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2019 TPA Winter Convention set for Feb. 6-7

ROBYN GENTILE
TPA Member Services Manager
December 15, 2018

The Tennessee Press Association's 2019 Winter Convention event will again be a two-day, one-night event, and it will focus on students, TPA business and government affairs. The convention will return to the DoubleTree Hotel on Fourth Avenue in downtown Nashville, Feb. 6-7.

Opening Reception—legislators invited

Members of the Tennessee General Assembly have been invited to attend the Feb. 6 convention opening reception; however, the TPA Government Affairs Committee also asks you to extend a personal invitation to your state legislators.

Students invited to participate in the convention

Ten students from each of the collegiate journalism programs across Tennessee are invited to all Thurs-



Photo by Tony Centonze, for the TPA

From the 2018 TPA Winter Convention: Left to right: Michael Williams, Paris Post-Intelligencer; Victor Parkins, The Milan Mirror-Exchange; and State Sen. John Stevens, District 24, Huntingdon.

day sessions and the luncheon.

Governor-Elect Bill Lee invited luncheon speaker

Governor-Elect Bill Lee has been invited to deliver the tradi-

tional Governor's address to TPA members during the Thursday luncheon for members and students. Lee is invited, but at press time had not yet confirmed.

Convention sessions

Media Under Fire, Thursday at 9:00 a.m.

Enormous leaps in technology have altered the media landscape, and the current state of American politics has changed it again. The news business itself is in chaos and under fire, and it's changing faster than it ever has before. Moderated by Otis Sanford, University of Memphis, our panel of experts addresses how professional media organizations and journalists deal with the unprecedented and unremitting assaults on their credibility. Confirmed panelists are: Jennifer Duck, CNN; Lisa Fazio, Vanderbilt University; and Scott Stroud, The Associated Press.

How to Get that First Job, Thursday at 10:00 a.m.

During this panel discussion, editors will share their expectations for a new reporter. Rookie reporters will share what they did to get that first job.

See **CONVENTION** Page 4

Meet the former CA reporter now in Congress

JOHN BEIFUSS
The Commercial Appeal, Memphis
November 9, 2018

When Angie Craig worked in Memphis journalism, she asked questions about real estate developments in Olive Branch, budget cuts at Shelby County Schools, billboard bans on Highway 61, and so on.

You know, newspaper stuff. But speaking on the phone to an old colleague (I would say "former," but since that colleague was me, "old" also works), Craig had a very different question:

"You mean I may be the first Commercial Appeal reporter to serve in the United States Congress?"

Hmmm . . . Could be!

On Tuesday, Nov. 6, Angie Craig — product of a rural

Arkansas trailer court, former editor of The Daily Helmsman at the University of Memphis, former reporter with The Commercial Appeal — was elected to Congress in Minnesota.

More specifically, she was among the 30 Democratic candidates for the U.S. House of Representatives who flipped a district held by a Republican.

"I also won a district that Trump won in 2016," she said. "This district leans Republican. A Democrat has only held this seat twice since the 1940s."

In the process of winning an



Submitted photo

Angie Craig, a former reporter with The Commercial Appeal, Memphis, won her 2018 U.S. Congressional race in Minnesota.

election, Craig established several firsts, in addition to "first Commercial Appeal reporter to serve in the

See **Craig** Page 11

TPA Public Notice Week

Tennessee Press Association (TPA) has again designated a week in January for highlighting the importance of public notices in newspapers. The ninth annual TPA Public Notice Week is scheduled for Jan. 20-26. TPA is seeking contributions of articles, editorials, ads and cartoons for use in the 2019 Public Notice Week kit. Materials should be submitted by Jan. 16. If you would like to submit an opinion piece or other item for the kit, please send it to Robyn Gentile at rgentile@tnpress.com. All items will be posted by Jan. 16 at www.tnpress.com. Watch your email for more information coming soon.

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TPAers with suggestions, questions or comments about items in The Tennessee Press are welcome to contact the managing editor. Call Mike Towle, (615) 293-5771; send a note to 117 Township Court, Hendersonville, TN 37075, or email editor@tnpress.com. The deadline for the March issue is Tuesday, February 5.

Digital still best seen as add-on to print product

I was reading a column by the newspaper guru Kevin Slimp about the impact of digital on our newspaper business. It seems that all newspapers are in the digital business to one degree or the other; but no one has determined a way to make digital profitable as a stand-alone effort.

Newspapers need to protect their franchise by continually providing complete coverage of local government activities, sports, schools, businesses, churches, community organizations, charitable works and individual stories about human events in the coverage area. And we continue to need print journalism to accomplish this mission. Digital can supplement our efforts as an add-on benefit to our print product; this seems to be the prevailing opinion.

We have noticed some new community newspapers have started in the suburban communities near our bigger cities when the dominant daily paper has gone heavy digital. This may not be a good move for the big dailies.

On a new-member note, we will be voting at the next TPA Board meeting on three newspapers that have submitted their application for



**YOUR
PRESIDING
REPORTER**

DOUG HORNE

membership, so we are growing.

Hopefully, our members are planning to come to the 2019 TPA Winter Convention on Feb. 6-7 in Nashville. The opening reception will be for our state legislators, and that's a good time to get your points across to them and get to know each other better. Obviously, it's valuable to know your state representative. Also, our new governor, Bill Lee, is being invited to speak to us at the luncheon on Feb. 7. That will be very interesting, and you don't want to miss that.

Watch for the TPA notice of the February convention. Come if you can and bring editorial staff for meaningful sessions. We always like to encourage young folks like college students and interns to come, too, since all our newspapers are constantly looking for new

talent.

And since our country remains as the best hope for freedom and justice in the world, the free and independent press must speak to despicable acts such as the murder of Washington Post newspaper man and U.S. resident Jamal Khashoggi. Our CIA is 100 percent sure this despicable act was done by Saudi Arabia. The question is if our president was conflicted by money interests and therefore will not speak out more forcefully about this. If totalitarian and dictatorial regimes around the world don't see our country and our leaders consistently and forever stand for freedom and justice, we know by history what happens. So, we must be vigilant, and our Tennessee newspapers must do our part in this grave responsibility.

As always, keep up the good reporting and editorial work, our efforts have never been more needed to light the fires of freedom and justice for all.

Doug Horne, owner of Republic Newspapers, Knoxville, is the President of the Tennessee Press Association for 2018-19.

TPS process for placing public notices explained

Tennessee Press Service is proud to represent several state offices placing public notices in our member newspapers. The success of our partnerships with these offices begins and ends with the attention and diligence we provide for their placements.

Carol Daniels, TPA executive director, asked me to share with our members the process we go through here at TPS to place public notices; she knows the detail with which we strive to provide for each notice.

The content of the public notices placed by TPS arrives in unformatted Word documents. Many offices have established guidelines regarding specific fonts and formats, and we retain those instructions to ensure all ads are created in the same manner for each and every placement. At the same time, our member papers have their own specifications to follow regarding column sizes and deadlines, so we have to ensure we meet the



**TENNESSEE
PRESS
SERVICE**

EARL GOODMAN

papers' needs as well as those of our clients.

Before an ad is sent to a member paper, we proof the ad we created twice – once for formatting errors and again for content and sizing accuracy. We often place the exact same ad in multiple papers, which means multiple ad sizes are created to allow each paper to get an "exact fit" for the ad needed. For one particular Tennessee Department of Transportation office, the same ad is duplicated for all papers chosen by TDOT, but it is also customized by changing each ad to bear the name of the county in which the paper is published. Those minor changes and that

attention to detail are essential to maintaining the trust and confidence of our public notice clients.

Once we are confident the ad file has been created correctly, an insertion order is sent to our member paper(s). Afterward, our tearsheeting department must confirm the ad is published as instructed. Two different people in our office check these tearsheets to verify the correct ad published on the correct date in the correct format. With the same formatting used week after week for these public notices, it's very easy to mistake a new ad for a past placement. However, TPS is fortunate to work with reliable, dependable ad reps across the state who ensure these notices are handled with the same attention we provide.

In addition to providing tearsheets as proof of publication, the majority of our state clients also require an affidavit of publication. In my past work experience at two

See **GOODMAN** Page 4

Public Notice Week and TPA Winter Convention on tap

Happy New Year!

As we kick off 2019, and a new session with so many new faces in the General Assembly, I want to remind everyone (again, and again . . . I know) how important your involvement and engagement with your local representatives is to our success as an industry.

In December, I attended a conference in Washington, DC, with other press association executive directors, and one of the hot topics was what we can do to protect public notice in our newspapers. The discussions included what should be a cautionary tale for our members. In other states, some businesses have started to go to their local legislators, or directly to the press association, because they could not get in touch with their local papers to place public notice, or because the notices were not placed correctly. Their difficulties included things such as no one at the local newspaper answering telephone calls or emails, news-



**FROM THE
EXECUTIVE
VP**

CAROL DANIELS

paper staff not trained on placing public notices, and notices not running on days that were specified. I realize it is always easy to point fingers at others when something doesn't run properly, but I share these with you as a reminder to not take public notices for granted.

One state association had so many complaints that the association paid to have a "test" notice run in each member newspaper to evaluate the ease and accuracy of the placement. The results were so inconsistent the association instituted a certification program for public notice placement to ensure

accuracy and consistency.

Public Notice Week is January 20-26. We are working with the Public Notice Resource Center to have material and information out to you in early January.

