## The Independent Publisher

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#### Vol. XXXIII, No. 11 • November 2015



INDEPENDENT FREE PAPERS OF AMERICA

"...it can be independence forever for those who value it sufficiently ... if they give their allegiance to an association such as this one, they will be dedicated to keeping the spirit alive, and they will be doing it by helping each other."

> - Victor R. Jose **IFPA** Founding Conference September 20, 1980

## **The Independent** Publisher

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On the cover, Exchange Media Group then and now. Top left: Carol, Wanda, and Bill the original staff and the second generation staff in the lower right.



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www.ifpa.com • The Independent Publisher • November 2015 • Page 3



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Well, here we go again. Number 2 of 12... Only 10 more to go. Sometimes, I feel like I should apologize for writing this stuff, but then someone sends a nice email saying that they find some of it useful.

During the last month, we had our first Sales Manager SHARE Peer Group phone call. It was awesome! I can't wait for the next one. If you missed it, we have two spots open (as I write the dribble) Call IFPA Director Rena Reiser if you would like to join us. She will know if there is room. Also, stay tuned as we plan other SHARE groups. As you may or may not know, SHARE is an acronym for Share Help And Resource Exchange Group. IFPA has always been a wealth of possible ideas to make my business better, because the people are always willing to share and nurture you. The call last month kind of brought me back to the late 80's sitting in the hallways of the St. Louis Marriott picking the brains of folks like Vic Jose, Bob Green, and Bob Wright among others. Good Stuff!

By now, Katie Thomas is Katie McNabb. Can't tell you how thrilled I am for Katie. Seems like it wasn't too long ago that she was just a kid



in the industry. Now, along with her brother Will, they are a dynamic publishing team that offer so much to anyone in this industry. It is so cool to watch them grow; and I am so happy for Katie and her new groom.

I was visiting my son and daughter in Virginia a couple weeks ago. We went to the church that they have been so excited about. Connie was the oldest person among the 500 or so people attending the first service. That was cool to see. I left after listening to a dynamic sermon that included the following advice that we can all use in our personal life and our business life. "Err on the side of action" To me, that is awesome!

Here's another one for you. I was listening to an old Jim Rohn series the other day, and my favorite tidbit that he used came up... You've all heard "An apple a day keeps the doctor away"... and then Jim would say... "What if it's true?" More good stuff.

Let's get back to the sales world. Many people would say that things are tough right now. I would agree. But, I think that success is bred by good attitudes, especially in tough markets or economic situations. Here's a small acronym to remind us of the importance of a great attitude. The great part about having to write these columns again is that you are able to use some good stuff from old columns. Here's one...

#### **BULLDAWG**

**B** Buy into your customers' business. Not literally, but if you learn what is going on in their world, you will be more successful. Recognize the good, the bad, and the ugly. You will be able to consult with them for better ad programs if you are sincerely interested in their business. Remember, you are there to service them, not spread negative thoughts about the weather, gas prices, or their horrible sports teams. (If you are not from the New England area.)

**U** Understand that our product is very sellable. It might not be as sellable for the same old business as it was last month, last year, or even last week. Accept change, and find opportunities with businesses that can enjoy the success your paper or products can bring them. They are out there, and; they are sellable. You will need to search them out and use your skills to create advertising that will work for them and that will build your business.

L Love positive people. Surround yourself with people who believe in success, and that will help you to succeed. This includes positive people in the office and out on the road. If you are trying to make successful new relationships with new businesses, then you will do better with positive people who will want to work at their business. Shopkeepers (people who have a key to the front door and know how to work the open/close sign) who complain about everything and don't see the positive opportunities are not going to do very well at increasing their business.

L Live a positive life. You cannot be a negative person in this profession. You must strive to be the "ray of sunshine" to all of your customers. If you do it, you will notice an immediate difference. If you are one of the people who normally complain about things when you walk into a business, they might even ask you what is wrong if you become a positive person. If you are known as a positive person, I'm sure that you will notice the body language change as soon as someone sees you. This is



incredibly important, even if it means changing the folks that you hang around with.

**D** Develop New Partnerships. It is a key to success in today's marketplace. The same accounts that you have been servicing for the past months/ years may have changed. Search out new partners. Start by taking a pad and pen and writing down types of businesses in your area that may be thriving. "Recession proof" businesses can use your help and are probably willing to invest more than businesses that are struggling.

