introduction
Judicial Proceedings
Kentucky's Courts
Court Process
Guide to the Kentucky Court of Justice
Resources for Court Information
Reporter Tips for Court-Related Stories
Contacts
Glossary

The information contained here will answer many reporters' questions about judicial jargon, procedures, what's open to the public and what's not, where to find information and tips for covering court-related stories.

A committee comprised of Kentucky journalists, attorneys, educators and AOC support staff has compiled the Handbook. I say compiled because some of the information has been culled from other sources while some has been written just for this publication.

Committee members included chairman Bob Schulman, retired print and broadcast journalist and educator; Ed Staats, retired AP Louisville bureau chief; KPA executive director David Thompson; Gary White, president/CEO of the Kentucky Broadcasters Association; Jim Ogle, WKYT-TV news director; David Wilkison, former AP Louisville bureau chief; Dick Wilson, retired Courier-Journal reporter; media attorney Jon Fleischaker; Linda Sorenson Ewald, University of Louisville law professor; Dan Goyette, executive director, Louisville-Metro Public Defender's Office; Cicely Lambert, director, AOC; Michael Losavio, manager of education services, AOC; Leigh Anne Hiatt, public information officer, AOC; and yours truly, KPA member services director and a former reporter, editor and news director. Copies of the Reporter's Handbook will be available free at the convention.

AG Opinions

The State Journal/Kentucky State Police

The Kentucky Attorney General's office was asked to rule whether the Kentucky State Police properly denied the Sept. 22, 2003, request of Andrew Tangel, staff writer for The State Journal, for "a list-in electronic format of all Kentuckians holding permits to carry concealed weapons." The AG's office was asked to more precisely resolve the conflict between KRS 61.874(2)(a), which authorizes a party requesting records to designate a preference as between standard electronic and standard hard copy format, and KRS 237.110(8), which specified that the KSP can provide the requested list "in hard copy form only," an issue of first impression.

In a letter dated Sept. 24, 2003, Terry Edwards, Official Custodian of Records for the KSP, declined to provide Tangel with the requested information in electronic format, advising him as follows:

"KRS 61.878(1)(1) exempts from the Open Records Law records made confidential by enactment of the General Assembly. Pursuant to KRS 237.110(8), information on CCDW license holders is confidential except that a list of names may be provided 'in hard copy form only' upon written request to the State Police Commissioner 'and the payment of the required fee.' Accordingly, we cannot provide this information in electronic form."

Edwards explained that if Tangel wished to obtain the information in hard copy he would have to submit another request and pay 10 cents a page.

By enacting KRS 237.110(8), the more specific of the two conflicting provisions implicated in the denial, the AG said that the General Assembly expressly restricted disclosure of the public records requested to "hard copy form only." KRS 61.878(1)(1) exempts from disclosure "public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly." Because the AG concludes the KSP responded in the manner dictated by KRS 237.110(8), and its actions were otherwise consistent with the Open Records Act, the AG affirmed KSP's denial of Tangel's request to produce the requested list of names in electronic format.

On appeal, Tangel acknowledged KSP's offer to provide a hard copy of

the list but argues that "the unwieldy task of sifting through approximately 80,000 names spanning more than 400 pages would "hinder" the ability of The State Journal "to search the voluminous roster." Tangel said this would constitute "an unjustifiable encumbrance to free and open inquiry into public records that is violative of the spirit of Kentucky's Open Records Law."

In a supplemental response directed to this office following commencement of the present appeal, Roger Wright, a KSP staff attorney, framed the dispositive issue as:

"Whether a requester's ability to designate its preference for receipt of records in electronic format under KRS 61.874(2)(a) trumps the plain language of KRS 237.110(8) which provides that the list of names of concealed weapons licenses may only be provided in hard copy format, and that such records are otherwise confidential."

Wright observed, citing two previous AG decisions and the AG agreed, that when two statutes concern the same or similar subject matter, the specific prevails over the general. In his view, the General Assembly intended "through its later enactment of KRS 237.110(8) that an electronic list of names of concealed weapons licensees be excluded from the purview of the Open Records Act." Likewise, "the General Assembly clearly intended to preserve its ability to restrict access to certain records" with the enactment of KRS 61.878(1)(1) and the General Assembly is vested with the authority "to establish such public policy."