The Essential Elements of a Public Notice are:

1. Accessible
2. Archivable
3. Independent
4. Verifiable

Types of Public Notices:

1. Citizen Participation Notices (partial list)
 - a. Government Meetings and Hearings
 - b. Legislation and Resolutions
 - c. Land and Water Use
 - d. Property Tax Assessments
 - e. Creation of Special Tax Districts
 - f. Elections Date and Polling Places
2. Commercial Notices (partial list)
 - a. Unclaimed Property, Banks and Governments

- b. Debtor Property Auctions
- c. Delinquent Tax List, Tax Deed Sales

- d. Government Property Sales
3. Court Notices (partial list)

- a. Mortgage Foreclosures
- b. Name Changes
- c. Adoptions

Winter Convention 2019 is also coming up, I hope you have already registered! Please reach out to your local representative and let them know you will be at the legislative reception on Feb. 6. Please personally invite them to attend. All representatives will be invited by TPA, but a personal call or note from THEIR local paper goes a long way, too.

Happy New Year! And thank you for a wonderful 2018!

Carol

Carol Daniels is executive director of the Tennessee Press Association. She can be reached at 615-585-0965 or cdaniels@tnpress.com.

FOR YOUR CALENDAR

JANUARY 2019

20-26: 2019 Tennessee Press Association Public Notice Week

FEBRUARY

6-7: 2019 Tennessee Press Association Winter Convention, Doubletree Nashville Downtown Hotel, Nashville
 15: Deadline - Tennessee Press Association Ad/Circulation Ideas Contest
 22: Deadline - Tennessee Press Association State Press Contests
 25-27: Southern Newspaper Publishers Association 2019 Key Executives Mega-Conference, Paris Las Vegas Hotel, Las Vegas, Nev.

MARCH

6-9: College Media Association Spring National College Media Convention 2019, New York Marriott Marquis, New York, NY.

JULY

July 18-19: 2019 Tennessee Press Association Summer Convention and Advertising/Circulation Conference, Chattanooga, Tenn.

OCTOBER

3-5: 2019 National Newspaper Association's 133rd Annual Convention and Trade Show. The Pfister Hotel, Milwaukee, Wisc.

NOVEMBER

Oct. 31 - Nov. 3: College Media Association Fall National College Media Convention 2019, in conjunction with Associated Collegiate Press, Grand Hyatt Washington, Washington, D.C.

Deadlines for Annual State Press and Ad/Circ Ideas Contests coming up in February

ROBYN GENTILE
TPA Member Services Manager
December 19, 2018

The entry deadline for the 2019 Tennessee State Press Contests is Friday, Feb. 22. Once again, the Contests will utilize the BetterB-NC online contests entry and judging platform.

The categories are the same as they were in 2018. Entries will be submitted as PDFs in all but three categories. Those remaining in print are Make-Up and Appearance, Best Special Issue or Section, and Sunday Editions.

The entry fee remains \$9 per entry. Part of the fee will provide a \$25 gift card for each TPA member that completes the judging assignments for our reciprocal judging partner in 2019.

The divisions for the contests are calculated on total weekly paid circulation. They are as follows:

- Division One: Paid combined weekly circulation of 5,000 or less
- Division Two: Paid combined weekly circulation of 5,001-15,000
- Division Three: Paid com-

bined weekly circulation of 15,001-50,000

- Division Four: Paid combined weekly circulation of 50,001-200,000

- Division Five: Paid combined weekly circulation of 200,001 and above.

The complete contests general rules and link to entry portal will be available at www.tnpress.com. Please call TPA at (865) 584-5761, ext. 105 with any questions.

UT has partnered with TPA to co-sponsor the contests since 1940. UT will provide the win-

ners' plaques and certificates and co-ordinate the awards presentation scheduled for TPA Summer Convention in July in Chattanooga.

TPA will need judges to meet obligations to its reciprocal judging partner in mid-October. If your newspaper enters the TPA contest, we ask that you provide a judge when the calls go out in August.

**Ad/Circ Ideas Contest
 deadline is Feb. 15**

Plan now to enter the 2019 Ideas Contest, Tennessee Press Association's contest for advertising and circulation ideas.

Entries will be submitted as PDFs online. The deadline is Friday, Feb. 15. There are no changes or additions to the categories for 2019.

Fees are \$6 per entry. Proceeds support the educational programming for the advertising and circulation groups at the convention.

See **CONTESTS** Page 4

Contests deadlines 2019



Ideas Contest—Feb. 15
(Advertising & Circulation)

State Press Contests—Feb. 22
(Newsroom)

CA has built diverse team to cover Memphis

MARK RUSSELL
The Commercial Appeal, Memphis
November 15, 2018

In mid-June The Commercial Appeal newsroom had a half dozen vacancies on key beats, driven mostly by departures to the Daily Memphian, an online startup.

Some readers wrote to me, questioning our commitment to covering local news and to Memphis, where we've operated for 177 years.

That's when I committed to the staff, those readers, and the larger Memphis community that we would rebuild our staff and dedicate our team to covering Memphis even more vigorously.

Five months later, we have rebuilt the newsroom staff and readers are noticing our reinvigorated local coverage. I call this a good start.

First, some numbers. Since June 1, we have hired 15 journalists to fill openings, including the key beats I mentioned. Since Jan. 1, 2018, we have hired 20 journalists, ranging from government and suburban reporters to reporters overseeing growth and development, FedEx and the region's vibrant logistics industry.



Cobb



Hill

Our newsroom is more diverse than it was a year ago. It is a mix of veterans and some folks just starting their careers. We have several natives of the Memphis area who wanted to return to do journalism here.

One such native is David Cobb, who grew up in Bartlett and had been covering the University of Tennessee-Knoxville sports teams for the past two years. He started in November as the Grizzlies



Thompson

reporter, fulfilling a career dream to return to his hometown to cover the NBA franchise he grew up watching.

We have hired two other sports



Macaraeg

reporters since Aug. 1: Tigers basketball reporter Drew Hill and high school sports reporter Khari Thompson. They joined sports columnist Mark Giannotto, Tigers football

writer Evan Barnes, and reporter Jason Munz, who covers trending stories and the startup football and soccer teams.

As we rebuilt the staff, we doubled down on our commitment to investigative reporting. A year ago we fielded one investigative reporter. Now we have two, giving us more firepower.



Warren

In late August, we promoted longtime reporter Daniel Connolly to investigative reporter. And in September we hired Sarah Macaraeg, a veteran investigative journalist who has worked in Chicago and most recently did a reporting stint in New Mexico.

Her recent report on the exorbitant phone rates in the Shelby County jails and prison is an example of the reporting we will showcase on our investigative team.

Another major change was on our suburban reporting team. We hired two reporters — Abigail Warren (covering Germantown) and Katherine Burgess (Shelby County government, Bartlett,

Lakeland and Arlington) — to join veteran Katie Fretland, who covers Collierville. (We are hiring a fourth reporter to cover DeSoto County.)

We revived our breaking news team, adding local journalist Micaela Watts and Phillip Jackson, who last worked for the Philadel-

See **MEMPHIS** Page 5

CONVENTION from Page 1

Networking Session for Students, Editors & Publishers, Thursday at 11:00 a.m.

A networking session arranged by the TPA Journalism, Education & Literacy Committee. TPA members are encouraged to participate for the opportunity to meet prospective interns and future employees.

Convention attendees may make hotel reservations directly with the DoubleTree by calling (800) 222-8733. The TPA rate is \$239 plus tax and parking per night. Registration materials are available online at www.tnpress.com.

Convention schedule:

Wednesday, Feb. 6

- 1 p.m. TPA Government Affairs Committee Meeting
- 2 p.m. TPA Board of Directors Meeting & Concurrent Business Session
- 3 p.m. TPA Foundation Board of Trustees Meeting
- 5 p.m. Opening Reception (all state legislators are invited)
- 7 p.m. Dinner on one's own

Thursday, Feb. 7

- 8 a.m. To Be Announced
- 9 a.m. Media Under Fire
- 10 a.m. How to Get that First Job
- 11 a.m. Networking Session (Students, Editors & Publishers)
- Noon Luncheon (Governor-Elect Bill Lee invited speaker)
- 1:30 p.m. Convention adjourns

TPA members receive free webinar access in 2019

ROBYN GENTILE
TPA Member Services Manager
December 15, 2018

TPA member newspapers can take advantage of all of the webinars offered by the OnlineMediaCampus.com for free in 2019. This access includes all archived webinars as well.

The TPA Board of Directors budgeted for this opportunity and hopes every member will take advantage of some training.

TPA members will need a special code to access the webinars. If you want to access archived webinars, a separate code will be needed. Please contact Robyn Gentile, TPA member services manager, for a code at rgentile@tnpress.com or (865) 584-5761, ext. 105 or Carol Daniels, executive director, at cdaniels@tnpress.com.

The access for new webinars was emailed to member publishers and editors at the end of December.

January topics are:
Jan 10—Classified 2019: Your biggest challenges and freshest opportunities

Jan 17—Newsroom safety

The archived library includes more than 300 webinars in the following subject areas: Circulation (12); Digital Age (71); Editorial (88); Management (31); Revenue (59) and Technology (42).

GOODMAN from Page 2

different newspapers, and now with many of our member papers, affidavits are just another asset in preserving public notices in print.

The efforts of our staff and of our member papers protect the public's right to know. By working together as well as we do, we continue to fight the good fight to keep public notices in print. No other medium can provide the documentation print offers: an unchangeable account printed "right there in black and white" as a permanent record of its contents.