A Accept the challenge. Don't live with your head in the sand, but accept the situations as they are and look for opportunities to succeed in spite of the challenges that are before you.

**W** Win one success at a time. If your book of business is struggling right

now, you didn't get into that situation overnight. It will take time to build up successful new relationships, so look for daily wins, whether they are small, medium, or large.

**G** Grow your business. If you employ this BULLDAWG attitude, your business will grow. Good Luck.

Happy Sellin'

Doug

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-Sioban Gatrell, Fostoria Focus

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- Retail
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## Exchange Media Group: Digital Excellence Means Stronger Print

#### By Bob Munn

Bill Thomas was the local Plymouth dealer when he first saw it.

It was 1979. The American auto industry had its share of problems. Bill's focus was closer to home. Local advertising wasn't getting it done. Radio and newspaper campaigns were futile. Local media couldn't give his message the reach he needed.

Lesser men would have suffered in silence. Others would have satisfied themselves by harassing their media reps. Bill Thomas saw the problem and fixed it. He started a direct mail shopper, *Exchange*, and a new family business was born.

Eight years later, he anticipated another problem. Local farm equipment and implement dealers were consolidating and disappearing. He foresaw a market need for a resource to replace them. The same formula applied: Focus on your local market. Spot a business need and fill it. *The Farmers' Exchange* magazine became an invaluable regional resource for agriculture. Apparently in Fayetteville, Tennessee, apples don't fall far from the trees. Observe the Thomas family's second generation, Will and Katie, as they attack twenty-first century marketing problems with their father's fundamental approach: "Serve your local market. Fill the needs as they arise. Rinse and Repeat."

It looks simple when they do it.

Katie Thomas describes today's product portfolio. "We have three main brands. Our weekly shoppers are published under the *Exchange* title and our monthly new and used agriculture magazine is called *Farmers' Exchange*. Their content is paid display ads, inserts and a mix of paid and free classified ads. No editorial. The weekly *Exchange* 

**Above:** The newly renovated open office at Exchange Media Group allows collaboration and interaction. **Left:** The Exchange Media Group team promoting their Shop Local Campaign.



Page 6 • November 2015 • The Independent Publisher • www.ifpa.com

has a wide variety of advertisers from local mom and pop shops, real estate agents, automotive dealers, restaurants and more. *Farmers' Exchange* advertisers are new and used equipment dealers, auction companies and supply businesses for the ag industry.

"Exchange is mailed to all homes in our target market each Wednesday," she explains. "We reach over 84,000 each week, with that circulation broken down into six local editions. More than 24,000 Farmers' Exchange magazines are printed

As the digital revolution came to their market, the second Thomas generation didn't fear it or hide from it. They became synonymous with it.

each month and mailed to over 20,000 subscribers. The balance of our print total is distributed through customers and racks. Both products are distributed to opted-in email databases too."

Her brother Will addresses the innovations. "Our websites Exchange931.com and FarmersExchange.com give both publications online exposure. Both are classified ad driven and focused."

The company's third key brand is allySites. Will explains. "allySites handles the development, design and hosting of small business websites. That division has created over 100 small business websites and is growing quickly."

But they've extended their digital footprint even further by assisting fellow publishers with their classified challenges.

Will continues, "The classified software engine behind our two websites was designed to be adaptable to other publisher's operations. It streamlines an entire classified ad workflow, beginning from inbound calls all the way to print.

"We've done the R&D work on this, and we're excited about beginning to work with other publishers to help them adapt our system to their operations."

Their users are fans already, according to Randy Tallman, whose company American Lumber and Pallet uses the Thomas' technology to create a marketplace for new and used manufacturing equipment. He writes: "The allySites classified ads software has provided us with personalized support that has helped our business be more competitive online. Their easy-to-use software is generating more sales for us and our customers!"

Above: Posters throughout the offices are used to promote the Exchange Media Group's brands and company fundamentals. **Right:** The front cover of the first Exchange, circa 1979.



When the digital revolution came to their market, rather than fear it or hide from it, this second Thomas generation became synonymous with it.