In summary Wright contended that KRS 237.110(8) "is a valid enactment of the General Assembly that places minimal restrictions on the ability of a requester to obtain a list of names of concealed licensees," and, since Tangel has "no common law right to receive the information" he requests in any particular format and that the AG's office should affirm KSP's disposition of his request.

The AG's office agreed with KSP for the reasons that follow:

"We are not at liberty to add or subtract from the legislative enactment nor discover meaning not reasonable ascertainable from the language used ... To determine legislative intent, we must refer to the literal language of the statute as enacted rather than surmising what may have been intended but was not articulated ... In doing so we

'must construe all words and phrases according to the common and approved uses of language.'"

When two statutes concern the same or similar subject matter, the specific must prevail over the general because the AG's office said the general assembly "is presumed to be aware of the existing law at the time of enactment of a later statute."

Pursuant to KRS 61.872(1): "All public records shall be open for inspection by any person, ..." subject to the exceptions codified at KRS 61.878. Included among those public records explicitly exempted from application from Open Records Act under that provision are "all public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly."

The AG's office also noted that the language in KRS 237.110(8) authorizing release of the list at issue is preceded by the following: "Except as provided in the subsection, information on applications for licenses, names and addresses, or other identifying information relating to license holders shall be confidential and shall not be made available except to law enforcement agencies."

As evidenced by the unambiguous language, the General Assembly deemed the list of names requested by Tangel to be inherently confidential and therefore, restricted its disclosure to "hard copy form only," the AG said.

In order to properly rule on the matter, the AG's office reviewed the mandatory terms of KRS 237.110(8) in conjunction with KRS 61.878(1)(1), pursuant to which the General Assembly explicitly reserved the right to impose such restrictions on access to public records otherwise subject to inspection. "In light of this determination, the question becomes which statute prevails as between KRS 237.110(8) and KRS 61.874(2)(a). Because the General Assembly is presumed to have been aware of the existence of KRS 61.874(2)(a) at the time it enacted KRS 237.110(8), and these two statutes are in 'irreconcilable conflict,' the AG wrote.

After all consideration, the AG ruled that the KSP properly denied Tangel's request to provide the list in electronic format and correctly advised him on how to proceed under KRS 61.874 thereby fulfilling its obligation under the Open Records Act.

DEATHS

Continued from page 5

Breckinridge newspaper employee dies at 50

Nancy Lou Beard, of Hardinsburg, died as a result of a massive stroke Sunday, Nov. 7 at Hardin Memorial Hospital in Elizabethtown. She was 50.

Beard was the longest serving employee of the Breckinridge County Herald-News, where she had worked for the past 25 years. She held the position of general manager from 1991-1996. During her quarter-century with The Herald-News, Beard saw many changes in business operation. She dealt with things such as addressing subscribers' issues for mailing to designing ads to typesetting and laying out pages.

Former Park City Daily circulation manager dies

Sterling N. Willoughby, Jr., of Phoenix, Md., formerly of Bowling Green, died on Nov. 8 in Timonium, Md., from complications of a stroke suffered in April. He was 83.

The Warren County native was circulation manager of the Park City Daily News, retiring in 1982 after having worked at the Daily News for 50 years. He began his career there delivering papers.

Willoughby worked for the newspaper all his adult life.

He was a 1942 graduate of Bowling Green Business University.

Former Courier Journal employee passes away

Lottie Marie Jackson, of Louisville died Nov. 9 at an Edmonson County nursing home. She was 70.

Jackson was a Logan County native and she was retired from the Courier Journal in Louisville.

Ex-editor at C-J, dies at 76

Erskine Campbell Currie, a veteran Courier-Journal editor, died Nov. 23 in Bend, Ore., after a long illness. He was 76.

Currie worked at The Courier-Journal for 23 years and was the night regional editor for much of that time. He retired in 1985. After retiring, he moved to Bend with his daughter, helping her care for her children.

Before coming to Louisville, Currie worked for several small newspapers, including papers in Pensacola, Fla., and Birmingham, Ala.

'Ghosts' keep Kentucky Standard busy

The following article appeared in the Oct. 31, 2003 issue of the Kentucky Standard. Reprinted with permission.

By Stacey S. Manning
The Kentucky Standard

By its very nature, The Kentucky Standard office is one that never sleeps.

Throughout the day and night, employees find a reason to keep the midnight oil burning.