Earl Goodman is senior media buyer, Tennessee Press Service.

CONTESTS from Page 3

First through third places are awarded in five divisions of each category, and there is an overall Best of Show Award. The contest has 29 categories and five divisions based on circulation. Awards will be presented during the TPA Summer Convention on July 19 in Chattanooga.

The divisions are as follows:
• (N-1) Non-daily with a paid circulation less than 5,000

- (N-2) Non-daily with a paid circulation of 5,000 or above
- (D-1) Daily with a paid circulation less than 10,000
- (D-2) Daily with a paid circulation of 10,000 but less than 25,000
- (D-3) Daily with a paid circulation of 25,000 or above

Kudos to Richard Rowlett, Rowlett Advertising, who was the first to register for the TPA Winter Convention!

TPA Winter Convention
DoubleTree Nashville Downtown Hotel
Feb. 6-7

Free webinars in 2019 for TPA members
Visit www.onlinemediacampus.com to register for webinars.
Contact rgentile@tnpress.com for the coupon code.

Turn your design around to avoid getting stale

Sometimes a design just goes stale. Over the course of even just a few years, inconsistencies creep in, color use gets out of hand, odd typefaces appear. Stuff happens. But you can turn that around. You can bring a crisp, clean, compelling look to the tired face of your newspaper.

- Here are ten steps to guide you:
- 1. CLEAN UP the nameplate.** Look for those elements that have crept in, like Facebook and Twitter logos, your web address, a UPC code. All of those items can go elsewhere.
 - 2. GO TO flush left for your text type.** Flush left body copy helps open up the look of the page and allows you to insert elements like head-and-shoulders photos without creating poor letter spacing and word spacing adjacent to those elements.
 - 3. IMPROVE typography throughout.** Make sure you're using a quality text font. I continue to recommend Nimrod, but there might be others already on your system, like Utopia or Georgia. If you're still using Times for your text, you can do much better. How about head-



By DESIGN

ED HENNINGER

- lines? Are you using a display face that has impact? Is it comfortable? Does it give your newspaper a sense of tradition and credibility? If not, look for something new.
- 4. SEGMENT your stories.** With very few exceptions, any long story can be broken into three or four shorter pieces to create a more attractive package. Readers prefer stories of no more than 15 inches. You can do that!
 - 5. USE INFOBOXES and by-the-numbers boxes.** These are guaranteed "hooks" to get readers into a package. They're a quick list of facts and interesting information that will draw readers in. Once they go through an infobox, readers will be much more likely to give the entire package a full read.
 - 6. CONTROL color use.** Get rid of tint blocks behind stories. Throw

- out color boxes. There are better ways to bring visual interest to a package, like photos, head-and-shoulder shots, infoboxes, charts, maps... Rid your paper of weak colors like pure cyan and magenta.
- 7. MAKE DEADLINE.** Deadlines aren't a design issue? Wrong! If, for example, your writers and editors don't get the content and visual items to a designer in time, then that designer has to scramble. Yes, I understand that at many newspapers, the writer, editor and designer are the same person. Still, even that one person needs to make writing deadline as a writer, editing deadline as an editor — and design deadline as a designer. If you don't give enough time to the design, you'll have a page that's filled . . . not designed.
 - 8. TRAIN staff.** Don't have anyone on your staff who has a rudimentary understanding of the basics of news design? Then the odds are your design just won't get any better. A writer isn't a designer, just like a mechanic isn't an electrician. They're different skills, and they require different ways of thinking. Look for training sessions

- from your state press association. Perhaps a webinar will help. Check newspaperacademy.com for one.
- 9. CREATE a long-term planning process.** Once you've been part of long-term planning, you'll never go back. And your design will improve exponentially. The long-term process allows you to plan months ahead for those events that are a normal part of readers' lives, like Christmas. Mother's Day. First day of school. Start thinking and planning for these three months ahead of time. This gives you the time you need to decide how you want to approach a package focused on that event — and enough time to give it a compelling look. Long-term planning is one of the major differences between a newspaper that is assembled . . . and a newspaper that's designed.
 - 10. CREATE a design style guide.** Without a style guide, anyone on staff can feel free to do as he or she likes with the design. There are no rules, no guidelines to keep the design on track. There's nothing keeping your design from slipping into confusion. Those clients of mine who have kept their design



Art submitted by Ed Henninger

These steps will have your design looking up. under control have done so because they created — and they stick to — a design style guide. If your design has gone stale, if it's not where you'd like it to be, these ten steps are the road to a turnaround.

ED HENNINGER is an independent newspaper consultant and the Director of Henninger Consulting. Want a free evaluation of your newspaper's design? Just contact Ed: edh@henningerconsulting.com | 803-325-5252.

MEMPHIS from Page 4

phia Tribune and is a native of the Washington, D.C., area. They joined veteran courts and justice reporter Linda Moore and trending reporter Ron Maxey.



Burgess

In business, we hired Desiree Stennett and Max Garland to join veteran business reporter/columnist Ted Evanoff.



Watts

Stennett, who has worked in Orlando and St. Petersburg, Florida, is covering growth and development, including tourism, downtown development and commercial and residential real estate. Her recent story explores what the Sears' closings mean for Wolfchase Galleria and Southland



Jackson



Stennett



Munks



Rondone



Garland



Chandler

feature that showcases three places in Memphis where you can get a meal for less than \$10. Chandler joins veteran entertainment reporters John Beifuss and Bob Mehr.

In June we tapped then-Memphis city government reporter Ryan Poe to write The 9:01, a Monday-through-Friday news-notes column that is a must-read if you want to know what's happening in Memphis.

To replace Poe we hired Jamie Munks, who was covering city government at the Las Vegas Review-Journal. She started in September.

Hiring staffers and getting them immersed in Memphis has been invigorating and fun. This

is, after all, a special place worthy of strong local coverage.

I have been impressed by the energy and talent of our recent additions. The new team members join an already strong group, including schools and children reporter Jennifer Pignolet, opinion and engagement editor David Waters and local columnist Tonyaa Weathersbee. All will undoubtedly be an asset to the community.

Finally, the team that creates the memorable images you see

and the videos you watch continues to be anchored by veterans Mark Weber and Brad Vest, who have been joined by Joe Rondone and Ariel Cobbert.

The staff rebuilding was the early, necessary part of the ongoing work to better cover the relevant news, trends and people that matter to Memphians. You have my commitment that we are going to continue to get better.

Mark Russell is executive editor of The Commercial Appeal, Memphis.



Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
November 2018	\$181,960	\$22,271
Year* as of Nov. 30	\$1,623,544	\$325,924

* The TPS Fiscal Year runs Dec. 1 through Nov. 30

TCOG lists 13 exemptions, exemption categories that need revision or elimination

Editor's note: Deborah Fisher is the executive director of the Tennessee Coalition for Open Government (TCOG). The following column of her was posted on the TCOG website on Sept. 30, 2018, several days before the State's Open Records Ad Hoc Committee was to meet for a third time to discuss the growing number of exemptions to the public records laws that allow government entities to keep some records secret. The committee was set to meet again in mid-December. Any details or actions taken as a result of that mid-December meeting were unavailable at press time. As Fisher also wrote in another TCOG posting around that same time: "TCOG has advocated for a sunset review of all existing exemptions and new exemptions, as well as a new process for adopting exemptions that makes clear the public necessity and aims to make exemptions no broader than necessary to achieve that aim."

Tennessee Coalition for Open Government recently provided the Open Records Ad Hoc Committee 13 exemptions or categories of exemptions that are interfering with the public's right to know what government is doing.

"As you will see, many of the exemptions listed have problems related to overbreadth or vagueness that we suspect may exceed the public purpose of the exemption. We know that some of the considerations we are bringing forward were not part of the debate when the exemptions were passed by the legislature," TCOG's letter said. "While this list may not cover every exemption that impairs transparency in government, we wanted to give the committee a priority list that is manageable. We think a sunset provision going forward on new exemptions would provide a systematic way to review exemptions and how they are being applied in practice."

TCOG earlier had given the committee seven recommendations to change the process of adopting exemptions as well as how to deal with current exemptions and new ones going forward.

Below is the exemption list sent to the committee on Sept. 19, 2018:

Exemption Review Priorities – 2018

1 – Investment records

There are two exemptions related to the confidentiality of investment records as they pertain to so-called



LEGAL UPDATE

DEBORAH FISHER

"alternative investments" and private equity investments. (T.C.A. 49-7-165 and T.C.A. 8-37-104(a)(10)(B)). The wording is slightly different in each exemption.

These exemptions shield information about investments made by the state's retirement system and the University of Tennessee. They shield not only what the investment is (i.e., the venture or enterprise that is being invested in, or the nature of the investment), but also the exemption has been used to shield how much is being paid to the investment firm for making the investment. As we understand it, some of these investments may be in unregulated securities.

We believe this gap in transparency is wrong. The public deserves to know about the stewardship and investment of public money. And that principle should hold even when the money comes from a donation to a university, tuition paid by a student to attend a university or direct funding traceable to tax revenue. It is all public money, used by public institutions. Oversight and accountability of the government entity's stewardship is effectively neutered without basic knowledge such as the service fees being paid and perhaps in some cases, the quality, effectiveness or risk of the securities being invested in.

These exemptions should be revisited to provide more transparency.