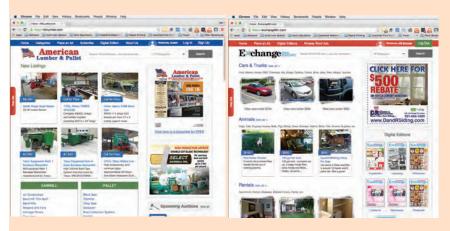
"Exchange931.com and FarmersExchange.com support their print titles," Katie explains. "Advertisers routinely

Continued, page 8



# <image>

**Above:** Liz Ferrell is an integral part of the front office, which assists classified walk-ins and phone customers.



**Above:** Screen shots of the publishing company's classified software depicts a white-label version on the left for American Lumber & Pallet and, on the right, their own classified ads website, Exchange931.com

sell their products through our websites, but our print products reach our readers. Both of our websites are designed to receive automotive and equipment dealer feeds. We can compete regionally with Auto-Trader.com/Cars.com. The capability to import dealer inventories has also kept and built automotive print advertisements for us."

Katie hastens to add that the heart of their operation continues to remain in print. Their local *Real Estate Magazine* is a staple. They also publish 5 niche magazines...*Health Mind and Body;*  Spring Home; Family and Parenting; Living 50+ and Cancer Awareness... that are periodically distributed with the weekly Exchange.

Still, that print foundation is prime for migration to digital markets. In 2016, she and her brother plan to expand the *Real Estate Magazine* to a website powered with listings from their local MLS.

Katie, an accomplished cook, herself, takes particular pride in the local tradition of their upcoming 29th Annual Holiday Cookbook. This year's print cookbook will be 212 pages with a circulation over 70,000. She described the process through which, for decades, readers have submitted recipes throughout the year to provide high value content. So it was a perfectly natural development when the brother-sister team put their own twist on it by creating the SouthernAprons.com website. When it launches in 2016, it will be home to over 10,000 recipes they've published in print over past years .

Exchange Media Group could not create forward looking products in highly competitive markets without a high functioning team. Twenty-five full-time and ten part-time team members, including dedicated salespeople for each product, staff the home office in Fayetteville, TN, and a sales office in Tullahoma, TN.

"We have good team leaders that manage our back office, sales teams and graphics teams, Will explains. "100% of my time is devoted to making sure we are evolving as a company. That consists of website development, sales development approaches for all of our products, and general operations, which includes management of our finances."

Katie's time is focused 100% on developing the sales team. She plans and leads two full team sales meetings a month and conducts numerous 1-to-1 meetings throughout the month with each sales rep.

"We create entertainment and information for our readers," she explains. "But any competitor can attempt to do that.

"We strive for a cohesive approach and a contemporary image that readers and advertisers recognize instinctively. That requires a team of people that is forward looking, proactive and determined to be the best at what they do."

"Our strongest advantages are our local relationships and the image we've earned in the community. Our team members are critical to that mission, both during and after work."

Will chimes in, "We encourage and subsidize their participation in civic organizations. And every design and publication award from regional and national organizations is recognition of the hours of effort they put forth to produce the best products for our communities."

Will and Katie also attribute many of their successes to relationships with fellow publishers and shared ideas gained through their affiliation with SAPA and IFPA, describing their meetings as therapy sessions that help ensure they are on the right path.



**Above:** Hope Sartain and Stacy Flynt, outside sales associates, work diligently to complete work for a Monday deadline.

When our customers see us as digital leaders, they maintain their confidence in our print products."

Raising the question, "Almost invariably, when community publishers gather, the common lament is the diminished perception of print in today's media landscape. How do they respond to that?"

"The national media's fixation on daily newspapers' inevitable decline creates an image challenge for print media," Will concedes.

"We've neutralized those perceptions locally, because our print products deliver results and our websites are driven with the current technology that users expect and want."

When the digital revolution came to their market, rather than fear it or hide from it, the second Thomas generation became synonymous with it. Will and Katie don't worry about the national perception of print. They just take care of business in their market.

"The biggest changes so far in my career came from online competitors. I can't say it's one competitor, but several want parts of the pie," Will continues.

"Before the internet, we could easily identify our competitors, but today we have a new online competitor every week. The good thing is the online competitors don't have just us to compete against, but also each other."