It's not uncommon during those late night/early morning hours for the staff to see and hear things they cannot explain.

One Standard employee, sitting in the front office one late night, was caught off guard when, what felt like a hand, reached up and touched her shoulder. It was enough to scare her so much, she immediately left the office.

Another Standard employee, thinking she was alone in the building, looked up to see the image of a woman walking down the hallway toward the rear entrance. Unsure of who it was, she got up, followed her down the hall - when she got to the back of the building, the woman was gone and all surrounding doors were closed and locked.

A number of employees have reported unexplained sounds like rustling paper or footsteps upstairs when no one else is around. One employee says fingerprints on an upstairs wall never go away, even if they are cleaned and painted over.

A few employees believe many of the unexplained events can be linked to a longtime female employee who died from an illness. She loved working at The Standard so much, they say, it just makes sense she would still be a part of the office activities.

The newspaper, now 103 years old, has the potential to be in a haunted location because of a few tragic events that happened at the site.

The larger part of the building, which is fronted by the glass windows in the newsroom, stands on the site of James Chambers' home. Chambers, a local physician, was mortally wounded in one of Kentucky's most famous duels with John Rowan.

Chambers' wounds were not immediately fatal and he was brought back to his home where he lingered before dying, according to local historian David Hall.

Part of the foundation stones from the original building can be seen

today along the alley near the existing building.

History says near the office, close to the Old Stables, there was a politically motivated shooting.

"There was a broad-daylight shooting right there in front of the Standard office," Hall said.

To get to the bottom of things that often go bump in the night, certified ghost hunter Patti Starr was invited to investigate the building.

Starr, author of "Ghost Hunting in Kentucky and Beyond," teaches ghost-hunting courses at Lexington Community College. She is a professional ghost hunter who, at one time, was a Bardstown resident and former manager of the Old Talbot Tavern. She and her husband Chuck, live in Lexington, but the duo comes to Bardstown every weekend for Patti Starr's ghost trek downtown.

Recently, the pair loaded up their car with paranormal investigation equipment - a night-vision capable video camera, digital cameras, film cameras, several electronic-measuring devices, dowsing rods, a number of audio recorders, lots of batteries and countless tapes.

For almost three hours the Starrs toured the front half of the building searching for a paranormal explanation to the goings-on in the building.

Their first stop, with a few employees in tow, was in a basement.

Within a few moments of entering the first basement, lit only by a light strapped to Patti Starr's head, a light from the video camera and a flashlight, Chuck Starr reported seeing a number of orbs in the video camera.

An orb, according to Patti Starr, is a "globe-shaped light of energy caught on film usually during a haunting or other paranormal experience."

Orbs are believed to represent the spirit of an individual that has died. They are made up of the life force that powered their body in life.

Patti Starr caught a few orbs on her digital camera. She was intrigued when the batteries in her camera, which were fully charged, suddenly

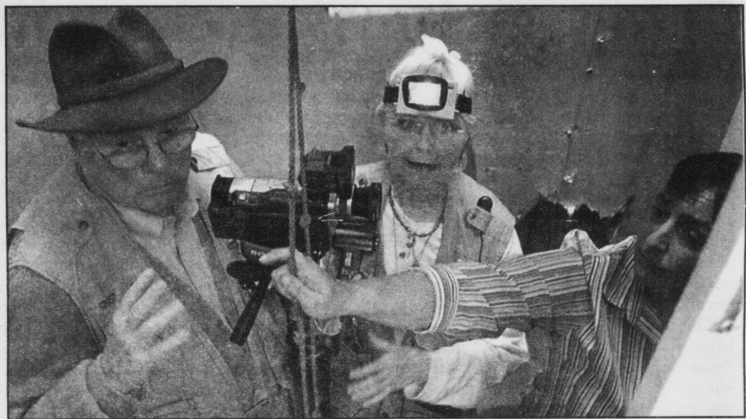


Photo by Mark Boxley/The Kentucky Standard
Certified ghost hunter Patti Starr, center, and her husband Chuck, left, get a little startled when Kentucky Standard employee Shelia Cecil operates a hand crank on an elevator to a Standard basement during an October ghost hunt.

went dead, saying it could be attributed to the ghostly spirits in the building.