2 – Performance evaluations of government employees

There are at least four exemptions related to job performance evaluations that includes many state employees and local teachers. We believe the exemptions are vague in relation to reprimands, disciplinary action or even termination that might be part of a performance evaluation file.

For example, if an employee is reprimanded, is a record of that reprimand closed to the public as it might be considered part of a performance evaluation? If a person is terminated, is that letter of

termination available even if it references performance? Is reprimand or disciplinary action information available for a government entity's employees as a whole, as data, if such information is in individual performance evaluations?

We suggest clarification of the exemption to understand the Legislature's intent.

The public purpose of the exemption — to create an environment for candid job performance evaluations — needs to be balanced with a need of accountability for the institution itself.

For example, is the institution adequately following up on complaints, particularly as they relate to safety of children in public schools, safety of employees, or the safety and rights of the public? Clarification about reprimands and disciplinary action could provide better accountability.

We also think there should be higher standards of transparency for top officials, such as presidents and chancellors of universities and colleges, and urge that performance evaluations of top officials be public.

With top officials, such as university presidents or chancellors, shouldn't it be clear to the public the reasons behind both the hiring and firing decisions? Patronage should not play a role in these decisions. Transparency related to performance evaluations is a piece of that accountability.

The performance evaluation exemptions should be looked at together: (T.C.A. 10-7-504(a)(23); 10-7-504(a)(26); 49-1-606(b); and 8-30-313(d)).

3 – Accreditation reports for public hospitals

T.C.A. 68-11-210 (b)(5)(C) allows health care facilities licensed by the Department of Health to meet licensing requirements if they have an accreditation report and letter from the Joint Commission on Accreditation of Hospitals. However, an exemption allows that accreditation report to remain confidential.

In 2016, the public hospital in Nashville (Metro General) received an emergency infusion of \$10 million from Metro Nashville government to help address problems that had been identified in an annual accreditation report. However, the hospital authority refused to release the report based on the exemption, although the report had

been used as partial justification for the emergency \$10 million.

We think this exception undermines transparency of public hospital operations that rely on public funding. Accreditation reports required by the state to satisfy licensing requirements should not be exempt. They reveal important information related to health entities licensed by the state, including any deficiencies, that the public has a right to know.

Likewise, any deficiencies in an accreditation report that could jeopardize the state license of private hospitals should also be public. This information is relied upon by the state to make decisions related to licensing and should not be withheld.

4 – Tax information

There are at least six exemptions related to tax information, and these should be examined together. However, the main one that is cited often to shield information is T.C.A. 67-1-1702. We believe the origination of this exemption was likely meant to keep information related to a person or business's tax payment or tax return information confidential.

However, this exemption has been used to shield commitments made by state economic development officials to reduce a specific company's tax (through a tax credit) as part of an economic development incentives agreement or initiative.

We think that if a government enters into an agreement with a company as part of an economic development incentives package, the public has a right to know the totality of the subsidy (in grants, tax credits, land value, etc.)

A business is not required to take such a subsidy from a government entity. But if a business entity chooses to take a subsidy from government, information about that subsidy should not be confidential.

The Commissioner of Revenue and Commissioner of Economic and Community Development have discretion to award and modify job tax credits and other tax credits to specific companies per T.C.A. 67-4-2109 by:

- lowering the otherwise required job numbers required to qualify,
- by lowering the period required for the company to make investments,

- by lengthening the time allowed to carry over tax credits,
- by waiving other requirements in law otherwise required receive tax credits, and
- by even authorizing additional other tax credits.

These are special "deals" made by two state agency heads and are NOT available to all businesses equally.

Because of the interpretation of the tax information exception, there is no public oversight of these deals and decisions, and no knowledge of the extent of these deals or who they are with.

5 – Investigative exemptions

There are numerous investigative exemptions for state agencies and entities.

We believe all of the investigative exemptions should be reviewed and the committee might find it helpful to review these as a whole to develop common standards.

Two investigative exemptions that concern us most based on the number of complaints we get are:

- The TBI investigative file exemption in 10-7-504(a)(2), and
- The local law enforcement exemption, which is not in statute, but has been determined by the Tennessee Supreme Court to be an exemption created by the Rules of Criminal Procedure, Rule 16, Discovery and Inspection.

TBI:

The TBI exemption is concerning because, unlike local law enforcement exemptions, the exemption lasts forever, even after an investigation or court case involving the investigation is finished. Members of the general assembly may have access to investigative records of TBI by resolution of either house or a joint committee of either house, or in compliance with a subpoena or court order.

We think this exemption is far too restrictive and hampers oversight and accountability of the TBI.

Local law enforcement investigative exemption:

The local law enforcement exemption created by the Tennessee Supreme Court's interpretation of Rule 16(a)(2) of the Rules of Criminal Procedure (Discovery and Inspection) has been broadly applied by police and sheriff's departments, and the state attorney general's office, throughout the state.

Some law enforcement entities

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have used it to blanketly deny access to all offense or incident reports, while other law enforcement entities allow access to such reports. It depends on where you live in Tennessee on whether you can access incident or offense reports from a police or sheriff's department. We believe that the immediate facts and circumstances of a crime, which is revealed through offense reports, must be available to the public.

Some agencies have abused this exemption to claim that records that are otherwise public records (e.g., state agency travel records, post-fire report and emergency management records related to the Gatlinburg fires) are confidential at the moment a law enforcement entity contemplates a potential investigation or opens an investigation that might utilize those records.

In the Gatlinburg fire, this is what happened. Even though the district attorney did not even know of all the public records that might be related to the response to the fire, he claimed all of them were exempt from disclosure because of his ongoing investigation/prosecution of two juveniles charged with arson. This caused normal records of fire responders, normal records of the city of Gatlinburg and normal records of TEMA related to the fire to be withheld for months.

The State Attorney General likewise has argued that travel records and phone logs of state employees — ordinary records created in the normal course of business by state agencies — became confidential when a Nashville district attorney opened or was about to open an investigation into the former acting director of TBI.

We do not believe that otherwise non-confidential public records of government should become confidential simply because an investigatory body decides to gather or view them as part of a criminal investigation.

The result is certainly a new way to keep public records from view by the public: All an investigatory body has to do is open an investigation and sweep those records into their file so that they are no longer public.

And in fact, this has happened in at least two high-profile cases:

- The Gatlinburg Fire (in which charges against the juveniles were dropped) and
- The investigation into the for-

mer acting TBI director (in which no charges were ever brought.)

We believe it is essential that:

1. The Legislature review the TBI exemption so that the TBI's investigatory file become subject to release under the public records act after investigation/prosecutions are completed — the same as in local law enforcement investigations.

2. The Legislature state its intent through statute about what law enforcement records should be confidential during an ongoing investigation. And what records or information must be public to ensure transparency and to ensure accountability of law enforcement.

3. We also urge the legislature to clarify and correct the exemption now being asserted by the state of Tennessee that non-confidential public records created by state or local government entities become confidential when an investigatory body contemplates or begins a criminal investigation and gathers or views those records as part of the investigation.

6 – Working papers/Audits

There are at least 13 statutory exemptions to the Tennessee Public Records Act directly related to audits of government entities, or audits of nonprofit entities regulated by or funded almost entirely by tax dollars.

Some of these audit exemptions have been used to hide from the public details of noncompliance and other flagged problems of government entities (both local and state entities). Additionally, the language repeated in some of these exemptions has been interpreted (we believe misinterpreted) to allow documents of a government entity that are otherwise public to become “nonpublic” when they become part of an audit investigation.

All of these exemptions need to be examined, preferably together, to develop a set of standards so that the public can know about the details of any problem findings with government entities. These exemptions are too easy to abuse.

Here is an example of the broad language in one of the audit exemptions, T.C.A. 4-3-304 (7) and (9). Working papers is defined specifically. Then working papers is also defined with an additional clause that says: “all other records relating to an audit or investigation by internal audit staff”.

An example of the effect: As reported to us, an audit conducted by the Tennessee Board of Regents concluded with a one-page report

that said an agreement between a foundation and a foundation board member's company was not disclosed and the benefits of the agreement did not justify the current cost. But the audit did not list the name of the foundation member or any details about the particular agreement. All other information, including the agreement, was withheld pursuant to the “working papers” exemption.

7 – Associations and nonprofits. T.C.A. 8-44-102 and T.C.A. 10-7-503(d)(1)

Some associations and nonprofits have been defined by law to be subject to the Tennessee Public Records Act. According to the law, they must meet 3 requirements that are outlined T.C.A. 8-44-102 (b)(1) (E)(i). Those requirements are:

- Must have been established for the benefit of local government offices, or counties, cities, towns or other local governments, or as a municipal bond financing pool.

- Must receive dues, service fees or any other income from local government officials or local governments that constitute at least 30 percent of its total annual income.

- Be authorized under state law to obtain coverage for its employees in the state retirement system.

We believe this statute (8-44-102) should be updated to include any nonprofit whose funding comes almost entirely from local government entities. For example: those entities that receive all hotel-motel sales tax revenue of a government entity.

We also think the statute should allow for nonprofits established for the benefit of local government offices, or counties, cities, etc.... to be subject to the public records regardless of whether or not their employees are authorized to participate in the state retirement system.

This statute should also be amended to make clear that if a government entity transfers a governmental responsibility to a nonprofit entity, the nonprofit entity is subject to the public records act.