"A strong digital presence strengthens our print products," Katie adds. "Our weekly readership levels reported in our CVC audit remain virtually unchanged despite the challenges print faces elsewhere."

"The internet creates both opportunity and challenge. We like the digital opportunities, and the challenges, frankly, are more of perception than re-*Continued, page 10* 



## Exchange Media Group, continued

ality. We know we must remain very agile with our website development and make sure we focus on our niche."

According to Will, "Specialization is another threat that digital makes easier to scale. We will win because we create good products and implement them for specific local needs."

Is it possible to compete in the digital arena and do justice to their core print products?

"A strong digital presence makes our print products more viable," Will continues. "It was easy to see that our traditional customers would have digital needs."

"We spoke before about the local business relationships we've built over time. They are an asset. But they are also an obligation," he explained.

"The idea of leaving our local businesses at the mercy of outside 'digital providers' was unthinkable. We had to step up."

"When our customers see us as digital leaders, they maintain their confidence in our print products."

For Will and Katie Thomas, creating digital solutions for their customers and fellow publishers is as natural as it was for their father to create the foundation that Exchange Media Group is built upon. Apparently, it's just part of their DNA.

## Lessons Learned From **35 Years In Print Sales**



Join Ron's discussion of the habits and traits of successful print advertising sales professionals, who strive to make a difference in their communities and their profession.

An event designed for your entire sales team.

Join Us Friday, November 20 **Register Here:** https://attendee.gotowebinar.com/register/2579161079170792961



Ron Pilger • Associate Publisher/Sales Manager • Camrose Booster

## **Graphic Hooks**



Early morning, 6:00am ... and the perfect time A few versions to buy a Font Bundle (\$24 for 10 fonts).

My idea for this column was to take the four fonts I purchased last month and demonstrate how these can be used as an attention-getting design element... and I'll still do that. But dang it, I just had to check *MightyDeals.com* to see what's new!

I am also back to my regular Helvetica Neue typeface— it's functional, has a large x-height and comes in a variety of weights. Another typeface that I use a lot is *Myriad Pro*... for the same reasons.

## What's a Glyph?

Well it can be found in the Glyph Panel, but what is it exactly? According to Wikipedia, "In typography, a glyph /glif/ is an elemental symbol within an agreed set of symbols, intended to represent a readable character for the purposes of writing and thereby expressing thoughts, ideas and concepts.

As such, glyphs are considered to be unique marks that collectively add up to the spelling of a word, or otherwise contribute to a specific meaning of what is written, with that meaning dependent on cultural and social usage."

Since the creation of Open Type, there is the ability to expand these "unique marks."

Here are the four fonts we'll use (from top to bottom): Castrina Typescript, Vanessa Handscript, Syagilla Handmade and Lussira Brush Script.

## Resist the urge to "go nuts"

Because there are so many different types of swaches, the hard part is adding the swash for maximum impact. Do you start the word with the flamboyant mark, or end the word... or both? It will depend greatly on the message and my suggestion is to err on the side of subtlety. The above fonts do not offer choices in the upper case letters, but lower casedifferent story! Check out the "n" in Castrina...

The "Holiday Savings" text shows the characters (glyphs) that were created when I typed it in Vanessa Handscript. A nice script that's easy to read and can stand on its own, but not a type that we can use (no swash characters). Svagilla Handmade and Lussira Brush Script are also pretty limited in swash glyphs, so these aren't going to be "headline" caliber either. And I had such high hopes! They just aren't doing to give me

the ele

egant look I want.	Hot	idano	Savings	/
liday Sa	Vane	essa Handscript		
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### Zelda'' to the rescue

Yes, I had a backup plan. The typeface that I have used to sign off for the past couple of months will do quite nicely... Zelda Regular (from Mighty Deals, of course). I was sorry that I couldn't use it in a

larger size, so here's my chance. The first sample was the original type. Now I just need to make it work... and as you can see, not all typefaces will work and there's a bit of "tweaking" involved!



Below. I took the streamlined swash version, gave it a white .75 stroke, added a drop shadow and hung an ornament from the "g."

I increased the point size of the "H" and "S" in the swash samples as well.

## Keep a file

The only way that you will be able ( to tell if you can create a headline with just type is to study successful advertising. Another place is to check out the places that sell type.