A rickety hand-operator elevator descended the group to a second basement, where Starr said as soon as she stepped off, something reached up and grabbed the back of her leg. Moving upstairs, Starr felt a lot of energy, which she believes was associated with the spiritual energy from ghosts in the building.

"Wow, this is remarkable," she said as she moved from room to room.

Picking up a pair of dowsing rods, Starr stepped back from the group, and readied herself to make contact with other worldly beings.

With the metal rods between her hands, Starr asked questions. "May I dowse? Can I dowse? Should I dowse to communicate with spirits?" Each time the rods moved up and down indicating, what Starr says, is a yes.

With clearance to go ahead from the other side, Starr asked more questions.

"Is there a spirit willing to communicate with me?" The answer was yes.

Searching for answers, Starr said she contacted a man who at one time worked in the building. He had been dead between 50 and 60 years and identified himself as a married newspaperman who had more than five children.

Through her dowsing, Starr determined the man was between 30 and 40 years old when he died and was

happy being at The Standard office.

The ghost also told Starr there were more than five, but less than 10 other spirits in the building.

Downstairs in the newsroom, Starr attempted to make contact with another spirit. Again, she was led to a man. This one indicated he died between 60 and 70 years ago.

The ghost, according to the investigation, was a visiting spirit who had been in The Standard building for 30 to 40 years since his death.

Asking more questions, Starr determined the man died an accidental death and served more than 10 years in the old Nelson County Jail, across the street from The Standard office, for more than 10 years. His offense may have been related to moonshining or bootlegging.

Growing tired from the investigation, Starr put her dowsing rods away and sat to regain her strength. As the remaining employees prepared to leave, Starr walked behind them.

In a hallway in the middle of the building she paused and looked toward the alley door.

"I just saw a full apparition of a woman," she said, barely moving.

After a few clicks of her camera, Starr walked to the back of the building and stopped to talk about the image she saw. Explaining the size, the hair color and clothing of the apparition, a Standard employee smiled. That, she said, was likely the kind-hearted spirit employees most often sense in the building.

Appeals court rules info on sex crime victims can be withheld

(AP) —Names and addresses of sex-crime victims can be blotted from police arrest reports without violation of the Kentucky Open Records Act, a divided state Court of Appeals ruled in late October.

An appellate panel split 2-1 in upholding an attorney general's opinion, and a subsequent ruling from Jefferson County Circuit Court, that treats police reports of sex crimes differently from reports of other crimes.

The case began when The Courier-Journal challenged the Louisville Police Department's policy of "blanket redaction" of arrest reports. The policy was prompted by an objection from a nonprofit organization, the Center for Women and Children in Louisville, to news reporters asking crime victims for interviews.

The attorney general's opinion,

which had the force of law, said police could not automatically censor all arrest reports. But it said police could censor reports in all cases classified in Kentucky law as sex crimes: rape, sodomy, sexual abuse and sexual misconduct.

The opinion said sex crimes are "singularly traumatic" for the victims, whose right to privacy "outweighs the public interest in monitoring police investigative action."

Challenging the ruling, the newspaper did not claim that victims' names could never be blacked out. It contended the records law requires the decision to be made case by case. It also contended that a crime is a crime, sexual or otherwise.

The appeals court disagreed. "We are not persuaded ... that a violent sex crime is no different from any other

crime," Judge David Barber said in the majority opinion.

Judge Julia Tackett of Lexington joined in the opinion by Barber.

In a dissent, Judge William McAnulty of Louisville said the goal of protecting a crime victim's privacy is laudable but outweighed by "the corresponding danger of allowing government to operate secretly."

"The underpinning of the majority's decision appears to be a need to insulate victims from potentially tasteless journalists who would appear at the doorstep of a sexual abuse victim," McAnulty wrote.

"The same rationale would apply to protect the family of a homicide victim. Unfortunately, the legislature cannot legislate good taste and we cannot insulate the world from all that is harmful and undesirable."

Political ads in newspapers more trustworthy than other media

Registered voters believe newspapers are the most credible media for political advertisements in the U.S., according to a new poll sponsored by the Newspaper Association of America.

The bipartisan nationwide telephone poll of 1,200 registered voters was conducted jointly Aug. 6-10 by the Cromer Group, a Democratic polling firm in Washington, and Moore Information, a Republican firm based in Portland, Ore.