Also, 10-7-503 (d)(1) allows those organizations identified in 8-44-102 to avoid the obligations of the public records act if it has an annual audit. However, this is too low a bar, and along with aforementioned problems with details of audit findings, a gap is created where significant taxpayer money is being used to run organizations that have little or no transparency to the public. The allowance of an annual audit to replace the over-

sight created through transparency and accountability of the Tennessee Public Records Act should be eliminated. If these entities have specific records that must be shielded, tailored exemptions could be crafted for those purposes.

8 – Trade secrets, proprietary information

There are at least 16 separate exemptions related to trade secrets and proprietary information. There may be more.

As we have seen, some local government entities have entered separately into contracts with private entities that come up with their own definition of what trade secrets shall include. This should not be allowed. In addition to be completely contrary to the Tennessee Public Records Act, it is strangling local government officials, both elected and staff, who may wish to provide proper oversight and evaluation.

For example, a PILOT agreement that the Montgomery County IDB signed with Google defines that trade secret protection would apply to:

- The number of employees projected to be hired or hired to operate the project.
- The capital investment made by the company in the project that will be developed on public land.
- The relative proportion of real versus personal property invested (or any subcomponents thereof).
- The assessed value of either real or personal property as a component of the total assessed value.

That agreement also requires the Montgomery County IDB to:

1. “(U)se its best efforts legally permissible in order to assist the Company in opposing” any enforceable order of a court to reveal that information. (i.e. requiring additional taxpayer dollars to be spent to fight a COURT ORDER if needed)

2. Agree that the Public Records Act be construed in favor of non-disclosure. (i.e., in direct conflict with T.C.A. 10-7-505(e) which references that the Act be broadly construed so as to give the fullest possible public access to public records.)

3. Not allow the IDB's contract with Google to be attached to any public notice or presented for review in any public forum, or provide a copy or disclose the terms or conditions of it to any third party unless required by law or by order of a court.

4. Not allow the IDB's contract

with Google to be disclosed as part of a press release or announcement.

5. Require the IDB to notify Google within 48 hours of receipt of any public records request for documents related to the PILOT project, and if the IDB intends to fulfill the request, agree to give the company 30 days in which to seek a judicial injunction or restraining order; or redact anything the company defines as a trade secret.

Recommendation:

All of the trade secrets/proprietary information exemptions need to be reviewed and updated so that such abuses as evident in this agreement cannot happen.

They also should be reviewed, and language inserted to clarify what the public is entitled to. For example, the public needs to be able to know the total amount of subsidy and value that governments are giving private entities.

No separate agreement should be allowed to be made that would prevent a government entity from measuring and sharing with the public the result of their public policy, such as by the number of employees hired or other measures considered important to the success of economic development initiatives.

In terms of businesses regulated by the state, the state should be allowed to make public detailed information concerning violation of such regulations, regardless of a trade secret or proprietary information assertion.

9 – Lottery CEO

A unique exemption in T.C.A. 4-51-124(a)(9) exempts all information and records relative to hiring or retention of the CEO of president of the Tennessee Education Lottery Corporation. We believe that records related to the hiring and retention of the CEO of this state agency should be subject to the same requirements under the public records act as any other top official of a state agency, and be open. We are not aware of any reason given for this exception at the time that it was passed.

10 – Student records

There are 16 exemptions that mention student records – students in LEAs and students in higher education institutions.

For example, 10-7-504(a)(4) allows student records to be treated as confidential. We agree with the spirit and specifics of this exemp-

Make a plan to write a terrific news story

Every now and then inspiration strikes a writer like lightning, and a nearly perfect news story is the result.

They'll craft a piece with an engaging lead, a meaningful nut graph, intelligent exposition, on-point factual evidence, colorful imagery, telling details, unforgettable quotes and a kicker that lingers.

For some, it all comes together only once a year or even once a career.

And yet, a few writers find such success almost every time they put pen to paper or align 10 fingers on a keyboard.

Often, those top-notch writers don't wait to think about writing until after the reporting is complete. Instead, they plan ahead, think almost constantly how to approach an assignment, create a structure for a piece and – most importantly – use the reporting process to drive their writing.

One method of planning can lead to improved writing, especially on breaking news stories or events covered by multiple reporters. I call it "Reporting to Write," a fairly simple concept in which journalists think and focus almost constantly on the story and its structure before, during and



BETTER WRITING WITH BART

BART PFANKUCH

after the reporting process.

I put this to good use in 2000 when I was the statewide general assignment reporter for a big Florida daily and drew an assignment to do a "scene piece" about tornados that had killed more than a dozen people.

As I drove to the scene (with the radio off and my thoughts fully on the job ahead) I wondered how to approach the reporting. The fact the funnels blew in at night on Valentine's Day were both sure to be touched on by the two other breaking news reporters on our team.

I began to see debris scattered about fields and people picking through the wreckage and suddenly it hit me: One terrifying element of every tornado is how it exposes the possessions and lives of its victims for all to see.

I settled on a plan to tell the stories of some of the victims by

focusing solely on their scattered possessions and by confirming those assumptions by talking to surviving family members or neighbors.

I found and recorded the titles of children's books owned by a toddler who died; I examined trophies scattered about a home where a teenaged athlete had been injured; and I found record albums and took note of the artists beloved by a middle-aged musician who was killed. I didn't dilute my effort by attending press conferences or talking to cops or firefighters or interviewing numerous survivors who all told much the same story.

Once I had an opening sentence, the story nearly wrote itself. In fact, after my computer crashed on the way to use the modem in the public library where I wrote, I was able to rewrite the entire piece in 15 minutes. My editors loved the piece and I was home by 5 p.m. that day.

Here are some basics about Reporting to Write that can help you become a better storyteller and get you home in time to make dinner.

- Consider an "angle" or "approach" to the organization of the story early in the reporting process. Talking to editors, col-

leagues, sources or even yourself can help reveal whether you're on the right track.

- Before settling on an angle, run the premise past a number of knowledgeable people or primary sources with different viewpoints to see if you've got it right. Once confident, pursue the angle or approach with vigor.

- Maintain a constant focus on the critical elements of the story while in the field or on the phone. You should always be on the hunt for the lead, great quotes, colorful characters, transitions, telling details and a kicker. Always think story, story, story – how does this work into my story structure and what do I need to pull this off?

- Pursue your approach with passion, curiosity, energy and watchful eyes and ears.

- Always write down concrete details and specific facts or descriptions that add color and spice to the copy in order to avoid errors. Key facts and news tidbits can be worked into the overall structure.

- Don't be afraid to write a passage or portion of the story while in the field or between interviews. The best time to craft compelling copy is when the reporting is fresh.

- While reporting, sketch an outline or highlight elements of your notes that might serve as an anecdote, a lively detail, a transition or a kicker to make them easy to find later.

- Once you know the premise is solid, free yourself to write with authority, command over language and with feeling and voice.

- Remember to consider a "to be sure" or contrarian paragraph if necessary, a quick nod to the reader that the angle you're taking isn't the only possible angle, just the one you're pursuing in this piece.

- Important caveats: Do not bend the reporting to meet your premise or mistakenly pursue a false narrative. Don't create a sentiment that doesn't exist. Don't write to please a source or your editor. Remember that this technique is not foolproof or perfect for every story, and understand that sometimes you have to blow up your premise or structure and go back to straight news to make deadline and be accurate and fair.

Bart Pfankuch is an investigative reporter for South Dakota News Watch, online at sdnewswatch.org. Write to him at bart.pfankuch@sdnewswatch.org.

Board to consider acceptance of three membership applications on Feb. 6

Membership applications from the Cheatham County Exchange, the Murfreesboro Post and The Portland Sun are recommended for approval by the TPA Membership Committee. The Board of Directors will consider these applications on Feb. 6, 2019.

On Dec. 21, in accordance with procedures, the Board of Directors notified the membership. If there are no objections from a TPA member newspaper within 30 days (by 5:00 p.m. EST on Monday, January 21, 2019) then the agenda will include the applications.

In the event a member objects to membership by a publication based upon criteria outlined in the bylaws as qualifications of newspaper members an appeal to re-consider the application may be made, if notice of appeal is received within

30 days of the committee's recommendation for membership.

In such events the TPA member objecting must provide the reason for the objection and provide documentation supporting their position that the applicant is not eligible for membership based on the bylaws. Objections should be addressed to TPA President Doug Horne (dhorne@hpiknox.com) and Membership Committee Chairman Keith Ponder (kponder@c-dh.net).

The objecting newspaper shall provide supporting evidence to the Membership Committee chair within 10 business days of the objection.

Expenses incurred by the subcommittee in the course of their investigation will be borne by the TPA member objecting to the membership application. The board's ruling is binding.

Research: Tight meters won pay model war for news websites

BRIAN STEFFENS
Reynolds Journalism Institute
May 10, 2018

When newspapers first went online, the generally accepted wisdom of the time was that their content had to be free. It was argued that "free" was necessary to attract eyeballs, and that's what the advertising model required.

That unearthed two problems. 1) The eyeballs weren't worth much, less than a tenth of a penny today, and 2) only the three or four largest national newspapers could attract enough of those eyeballs to raise enough pennies to sustain even a portion of the business.

So our industry spent more than a decade stumbling through various experiments. The Dallas Morning News put up a pay wall, later killed it and went back to free, and this past year launched a new pay model. It

wasn't the only newspaper to ping pong through the decade.

The conversation became dominated by semantics (subscription or membership?), pricing (wet your finger, stick it in the air, and see which way the wind is blowing?), and sampling (metering, allowing a certain number of free views before asking for money). These all have provided valuable learning experiences.