They will usually show you the family, extra glyphs and layout samples for you to see how

the font will work and provide you with some very good ideas!

I have a limited amount of room, but the larger some of these scripts are, the better they look. Also give them "breathing" room. My swash headings are too close together, but I do like to fit as much as I can into a page.

I also have to clarify about Vanessa Handscript. There are swash characters, but they came as nine alternate fonts and I would rather deal with one font that has a great variety of swash characters, rather than nine individual typefaces-they are also True Type fonts. So I didn't mean to mislead you... that's why you need to look at all the glyphs if you plan to purchase a typeface.

OK. Other typefaces (that I have) that will work are Samantha Italic PRO and Bickham Script Pro. These two face also have heavier weights for flexibility. I have also used a typeface called *Candy Script* which is a heavier type. You can see some examples of these fonts in the next column.

Even when I work with one element in an ad... type in this case, I still apply the basic fundamentals ... eight choices alone! of design in creating the most effective visuals.



For an elegant feel, use a script typeface-not the same as an italic (we talked about this a while ago)! We've only scratched the surface ... but these columns are about getting us all to rethink the possibilities!

1Intil next month...

Ellen Hanrahan hanrahan.In@att.net ©2015



If... By Jeffrey Gitomer

There are lots of excuses for no success, but very few reasons

People who do not succeed have one distinguishing trait in common. They know all the reasons for failure, and have what they believe to be air-tight alibis to explain away their own lack of achievement.

Some of these alibis are clever, and a few of them are justifiable by the facts. But alibis cannot be used for money. The world wants to know only one thing—HAVE YOU ACHIEVED SUCCESS?

A character analyst compiled a list of the most commonly used alibis.

As you read the list, examine yourself carefully, and determine how many of these alibis, if any, are your own property. Remember, too, the philosophy presented in this book makes every one of these alibis obsolete.

IF I didn't have a wife and family . . .

IF I had enough "pull" . . .

IF I had money . . .

IF I had a good education . . .

IF I could get a job . . .

- IF I had good health . . .
- IF I only had time . . .
- IF times were better . . .

IF other people understood me . . .

- IF conditions around me were only different ...
- IF I could live my life over again . . .
- IF I did not fear what "THEY" would say ...
- IF I had been given a chance . . .

IF I now had a chance . . . IF other people didn't "have it in for me" ... IF nothing happens to stop me ... IF I were only younger . . . IF I could only do what I want ... IF I had been born rich . . . IF I could meet "the right people" ... IF I had the talent that some people have ... IF I dared assert myself . . . IF I only had embraced past opportunities ... IF people didn't get on my nerves . . . IF I didn't have to keep house and look after the children . . . IF I could save some money ... IF the boss only appreciated me . . . IF I only had somebody to help me . . . IF my family understood me . . . IF I lived in a big city . . . IF I could just get started . . . IF I were only free . . . IF I had the personality of some people .... IF I were not so fat . . . IF my talents were known ... IF I could just get a "break" .... IF I could only get out of debt ... IF I hadn't failed . . . IF I only knew how . . . IF everybody didn't oppose me ... IF I didn't have so many worries ... IF I could marry the right person . . . IF people weren't so dumb . . . IF my family were not so extravagant ... IF I were sure of myself . . . IF luck were not against me ...

IF I had not been born under the wrong star ... IF it were not true that "what is to be will be" ... IF I did not have to work so hard ... IF I hadn't lost my money ... IF I lived in a different neighborhood ... IF I didn't have a "past" ... IF I only had a business of my own ...

IF other people would only listen to me  $\ldots$ 

IF \* \* \* and this is the greatest of them all \* \* \* I had the courage to see myself as I really am, I would find out what is wrong with me, and correct it, then I might have a chance to profit by my mistakes and learn something from the experience of others.