When asked to rank each medium using a 10-point believability scale, 32 percent of voters said political ads in newspapers were more believable than those found in brochures and mailings (27 percent), on network TV (26 percent), on cable TV (25 percent) and on the radio (22 percent).

In addition, the survey shows that more than half (57 percent) of voters say they experience some level of indecision in the final week or days before an election. Of those who say they experience indecision, three out of four say they are regular newspaper readers.

"Everyone knows that newspapers are the most reliable medium for pen-

etration, in-depth coverage of the candidates and the issues. It is also well known that people who actually go to the polls and vote are heavy newspaper readers. By reaching a majority of undecided voters as well, newspapers provide a unique opportunity for political planners to influence voters' decisions through political ads that work," said John F. Sturm, NAA president and CEO.

Other findings:

- Of voters who cast ballots in the 200 and 2002 elections, one out of two say they read a newspaper every day and 70 percent say they read a newspaper at least several times per week.

- Nearly half of the voters surveyed (49 percent) say they go to their daily newspaper to specifically look for ads.

- Among adults who voted in the 2002 mid-term elections, 24 percent said newspaper ads were the most helpful in making up their mind on how to vote in their state and local election, second only to television ads (32 percent). Brochures and mailers ranked third (13 percent), followed by radio ads (6 percent), Internet (4 percent), telephone calls (1 percent) and

billboards/yard signs (1 percent).

The survey data is highlighted in a new NAA publication that features 50 of the best contemporary newspaper political ads used in campaigns across the country. Last spring, NAA invited political consultants and interest groups to submit newspaper ads on behalf of candidates or on behalf of an issue. Hundreds of ads were submitted, and a panel of experts rated each ad on creativity and effectiveness. The winning ads cover all levels of candidates, and tackle issues ranging from energy to waste management to healthcare and telecommunications.

"Newspaper ads provide the ultimate forum to communicate effectively candidates' platforms on key issues central to campaigns," said John E. Kimball, NAA senior vice president and chief marketing officer. "Not only were we overwhelmed by the response and the number of ads submitted to this competition, but we also were impressed with the level of creativity used in producing the ads. Savvy political planners have a clear understanding of the benefits and effectiveness newspapers bring to the media mix."

Student papers win national award

The College Heights Herald, Western Kentucky University's student newspaper, and The Eastern Progress, Eastern Kentucky's student newspaper, each received the national Pacemaker award on Nov. 8 in Dallas, Texas.

This is the 10th time WKU has received the award and the fourth year for EKV.

The Pacemaker awards, co-sponsored by the Associated Collegiate Press and the Newspaper Association of America Foundation, are considered to be the Pulitzer Prize of college journalism. The College Heights Herald and Eastern Progress were chosen from 47 finalists across the country.

The College Heights Herald also took fourth place in Best in Show for non-daily broadsheet papers.

Eight Herald staff members also received awards in competition. Brett Marshall, a Bowling Green senior, received honorable mention for news picture. Henrik Edsenius, a senior from West Des Moines, Iowa, was the third place winner for feature picture. Brian Leddy, a Bowling Green senior, took first place honors for his sports picture. Shannon Guthrie, a Bowling Green senior, was third for a picture story. Steven King, a senior from Pelham, Ala., won honorable mention for news page design. Matt Rountree, an Elizabethtown graduate student, picked up third place for advertising. Michael Reuter, a Bowling Green senior, John Tebault, a May graduate and Rountree, took second place for a house ad.

The Shield, Murray State University's yearbook, was named one of five Pacemaker winners at the convention.

The Talisman, the Western Kentucky University yearbook, received second place in Best in Show for yearbooks with fewer than 300 pages. The 2003 Talisman was Western's first yearbook in six years.

EVERYTHING

Continued from page 3

well at the time, just knew he had something to do with an organization called KPA. Turns out that was the Kentucky Press Association and the gentleman was Vic Portmann.

Vic was "secretary/manager" of KPA. That was the title back then for those of us known now as executive directors. Vic was Charlie's grandfather.

I have a special fondness for Vic. Vic was my predecessor in a couple of ways. He held the position with KPA long before me, and he also is the only other Kentuckian to serve as president of the Newspaper Association Managers. We served some 50 years apart as the president of that organization.

• **Kids Voting Kentucky** — at the 2002 Fall Retreat, the board voted to enter into a management agreement with Kids Voting Kentucky for us to manage that organization. There was an obvious tie between KVK and the newspaper industry. After a year, though, it became apparent that we needed to refocus our duties and staff and so the board voted to terminate the contract with KVK. That action was effective Dec. 1.