Research at the Missouri School of Journalism indicates our industry has finally found a pluralism in approach: a metered pay model with 10 or fewer free reads before a reader/viewer would be asked to subscribe, donate or register.

More than 300 news websites were surveyed, 236 of them newspaper websites. Nearly three-quarters had a metered model. And of those 170 websites, almost 90 percent limited free views to 10 or fewer.

It's refreshing to note that the indus-

try has upped its game in researching and analyzing its opportunities and business options. A few years ago researchers from the University of Missouri worked with The Seattle Times to determine optimum content bundles (print, digital, mobile) and optimum pricing for each bundle. Smarter than a wet finger in the air.

Now The Seattle Times is getting smarter about attracting readers to bundles. Their programmers are experimenting with algorithms that help 1) widen the funnel of prospective readers, 2) determine which readers are most likely to respond positively to an invite to subscribe or join and 3) at what point(s) in that journey down the funnel would they be most likely to accept such an invitation. This is the kind of data collection and analysis that many industries and companies use, but it's relatively groundbreaking for the news industry.

Closing the deal and doing it by the numbers

PETER W. WAGNER
N'West Iowa Review
 December 1, 2018

Selling print advertising – or anything else – is as simple as 1, 2, 3!

One. Become the client's "business partner" and not just another salesperson. Create a solid one-on-one relationship with the buyer centered on mutual trust, caring about the client's needs and delivering valuable promotion and advertising ideas. Make an exceptional effort to understand the client's business from his side of the desk or counter. Learn all you can about the client's business and dreams, and develop plans that will best benefit him. Have the "courage of your convictions" regarding your publication's reach, readership credibility and unique benefits. Tell your story.

Two. Study and master a variety of proven sales presentation closes, and never make a sales call without making at least one effort to "make the deal."

Three. Always attempt a close. There are many ways to effectively close a sale. Unfortunately, there are also many inadequately trained and poorly managed salespeople

who appear to only know one close – the GIRL SCOUT Close. The Girl Scout's "Hey, Mister, do you want to buy my cookies" is replicated time and again by well-meaning ad salespeople who begin every call with the same question: "Mr. Advertiser, do you want an ad?"

Some better closing approaches would be the LITTLE DECISION close, The SOUR GRAPES close, the NOW OR NEVER CLOSE, the BY THE WAY close and my all-time favorite, the ASSUMPTIVE CLOSE.

The LITTLE DECISION close is actually a series of questions or small closes that clarify exactly what the customer wants in an advertising program. Each question gives the prospect an opportunity to choose between two variables.

The SOUR GRAPES close is great for occasions when you find unable to negotiate with a prospect who sits in silence not making a decision. That's your clue to say, "Forgive me, I believe I've made a mistake coming here today, I apologize for wasting your time. I don't think this ad package is the right one for you."

This sudden change in approach will shock the advertiser into at

least thinking about buying.

The BY THE WAY close. It can be used, like the above, when the customer won't buy, won't say why and won't even smile at you. The salesperson thanks the client for his time gathers his papers and heads for the door. Then, just before exiting, he turns to the potential buyer and blurts out "One question before I leave. Just why didn't you buy that package?"

Caught off guard, the client will often respond with the truth. "I would have," he might say, "but I've already used all my budget for this year."

"Oh," the sale rep can respond, "we're already into November. Didn't I tell you I can defer the bill-

ing until after the first of the year?"

But I like the ASSUMPTIVE close best because the package is presented with the presumption the customer has already decided they're going to buy. Pretend, for example, your paper has decided to do a "Salute to Men in your Community" tabloid. If that were the case your sale approach might go like this.

"We're planning a special section next week," I'd say. "with Life

magazine style layouts featuring stories and photo layouts on some of the region's outstanding male leaders. I can't tell you exactly who, but there will be individuals involved in government, business, education, religion, construction, agriculture, sports and recreation. We believe most men in the four-county area will read it cover-to-cover to compare themselves with those featured.

"What I have in mind for you, with your new men's store, is a full page in process color. On one side of the page we'll feature a photo of you in that new designer men's jeans line you just got in and wearing one of those leather jackets you showed me yesterday.

"On the other side of the page we'll feature your brother-in-law business partner in a pair of dress slacks and one of those new crew neck sweaters you showed me last week. I'm thinking the headline should read 'Finally the Men's Store You've Always Wanted here in Sheldon.' We'll need to put four or five specials in the center area and of course use that logo we just created to match our sign.

"And I think we need to show

the different credit cards you accept, your hours and the fact that you offer quick alterations next to the logo."

The close comes at the end with a simple "Is there anything else I can do for you today?"

Community newspapers are still the best means of reaching the greatest number of families in any market. It is time we all tell our story regarding why we're here to advertisers. We've gone too long thinking advertisers will just walk away without our first getting in their face.

Peter W. Wagner is founder and publisher of the award winning N'West Iowa REVIEW and 13 additional publications. This free monthly GET REAL newsletter is written exclusively for State and National Press Associations and distributed by them to their members. To get Wagner's free PAPER DOLLARS email newsletter for publishers, editors and sales managers email him at pwv@iowainformation.com. The two monthly email newsletters contain information completely different than found in Wagner's monthly Publisher's Auxiliary column. Contact him at 712-348-3550.

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tion: Records related to academic performance, the financial status of students or their guardian, any medical or psychological information and information such as this should be confidential. Student health records are also protected and rightly so.

Our concern with student record exemptions are when they are used to eliminate the accountability, transparency and oversight of the academic institution itself or the employees of that institution.

A common and repeated example of when there is overreach: complaints of school bus driver behavior, captured on bus video, and the video is withheld because students might be identified on the bus. This has happened even when parents of students want access. Entities have relied on various student records exemptions as justification for not releasing the video.

We think that records that relate to the safety and accountability of the institution should be public. Not only does the public have a

right to know, but parents have a special interest and a right to know. Because these exemptions are often used — or misunderstood — to close records beyond academic and health records, we think clarification is needed.

We suggest looking at these exemptions together.

11 – Employees, identifying information

While we understand the privacy reasons to make certain employee information confidential, we believe there should be exceptions to the exception in some instances.

In 10-7-504(f), the home and personal cell phone numbers of government employees are confidential. However, we think that if a cell phone number is used regularly by a government official for government business, that this number should not be confidential.

The same exemption makes a personal, non-government issued email address confidential. We think any email address that is used by the employee regularly to conduct government business — whether it's a personal email

address or not — should not be confidential.

Making both of these changes make sense and also would save redaction costs.

12 – Vendor identity

The identity of vendors that provide the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems was made confidential in recent years. My understanding is that this was made confidential because of concern that knowing the identity of a provider of a telecom system, or an information processing system, would give a potential hacker a clue about the type of system purchased by the government and cause a security issue.

Closing the identity of vendors to government is serious business in terms of accountability and the risk of cronyism and unfair patronage.

While there may be a security reason, there was no example cited during this bill's legislative history of any time that any government telecom system or information

processing system had been hacked after the identity of the vendor had been become known. There are numerous examples of government systems being hacked, but in all cases that we have been able to find, the security breach has never been associated with knowing the identity of the vendor. We were perplexed when this was passed with no evidence. Unless that evidence can be provided, we think this part of the exemption should be repealed and the identities should become public once more.

However, we do not think the entire exemption should be repealed, and suggest retaining the following part of the exemption, which we think is reasonable and sensible and allows enough discretion for adequate protection:

(A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;

(B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption

to, or interference with, the services provided by a governmental entity; and

(C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.

13 – Reports of violence within correctional facilities

An exemption allows a warden or chief administrative officer of a prison to have discretion to classify or maintain confidentiality of incidents of violence with correctional facilities if the release of the information would endanger or compromise security of any inmate or security of the institution.

The exemption does not have a safeguard against abuse, specifically "hiding" from the public incidents of violence for reasons other than inmate or institution security.

We believe this exemption should be re-visited to provide a safeguard to avoid coverups of violent incidents by or against guards, employees or inmates. Or the appearance of cover-ups.

Meet Earl Goodman, senior media buyer at TPS

I joined Tennessee Press a year ago, Jan. 2, and one of the first people on the Tennessee Press Service team that I met was a gentleman by the name of Earl Goodman. By now, if you have been in the newspaper business for any amount of time, you are probably saying, "Yeah, I know Earl!" I actually knew of Earl long before this day because he always worked so well with my ad team at The Tennessean. His level of customer service made him a legend. I am glad that I finally got to meet that legend and more importantly, that I get to work with him every day. I thought you might enjoy getting to know more about him too!

Q: So, Earl – how long have you



**SALES
SUCCESS**

SHELLEY DAVIS

been part of the Tennessee Press team?

A: May 2019 will mark the start of my 12th year with Tennessee Press.

Q: I bet you have seen many changes in publishing during that time. Before you worked for the Tennessee Press team, you worked for a Tennessee newspaper, right?

A: I began my newspaper career right out of high school in 1985

as the "obit boy" at The LaFollette Press, the community newspaper for Campbell County. I typed for our composing department the obituaries, birthdays, church news items – anything that was submitted by the public that wasn't in typewritten form. I added reporting, layout skills, bookkeeping, advertising and things I've probably forgotten. I've often said working at a newspaper means doing your job plus whatever else needs to be done, all the way down to plunging the toilets. I used those same skills and the same knowledge, and probably a very similar plunger, when I moved into the co-publisher position at Volunteer Times from 2002-2004.