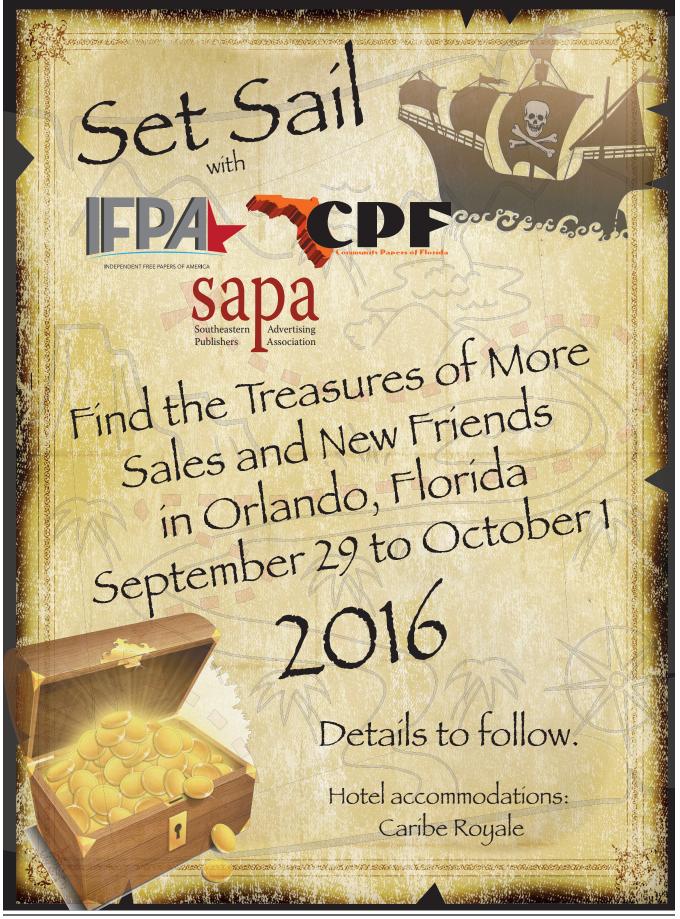
For I know that there is something WRONG with me, or I would now be where I WOULD HAVE BEEN IF I had spent more time analyzing my weaknesses, and less time building alibis to cover them.

This piece was written in 1937 by Napoleon Hill in his immortal book, "Think and Grow Rich." This could have been written yesterday and been almost as current. The word "alibi" has been replaced by the word "excuse" but the meanings remain the same.

What's your excuse for not achieving more, and how can you turn that excuse into positive action? Just a thought.

Jeffrey Gitomer is the author of twelve best-selling books including The Sales Bible and The Little Red Book of Selling. His new book, 21.5 Unbreakable Laws of Selling is now available as a book and an online course at www.gitomerVT.com. For public event dates and information about training and seminars visit www.gitomer.com or email Jeffrey personally at salesman@gitomer.com.

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www.ifpa.com • The Independent Publisher • November 2015 • Page 13

# Launch Your Own

## How It Works



Rebrand Our Platform -Add your own company name and logo. Use your own domain.



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100	\$39,900	\$5,000/mo.	\$60,000
200	\$79,800	\$10,000/mo.	\$120,000
400	\$159,600	\$20,000/mo.	\$240,000
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#### THE BURNING QUESTION-ORDER TAKER OR PROFESSIONAL ADVERTISING COUNSELOR?

#### By Bob Berting, Berting Communications

Over the years, there has been an issue in the community newspaper industry, which is how advertising salespeople are perceived by their customers...order taker or professional advertising counselor? Let's take a look at how advertising salespeople live their lives selling advertising. Let's compare the ways they can approach their customers and how this affects their peace of mind to make their life more enjoyable.

#### THE ORDER TAKER

• Is generally called a "sales rep" and could be a beginner or experienced salesperson.

## Order Taker or Ad Counselor?

• Could be working long hours because most of their calls are based on selling one time ads and trying to get the customer to give them copy.

• They have to re-invent themselves on every sales call and sell the customer on why they should buy from them.

• They don't have goals to sell written cold contracts every week for long range programs.

• They keep going back to prospects until they're burnt out going back to them. They can't seem to effectively close prospects in a reasonable period of time.

• In many cases, they've lost their motivation, which affects their performance because there's no challenge other than being an order taker.

• Many order takers get out of the

business because they burn out, get into a comfortable rut, and can never be motivated.

• Many have a big weekly sales volume, but under proper coaching and training, could be selling much more in the same amount of time.

• The deadliest trap is predictability, the usual trait of the order taker. The end result is usually lost business for the publication, because sooner or later, order takers may lose out to other competitive professional salespeople.