• **2004 KPA Directory** — Have you ever seen the NCAA Final Four basketball program? I'm not comparing our directory to the Final Four program except in one way. Host Communications in Lexington purchased a digital printer to be able to handle printing the program. And that resulted in an opportunity for KPA to accept a bid from Host to print the 2004 directory. It'll be our first effort on a digital, as opposed to tradition, printer. The board voted to accept the bid, especially at a substantial savings over printing costs associated with previous directories.

• **Kentucky Press** — after much discussion on whether to keep printing the Kentucky Press or just make it available online, the board voted to continue printing it on newspaper. But

to reach a much wider audience, we're moving to a Third Class mailing permit. One of the printing limitations is that we could only print about 550 copies with the stipulations of having a Second/Periodicals class mailing permit. The limited number we were printing wasn't really worth the effort of the Georgetown News-Graphic to start up its press. By the time, it got started, it was time to shut it down. By moving to a Third Class mailing permit, we'll print as many as we need and hopefully make a copy available to every Kentucky newspaper person who wants to receive one. We'll be sending out information soon to all members and associates, inviting each to sign up as many people to receive it as they want.

• **Future Conventions** — at its June meeting, the Board voted to hold the 2005 KPA Winter Convention at the Hyatt Regency in downtown Louisville. That will be the first KPA convention at the Hyatt since 1982. The Hyatt then sweetened the pot and made us a great proposal to come back in 2007. So the board accepted both proposals and we'll be at the Hyatt Regency in downtown Louisville for 2005 and 2007. The 2006 convention will be in Lexington but the location has not yet been determined. By Board policy adopted in 1983, the Winter Convention rotates between Lexington and Louisville.

Sharon Tuminski, our 2003 KPA president, was really looking forward to the Fall Board Retreat. She had planned on it all year. Just a couple of days before the retreat, Sharon became ill and was unable to attend. We later found out she had suffered a stroke. She returned to work in mid-November, just for a couple of hours a day and a couple of days a week. Cabin fever was setting in and she needed a change of scenery. But the doctor said she was doing very well and as long as she wouldn't push herself too hard, he'd let her go in for a little while.

That was great news! And Sharon's already looking forward to the winter convention.

NEWS

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Quark, InDesign, Creator, Acrobat, web technologies, and more. It returns attendees with product and troubleshooting suggestions for more efficient pagination and work flow.

Attendees come from the smallest weeklies to the largest metro newspapers, and will be instructed on the native Mac or PC platforms in new, state-of-the-art computer laboratories.

For full details go to www.newspaperinstitute.com. Inquiries about the upcoming session of the Institute should be directed to kevinslimp@newspaperinstitute.com.

Publication of the Kentucky Cities Primer

The Kentucky Cities Primer is a publication published by the Kentucky League of Cities for media, legislators and city officials.

Copies were mailed by KLC to newspapers and media outlets throughout the state. The 28-page guide has facts on city services, forms of government, growth trends, and finance.

In addition to insights into the basic workings of Kentucky cities, it also provides data that sheds light on the key interrelationships between different levels of government in the Commonwealth.

"The Primer underscores just how important cities are to the economic well being of the Commonwealth, and the key roles they play in enhancing our social and cultural vitality," said Sylvia L. Lovely, CEO and Executive Director of KLC.

The KLC believes that with a tight economy and major issues such as homeland security putting greater demands on local governments, the need to understand the role of Kentucky cities and the challenges they face is of considerable importance.

"The information presented can serve as an underpinning for discussions on the future of city government in our state. Cities face a host of new challenges that are the result of modernization, globalization, technological advances and changing demands of our citizenry," Lovely said.

Some of the information compiled through various surveys conducted by the Kentucky League of Cities, has not been available until now. Other information has been adapted, simplified, projected or derived from data collected by a variety of state agencies.

World Affairs Foreign Fellowship Program

NAM has been asked to participate again this year in the prestigious World Affairs Journalism Fellowship Program for experienced journalists and editors of community-based daily newspapers.

The program is jointly administered by the International Center for Journalist (ICFJ), the World Affairs Council of America and NAM. The fellowships are funded by a grant from the John S. and James L. Knight Foundation in Miami and Ethics and Excellence in Journalism Foundation in Oklahoma City.