Q: I know from all of our conversations about how important our industry is that you are a news junkie . . . tell us about one of your favorite stories in Tennessee Press business or about one of your favorite publishers over the years.

A: I wouldn't be doing what I'm doing now without the guidance and knowledge of everyone I've worked with in this industry. You learn something from everyone you meet, and I've been blessed to have met and worked with people who are still my friends today. But I wouldn't have started down this path without learning from two of the best in this business – former LaFollette Press owner and publisher Larry Smith and the advertising director for the Press, the late Larry Dilbeck. Both men taught me about business and about life, and both exemplified how important family should be



Submitted photo

Earl Goodman has been with TPS 11 years.

in your life. Your work family can be just as close as blood relatives, and I was fortunate that both men welcomed me into their work family. I can never say "thank you" enough to everyone who has helped me on this journey.

So now let's have a little fun, let's get to know the real Earl Goodman . . .

Q: We all have a passion outside of our day jobs, tell us about yours.

A: I stepped away from the newspaper business in 2004 – a "cleansing" as my friend Kevin calls it – due to health concerns with my parents. During the next two years, I owned and operated a retail CD store, just before the downloading wave became popular. I could listen to music 24/7. I like to have it on in the background at all times, and you'll often see me at my computer with wireless earphones wrapped around my neck. When I grow up, I'd love to be a writer, so most of my favorite music involves an emphasis on words more than the instruments. That's not to say I don't love a good guitar lick or a killer drum solo! I'm also a comic book geek, and that's "geek" and not "nerd." Nerds don't realize they're cool while geeks know they're cool but don't understand why everyone else doesn't realize that. My biggest passion, though, is

my love for my wife – without her, I'm nothing.

Q: What is the craziest thing you have ever done . . . at least that you will tell us about?

A: I don't know that it's really crazy, but I'm sure I surprised several people when I started growing my hair into a pony tail. It grew several inches down my back, and during my music store days, I had a pretty good braid going on. I cut it before my wedding and donated the length to an organization that helped children struggling with hair growth due to cancer and other diseases.

Q: What is the most interesting thing you've read recently about media/advertising?

A: I'm seeing a resurgence in how newspapers are taking pride in their product. With all the frenzy about real news versus fake news, I see more and more papers putting out their best products. Regardless of how you may view that publication, newspapers are putting out their best efforts. That's encouraging, as is the new trend in advertising to link print and online options. For so long the push has been to use a digital campaign in place of a print campaign, as if the digital product was separate from the print version. Every facet of this business should combine to present the strongest product, and by accepting that print and digital work better together will lead to a stronger industry.

Q: We have worked together now for almost a year and I know you pretty well, so it is hard for me to think that anyone could trick you into anything, but tell us about that ridiculous thing that someone tricked you into doing or believing.

A: Do you really think I'm going to reveal something I was tricked into doing? Because if I fell for it once, I'm likely to fall for it again since I'm gullible. By the way, did you know "gullible" isn't a real word? Check the dictionary – it's not there.

Shelley Davis is the sales and marketing director of Tennessee Press Service.

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U.S. Court of Appeals rules Uber drivers must arbitrate individually

In a closely-watched case called *O'Connor v. Uber Technologies*, the United States Court of Appeals for the 9th Circuit decided on September 25, 2018 that an Arbitration Clause that waives class actions and reserves to the Arbitrator the determination of whether a dispute is properly arbitrable will defeat class action certification and require the granting of an order compelling arbitration. The court placed reliance on a U.S. Supreme Court Decision in a case called *Epic Systems*, which ruled that class action waivers contained in Arbitration Agreements did not violate the National Labor Relations Act and were therefore enforceable.

The Decision reversed the lower-court decision which had certified a class of 160,000 drivers.

Now, each Uber Driver who has a claim will have to present his/her claim individually in an arbitration case pursuant to the Arbitration Agreements.

Significance: Many California newspapers have entered individual Arbitration Agreements with newspaper distributors, which agreements contain class action waivers.

DOL Planning New Overtime Rule

The U.S. Department of Labor recently finished a series of



LEGAL UPDATE

L. MICHAEL ZINSER

listening sessions for interested parties at which it gathered opinions about a new overtime rule. It is expected to issue a Notice of Proposed Rule Making (NPRM) in March 2019. The proposed rule will no doubt raise the salary threshold in order to be considered a salaried exempt executive, administrative or professional employee. That current threshold is \$23,660 or \$455 a week. That salary threshold has been in place since 2004.

You will remember that the Obama Administration attempted to raise the salary threshold to \$47,476 a year. That particular rule was struck down and enjoined nationwide by a federal judge in Texas.

Based upon comments by Secretary of Labor Acosta during his confirmation hearings, expect the Department of Labor to propose a new rule with a new salary threshold in the \$32,000-\$33,000 range. This threshold would be more like adjusting the current threshold for inflation since 2004. It would make far fewer new workers eligible for

overtime than would have been the case under the rule proposed during the Obama administration. A salary threshold at this level is not as likely to generate huge opposition.

If the NPRM occurs in March of 2019, then there will be a comment period after that. Then the Department of Labor will take time to consider all of the comments. Prediction: Do not expect to see a new overtime rule in effect before 2020.

Independent Contractor Status

Former NLRB Counsel Richard Griffin (Obama appointee), in a strategy of legal adventurism, took the position that mis-classifying someone as an independent contractor was an independent, stand-alone violation of the National Labor Relations Act. A case brought by General Counsel Griffin pursuing his theory, *Velox Express Inc.*, is currently pending before the NLRB. The NLRB, because of the importance of the issue, invited interested parties to file amicus briefs. Significantly, the President Trump's newly appointed General Counsel, Peter Robb, parted company with former General Counsel Griffin. General Counsel Peter Robb argued that misclassifying an employee as an independent contractor, standing alone, does

not violate the Act. *Velox Express, Inc.* is a case to watch. Its potential impact on newspaper distributors is huge.

Unions hate independent contractor status. The National Labor Relations Act was specifically amended by the 1947 Taft-Hartley Amendments to expressly exclude independent contractors. U.S. Supreme Court Decisions have made clear that the NLRB is to use the usual common law test to determine independent contractor status. No Court Decision has ever held it was an independent violation of the National Labor Relations Act if, after litigation, individuals were found to be employees instead of independent contractors. That issue has always been decided on a case-by-case basis. This writer predicts that the current NLRB will reject the assertion that classifying someone as an independent contractor is independently, stand-alone a violation of the National Labor Relations Act.

NLRB Quickie Election Rule Update

In December 2017, the NLRB invited comments regarding whether the Quickie Election Rule promulgated by the Obama Board, effective April 14, 2015, should be retained, modified or rescinded. The comment period

was extended to April 2018. The Board has yet to release its Decision or findings.

It has been reported that the NLRB has placed this issue on its agenda as a "long-term" action item. In a recent speech to the ABA's Labor and Employment Conference in San Francisco, NLRB Chairman, John Ring indicated that the NLRB will engage in rulemaking to change the Rule but will do so by issue by issue rather than taking on the entire Rule at once. Chairman Ring said the first of a series of proposed rules will be issued this winter.

In the last 12 months, many newspaper newsrooms have been unionized. A factor in union success has been the Quickie Election Rule which, on average, gives an employer only 23 days to react to the filing of an election petition. On average, an election is held within 23 days of the date of the filing of the petition. Prior to the Quickie Election Rule, employers had, on average, 42 days. As you can see, an employer's chance to plan a counter strategy has been cut in half. Hopefully the new NLRB will change that.

L. Michael Zinser is president of The Zinser Law Firm, P.C., in Nashville, Tenn. He can be reached at 615.255.9700 and mzins@zinslaw.com.

CRAIG from Page 1

United States Congress" (a milestone that is hard to certify, considering the age of this newspaper and the hundreds of reporters who have slouched through its doors).

She is likely the first Minnesota member of Congress with a Southern accent. ("You grow up in Arkansas, you can't get it out of you," she said. "Apparently, Minnesotans like it.")

She is the first Minnesota member of Congress to be endorsed by Samuel L. Jackson. (The movie actor appears in a humorous video for Craig, created by a political action group, *Swing Left*.)

More important, Craig is "the first openly lesbian mother to be elected to Congress, and the first openly gay person elected to Congress from Minnesota," according

to her Wikipedia biography.

After all those firsts, here's some seconds: the vote represented Craig's second attempt to be elected to Minnesota's 2nd Congressional District.

In 2016, when the seat became open thanks to the retirement of the Republican incumbent, Craig lost to conservative Republican Jason Lewis in the general election. She lost by 7,724 votes; but the third candidate in the race, an independent, collected 28,500 votes, so Craig had no reason to be discouraged.

She wasn't. On Election Day, Craig received 177,971 votes, while Lewis earned 159,373 — or, 12,972 votes fewer than he collected in 2016. There was no third-party candidate in the district, which extends from the southern edge of St. Paul, Minn., into farmland.



Craig

Craig, 46, was born in West Helena, Arkansas, but spent most of her childhood in trailer homes in Gosnell and Jonesboro, where she was a graduate of Nettleton High School.

Moving across the river to the big city, she earned a journalism degree and served as editor of the campus newspaper, *The Daily Helmsman*, at what was then known as Memphis State University. (She credits former journalism professor Elinor Grusin with being a key mentor.)

In total, Craig spent 11 years in Memphis, working for much of that time as an intern, part-time reporter and finally full-time newshound

at *The Commercial Appeal*. Her beats included DeSoto County and the Memphis and Shelby County school systems, before they consolidated.