#### THE PROFESSIONAL ADVERTISING COUNSELOR

This type of advertising salesperson has to have the right relationship to openly talk with their customers about the customer's image. In short,

continued on page 25

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## **SHARE Groups**

Your sales managers drive the success of your business. They often represent the first point of contact a potential advertiser has with your organization. Wouldn't it be helpful if your sales manager could S.H.A.R.E. the knowledge of others in the publishing industry to stay upto-date on the best practices?

The IFPA has formed the sales managers Share Help and Resource Exchange (S.H.A.R.E.) peer group, and found it to be one of the most valuable benefits you – and your sales manager – can receive.

#### WHAT IS IT?

Every sales manager faces day-to-day challenges that are unique to leading a sales team. "How can I grow my team while still being an individual contributor? Why is finding good sales people so difficult? How do I stay motivated and motivate my team? Where can I go to learn from my peers, or when I have challenges?"

Each S.H.A.R.E. peer group enables a group of 8 to 10 front-line sales managers to work together as a team to develop their skills, share best practices, and solve common problems – while making each other more successful.

### **HOW DOES IT WORK?**

The S.H.A.R.E. sales manager peer group was limited to 8 to 10 members. Monthly hosted telephone conference calls (59 minutes max) are conducted with planned agendas, plus time to address member requests. Skills development, networking and shared successes will be the focus.

The connections will continue beyond the monthly calls with email groups, and direct communication between the members is encouraged.

## WHAT'S THE CATCH?

There's no catch – simply the shared knowledge and experiences your

sales manager can gain from his or her peers who are fighting similar battles.

Instead of investing in more afterhours chamber networking functions, invest in your sales manager's future with your company.

There is NO CHARGE for the next 2 members to sign up. Imagine, unlimited access to the peer group for FREE! But sign up quickly, because space is limited!



If you're not sure this is a GREAT opportunity, pass this info along to your sales manager and see what they think.

**Rena Reiser** 

## HOW DO I SIGN UP?

Sign up at www.ifpa.com/share. Look for the S.H.A.R.E. peer groups link.

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-Gypsy C. Gallardo, CEO/Publisher, The Power Broker Magazine

## Employees Text Messages On Private Cell Phone May Be Public Records

by Patrick Ogilvy, pogilvy@kingballow.com

The Supreme Court of the State of Washington has determined text messages received by a government employee on the employee's private cell phone are public records subject to disclosure when received in the course of conducting government business.

This case began when a sheriff's detective sent two requests for public records to a county in Washington seeking the private cellular telephone records of the county prosecutor. Although the prosecutor personally bought the cellular phone and paid the monthly service bill, the prosecutor sometimes used the phone in the course of performing his job duties.

#### CALL LOGS AND MESSAGE LOGS

In response to the requests, the prosecutor voluntarily provided the county with a "call log" generated by his service provider containing information about the dates and times of calls made and received, the length of those calls, and the telephone number of the incoming or outgoing call. The prosecutor also provided the county with a "text message log" generated by the service provider, which listed the date and time of each message and the corresponding party, but did not include the content of the messages, even though copies of the messages existed on the service provider's servers. Before producing these logs to the sheriff's detective, the county redacted calls and text messages the prosecutor described as personal in nature, leaving the calls and text messages the prosecutor admitted might be related to his job duties.

The sheriff's detective was not satisfied with the logs produced and sued the county, seeking a review of the actual content of the text messages and unredacted copies of the logs to determine if such information might constitute public records. The prosecutor intervened in the case in an attempt to prohibit the disclosure of his private text messages. The county also sought to have the lawsuit dismissed on the grounds the records could not be public records because they related to a personal cell phone and not to one issued by the county.

The trial court agreed with the county, but the court of appeals reversed, finding the text messages were public records because the prosecutor prepared and received them in his official capacity as county prosecutor. The appeals court could not determine whether the call logs were public records, as there was not sufficient evidence to determine whether the prosecutor used or retained the logs in the course of his job duties. The county and prosecutor then appealed to the Washington Supreme Court.

In addressing the question of whether the prosecutor's private cell phone records are subject to disclosure, the Washington Supreme Court stated because the requests were directed to the county agency itself, the inquiry was whether records generated by a public employee through use of the cell phone while working for an agency constitute public records subject to disclosure by the agency. The court recognized the agency could not generate any records on its own, so all records sought must inherently be generated by employees of the agency.