The goal of the program is to give the fellows an opportunity to establish the connection between local-regional issues and what is happening abroad. Fellows will conduct overseas research and then submit articles to their local papers in an effort to "internationalize" America's local press.

Up to 12 fellows from the U.S. will be selected and provided support to develop projects that will lead to articles in their home newspapers.

Editors and journalists from our association are encouraged to apply. Deadline for applications is Dec. 12.

The application package includes guidelines for applying and preparing a project proposal. The World Affairs Journalism Fellowship Selection Committee will meet in February for the selection of fellows. Ginger Stanley of the Virginia Press Association is a member of the committee, representing Newspaper Association Managers.

For further information, contact: ICFJ
1616 H. Street NW - Third Floor
Washington, DC 20006
Telephone: 202-737-3700
Fax: 202-737-0540
E-Mail: wajf@icfj.org.

Their Web site will provide more information as well, including application information. Visit www.icfj.org/worldaffairs.html.

Don't miss out on the news in Frankfort!
Make sure we have your correct e-mail address so you can be notified when stories are filed on AccessKPA.com. Send your e-mail address to dehlschide@kypress.com to be added to the list.

PEOPLE

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career in the steel industry, he accepted a job with Thompson Newspapers at The Portsmouth Daily Times, which has a circulation of 17,500, as district manager.

Shortly after assuming the responsibilities of single-copy manager, he was promoted to motor route manager, followed by promotions to home delivery manager and assistant circulation manager as American Publishing became owners of Thomson Newspapers.

He was then transferred to Richmond as circulation director for the Richmond Register an 8,500-circulation daily newspaper.

While at Richmond, Collins received various awards including outstanding single-copy promotion and best carrier promotion. Collins moved from Richmond to become publisher of the Floyd County Times.

Kentucky Standard editor appears on stage

Lisa Tolliver, editor of The Kentucky Standard in Bardstow, played the part of Julie Grant in the Bardstown Community Theatre production of the murder mystery "Something to Hide."

The play is a tale of fiction novelist, Howard Holt, and his publisher wife, Karen, and their attempts to cover up the "accidental" death of his mistress played by Tolliver. The performances were Oct. 31-Nov. 2.

Chamber Citizen of Year award goes to Union County Advocate editor

The Morganfield Chamber of Commerce held its annual banquet on Thursday, Oct. 30, and announced its selection for the community's Citizen of the Year as Advocate editor Paul Monsour.

Monsour has previously received a Distinguished Service award from the Cancer Society, a recognition plaque from Earle C. Clements Job Corps Center, several certificates of appreciation from local clubs and businesses, Lion of the Year recognition, the 2002 Kentucky Farm Bureau Communication Award for Writing, and numerous writing and photography awards from the Kentucky Press Association.

He also is a former editor of the state Knights of Columbus newsletter.

Monsour received a degree in journalism from the University of Kentucky in 1973 and worked as a reporter in Somerset. He moved to the Sturgis

News in 1975. He became managing editor at the Sturgis News in 1990, after spending a dozen years at The Advocate.

Since 1999 he has been editor of the Union County Advocate. He also previously was managing editor of The Advocate from 1987-1990.

Because of his work at The Advocate, the newspaper received the Supporter of the Year Award from local clubs and businesses and was nominated by the Earle C. Clements Job Corps Center for the U.S. Department of Labor's Alpha Award.

Somerset-Pulaski News Journal publisher teams up with United Way

Stuart Arnold, Somerset-Pulaski News Journal publisher, is heading the Industry Division of the United Way South Central Kentucky community leaders 2003-2004 Campaign.

He is the current president of the United Way Board of Directors, 2003/2003 campaign chair and volunteer with Heart of Kentucky United Way in Danville for six prior to moving to Somerset. He is also a volunteer with the local Humane Society.

The goal for the 2003-2004 United Way of South Central Kentucky Campaign is \$400,000 and \$111,000 has been pledged to date. Monies raised will be used to fund 27 health and human service agencies in the Lake Cumberland area.

McNeely named to daily CNHI post in Georgia

Jack McNeely, publisher of The Morehead News since Oct. 4, 1999, has been named publisher and editor of the Americus (Ga.) Times-Recorder. He began his job Nov. 1.