Craig left the newspaper to take a job in communications and public affairs with the Memphis division of the medical technology company, *Smith & Nephew*. That led to similar jobs that took her to London, and, finally, in 2005, to St. Paul, where Craig worked in corporate relations for *St. Jude Medical* (no relation to the Memphis children's hospital).

Soon, she'll be a full-time member of Congress — "a social progressive and a fiscal moderate," she said, but one with Mid-South roots. (Her father and stepmother, Roger and Brenda Craig, now live in Bartlett.)

"On the stump, I talk about

growing up in a mobile home court in Arkansas," Craig said. "I talk about working a couple of jobs to help put myself through a state college." She said her personal life wasn't an issue or a controversy. "Minnesota is very open and accepting," said Craig, who has raised four children with wife Cheryl Greene.

In any case, Congress could use innovative ideas, and Craig clearly is an innovator. In a 1993 story in *The Commercial Appeal*, while covering an event at Club Obsession on East Brooks Road, she even innovated her own past tense of a verb when she wrote that "a young Elvis Presley impersonator from Massachusetts shaken, rattled and rolled" his way to victory. The grammar may not have been precise, but the music of the famous phrase remained intact.

TPA MEMBER COVERAGE SHOWCASE I: Main Street Media of Tennessee, Gallatin

Schools employee linked to controversial political mailers

TENA LEE
Main Street Media of TN, Gallatin
December 14, 2018

A political action committee that used the name Sumner GOP on several mailers attacking Republican candidates in the May 1 primary won't be prosecuted even though Sumner County District Attorney General Ray Whitley says the PAC appeared to violate a state election law requiring disclaimers on mailers to be "clear" and "conspicuous."

Thousands of Republican voters received mailers ahead of the May 1 primary from a group identified as "Sumner GOP." The group appeared to be endorsing Incumbent Anthony Holt for County Executive as well as candidates in County Commission races in Districts 6, 7 and 11.

Sumner County Republican Party Chairman Jason Stewart denounced the group's use of the Sumner GOP name in April, saying the mailers were designed to create confusion among Republican voters. Since the Sumner County Republican Party doesn't endorse candidates in primary elections, many were questioning the party's role.

Documents filed with the Sumner County Election Office revealed that Sumner GOP was short for Sumner Government of the People, a political action committee formed in February and funded by four local developers. Billy Barnfield of Goodlettsville is listed as the PAC's chairman and Timothy D. Lynch of Hendersonville is the treasurer.

Whitley, a Republican, said he was first asked to investigate whether the PAC violated any election laws by using the same name as the local Republican party.

"We found that there was really nothing wrong with them doing that," he said. "It was a very carefully and contrived scheme, but nevertheless [it wasn't] illegal... It was very misleading."

After receiving complaints that the Sumner GOP name was barely legible on several of the PAC's mailers, Whitley's office opened a formal investigation on April 26.

According to TCA 2-19-120 regarding political communications, advertising and solicitations, anyone financing a direct mail piece that advocates for the election or defeat of a candidate must present "in a clear and conspicuous

manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication."

"The disclaimer was on there, but very faint," Whitley said. "The law says it has to be obviously visible to the reader which it wasn't."

A violation of the election law statute is a Class C misdemeanor punishable by a \$250 fine, he added.

The investigation

For several months, Whitley has said that the investigation into the PAC has remained open. After learning in November that the investigation was closed and that no charges would be filed, The Hendersonville Standard requested to review the investigative file.

The file revealed that, although unnamed in any of the PAC's filings, former Sumner County School Board Chairman Don Long appears to have played a key role in the PAC, including the solicitation of donors and sending political mailer files to a printer. Long is currently a senior project manager overseeing school construction projects for Sumner County Schools.

The former two-term School Board member served three terms as board chairman and acted as chief negotiator for the board when it hired Director of Schools Del Phillips in 2011. Long, who was hired by the school system in October of 2015, now reports directly to Phillips. His annual salary is \$78,529.

Before his job with the school system, Long served as the mayoral assistant and economic and community development director for the city of Hendersonville for 11 years.

According to the investigation, Kelly Murphy was assigned the case on April 26. As of April 10, the PAC had received \$22,000 in donations, Murphy reported. The donors were four developers: Stratford Park \$10,000; Robert Goodall, Jr. \$2,000; David Luckey \$5,000 and Cal Gentry \$5,000. When contacted by Murphy on April 26, Luckey stated that he had no specific interest in Sumner GOP except that he was led to believe that the PAC was pro-growth and pro-schools.

"It was mentioned during our conversation that Don Long may have information related to the printing of the political mailers in

question," writes Murphy.

After learning that some of the mailers were printed by Fox Printing, Murphy contacted owner James Scarlett. Scarlett told Murphy he thought Sumner GOP was connected to the Sumner County Republican Party. Scarlett said he didn't do any of the design work on the pieces in question, nor does his company do any proof work on PDFs that are designed and submitted by various customers.

Scarlett furnished PDFs for five mailers that he said were submitted by Long from a Gmail address. The mailers included a County Commission District 6 candidate comparison; a mailer for District 11 candidates Bill



Long

Taylor and Scott Langford; a mailer called Mansfield; a mailer called Isbell-Vaughn and a mailer identified as "District 7 Rhodes-Echols combo mailer."

Murphy also contacted developer Rob Horton of Tennessee Properties. Horton said that he was approached during a local social event by Long about making a contribution to a pro-growth PAC and that since he was in the building business, it seemed like a good cause and something he wanted to support.

Horton said that he and associate Stan Fields agreed to make the \$10,000 contribution to Long and Sumner GOP under the name Stratford Park, a company listed under Tennessee Properties. Horton and Fields are also the developers of Forest Park, a 600-home development on Saundersville Road recently approved by the Hendersonville Board of Mayor and Aldermen.

Murphy contacted another printing company, Douglas Printing, on April 30. A sales representative there said she was aware of Long and that she had printed jobs for him recently. These jobs were requested on behalf of Gene Rhodes and Loren Echols, she said. Rhodes and Echols ran for open County Commission seats in District 7.

An email sent from Long's Gmail address to the sales representative at 9 a.m. on April 5 was forwarded to Murphy. In the email titled Rhodes Mailer, Long writes, "I need 1,900 of

these as discussed previously."

Sumner County Schools Spokesperson Jeremy Johnson said Long is considered a full-time employee. Office hours for the district office staff are 8 a.m. to 4:30 p.m.

The Hendersonville Standard requested Long's annual leave to date through a public records request. He has taken 12 days of annual leave, according to Johnson. April 5 was not listed as one of those days.

When asked via email if Long is allowed to work on political campaigns while he is supposed to be working for the school system, Phillips responded, "Mr. Long is not authorized to give advice or guidance to any political candidate as a representative or spokesperson of Sumner County Schools. However, Mr. Long is entitled to the same First Amendment right to participate in any political activities he chooses as any private citizen."

Holt unaware of mailings

Also in the report, Murphy says he went to the home of the PAC's chairman on April 30. Barnfield told Murphy that all questions related to Sumner GOP needed to be directed to attorney Butch Moore.

Murphy says that he contacted Moore and explained his conversation with Barnfield as well as his intentions of speaking to Long. Moore asked that he be a part of any conversation with any other persons directly associated with the Sumner GOP PAC, as well as Long.

In a June 8 email, Whitley tells Murphy to "hold off on Don Long for the time being. I got a letter from attorney Tom Lee yesterday that I will respond to. I would like for you to interview Anthony Holt though. I would like to know if he approved, disapproved or even knew anything about the mailings in question."

Murphy said in an email to Whitley that he talked with Holt the night before and Holt said that he wasn't aware of the mailings until he received one in the mail. There are no other entries from Murphy in the file.

"So it would be hard to charge the PAC of not having a clear disclaimer when you have others that are doing the same thing," he added.

Whitley said that political mailers sent during the August and November races clearly identified who was sending them.

"It's the local elections where the problem is," he said. "Everything in August or November was done correctly. I don't know if it was printer error or not."

The Hendersonville Standard emailed several questions to Long and his attorney Tom Lee including whether or not Long sought immunity, whether or not he was working for the PAC on school system time, and whether or not he sees a conflict of interest between working for the school system and working for political candidates who vote to fund the school system's budget and construction projects.

"After a full and fair review, the Sumner County District Attorney determined, in recognition of Mr. Long's constitutionally protected rights, there was nothing further to pursue and the matter should be closed," wrote Lee. "That is how we regard it, as well—closed."

The aftermath

The PAC's mailers seem to have had mixed results. Holt, Rhodes, Echols, Langford and Deanne DeWitt of District 6 all won their races. Two of the candidates targeted with negative mailers, Jeremy Mansfield in District 11 and Luke Tinsley in District 6, won as well.

School Board members approved in October building plans for a new \$99.4 million school campus off of Upper Station Camp Creek Road. Members of the Sumner County Commission voted 18 to 5 to fund the project less than a month later through a \$103 million bond. All of the candidates promoted by Long and the Sumner GOP PAC voted in favor of the funding. Mansfield, Tinsley and three others voted against it.

Showcase Submissions

TPA members can submit a great story they have published whether it be news, sports, business or features coverage. Share your best work for other member publishers, editors and reporters to see. Each submitted story should include at least one photo and cutline as well as an editor's introduction explaining how the story was reported. Send submissions to editor@tnpress.com.