The Times-Recorder is part of the South Georgia Group of Birmingham-based Community Newspaper Holdings, Inc., also the parent company of Morehead News Group. The Americus paper has a circulation of 6,000 and is published five days a week, including Sunday. Perhaps its most famous subscriber is former President Jimmy Carter.

During his time in Morehead, McNeely increased the paper's local content including an opinion page and larger sports section.

Fonticella joins Herald-Leader in circulation

Nelson Fonticella, former single-copy sales manager for The Miami Herald, is the Lexington Herald-Leader's new circulation director.

Fonticella, a native of Cuba, joined the Miami Herald in 1981 and worked as customer service training and development manager, home delivery regional manager and single-copy regional manager.

In 1992, he moved to The Cleveland Plain Dealer as single-copy sales manager and then new product development manager in advertising.

Later, Fonticella was general sales and business manager for the weekly Cleveland Life and marketing vice president for Gusto Marketing Services before returning to Miami in 2000.

Fyffe named managing editor of Big Sandy News

Tony Fyffe was named managing editor of The Big Sandy news in late October.

Fyffe had been serving as copy editor and in his new position will have primary responsibility for the newspaper's news content and news staff management. He had served as editor of The Big Sandy News in Louisa prior to its expansion into a multi-county newspaper under the direction of Scott Perry, publisher and editor.

Fyffe began his journalism career as news director of WSIP radio in 1985. He later joined the staff of The Paintsville Herald as news editor in 1989. Fyffe left the Herald in 1996 to help start a new newspaper in Johnson County, The Weekly Progress, which was sold in 1998 and merged with the Herald. He returned to the Herald as associate editor before being named editor of the BSN in 1999.

When the BSN became a regional paper, Fyffe was named chief of the Lawrence County bureau and was later promoted to copy editor, transferring to the Johnson County bureau in Paintsville.

Beattyville Enterprise columnist's work in two new books

The Beattyville Enterprise columnist Anne Shelby is one of the writers included in A Kentucky Christmas, just published by The University Press of Kentucky. The book features holiday poems, stories, essay and songs by Kentucky writers, including Jesse Stuart, James Still, Harriette Arnow, Wendell Berry, Silas House and George Ella Lyon. Lyon, a native of Harlan County, edited the collection. Artist and Knott County native Paul Brett Johnson did the color painting which appears on the book jacket.

Shelby's contribution to the anthology, Jack Hunts Christmas, a story based on Appalachian folktales, appeared in a

three-part series in The Beattyville Enterprise last December under the title, "Jack and the Christmas Beans."

Graham Shelby, son of Anne Shelby and Beattyville Enterprise editor Edmund Shelby, is also featured in a collection. Graham's story, "The Asakawa Christmas Party," is based on his experiences as an English teacher in Japan.

Anne Shelby is the author of poems, plays, essays and children's books, including the award-winning Homeplace. Her column on Rosemary Clooney, which appeared in The Beattyville Enterprise last year, won second place the KPA competition. Her sixth published picture book, The Man who lived in a Hollow Tree, based on an Appalachian legend, is due out from Simon and Schuster in 2005. And three of her poems are included in a second book just out from The University Press of Kentucky, Listen Here: Woman Writing in Appalachia.

Mattingly joins the Lebanon Enterprise staff

Valerie Mattingly, of Raywick, has joined the staff at The Lebanon Enterprise as a compositor and advertising representative.

A life-long resident of Marion County, Mattingly has managed retail businesses in the past and, most recently, was a clinical secretary for Communicare, Inc.

Mattingly will perform several duties at the Enterprise including page composition, ad creation and ad sales.

Richardson named advertising director

Pat Richardson has been named advertising director of Landmark Community Newspapers, Inc. effective mid-December.

Richardson has been with Landmark since 1989 when she began as an advertising/marketing representative for The Virginian-Pilot. Since then, she has held a number of sales management positions including national advertising manager, Chesapeake/Portsmouth advertising manager, Virginia Beach advertising manager and sales and marketing manager for Pilot Direct, which is a direct marketing subsidiary of the Pilot.

She also served as general manager for the Pilot's weekly North Carolina Operation. Most recently, she has held the position of retail advertising manager for the Pilot.

She is a graduate of the University of Maine. She plans to move to the Louisville area sometime in mid to late December. Richardson replaces Bonnie Burks Gray, who is retiring.