#### PUBLIC RECORDS ON PRIVATE PROPERTY

The court further recognized there was no basis to believe only agency property could be used to create a public record. As long as the text messages were prepared within the scope of the prosecutor's employment - i.e. if they were required by the job,

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directed by the employer, or furthered the employer's interests – then they could be considered public records. The court clarified that "work-related" messages, such as texting a spouse about working late or discussing the job on social media, would not qualify as public records.

Regarding the call and text logs, the court found these did not constitute public records because the logs were prepared and retained by the service provider. Neither the prosecutor nor the county evaluated, reviewed, or took any other action with the logs necessary to use them in the scope of government work.

While the logs might qualify as evidence of the prosecutor's acts in his official capacity, the logs played no role in county business. The text messages, on the other hand, were sent and received in the prosecutor's official capacity and within his scope of employment. As such, the court concluded the text messages were public records subject to disclosure pursuant to the sheriff's detective's requests.

The Washington Supreme Court also addressed how the county should search for and obtain such public records stored by or in the control of an employee. Weighing the employees' privacy concerns with the well-settled principles of public disclosure law, the court determined the county could satisfy its obligations by having the prosecutor engage in a good faith search for public records on his cell phone. This good faith search could be confirmed through the submission of a reasonably detailed affidavit explaining the nature of the search performed. To the extent the prosecutor withheld information, the court found the affidavit could also set forth facts sufficient to show the withheld information does not qualify as a public record.

Reprinted from "Comment," a publication of the law firm of King & Ballow, Nashville, TN. Mark Hunt is our consultant with King & Ballow and he can be reached at (615) 726-5497 or mhunt@kingballow. com. The foregoing column is explanatory in nature and is not intended to provide legal advice as to particular situations.

## Criticizing Free Pubs To the readers, it's almost all about the stories



Kevin Slimp The News Guru

kevin@kevinslimp.com

In October, I traveled to Albuquerque, where I gave the Saturday keynote address at the New Mexico Press Association Convention. On Sunday morning, I caught a flight to Orlando, where I spoke at an international conference made up of free newspaper and magazine publishers.

My assignment in Florida was a little out of the ordinary. In addition to giving the keynote, I was asked to meet with publishers individually and look over their products, offering criticism and advice. The convention planner expected maybe a dozen publishers to take advantage of the opportunity to meet with me for 30 minutes each over two days. By the time I left Florida, I had met with more than 20 publishers, who represented scores of titles.

While I was packing my computer to head back to the airport, several of the attendees stopped me. Most of them said something like, "I can't wait for you to see my magazine next year" or "I plan to win



## Adding a white line above a drop shadow can create a cleaner effect on newsprint.

all the awards next year after making the changes you suggested."

It reminded me a little of my visits to Hopkinsville, Kentucky, where I'm invited every couple of years to spend two days with the news staff there. I'm always surprised by the things we get into while I'm with the Kentucky New Era, but tend to find our page critiques the most helpful exercise. I can't take credit for the idea. It originally came from Eli Pace, editor, and we've made it a regular part of my visits.

The idea works like this: The various editors meet around a conference table for a few hours, while we look over pages from the previous year. This is done by projecting the pages onto a large screen, where we can critique the pages simultaneously.

We discuss the quality of headlines,



When critiquing publications at a recent conference, the focus group keyed on stories and writing more than anything else. What else did they like a lot? Crossword puzzles.

the placement of stories, the general layout of the pages and more. Once, I noted that newspaper flag on the front page looked a little dirty. Eli gave me the go-ahead to "play with the flag" that afternoon and I sent a clean copy to him before heading back to the hotel.

Not knowing he was actually going to use the cleaner design, I was surprised the next morning when he told me several readers had called in to comment on the improved front page design.

All I did was clean up the drop shadow behind the words "Kentucky New Era." I didn't change the shape or size of anything. I simply inserted a thin while line between the characters in the flag and the drop shadow behind them. Little things make a big difference.

While preparing for the Florida group, I gathered a group of 23 folks in my hometown of Knoxville to look over some of the various newspapers and magazines I that would be represented in Orlando. This focus group was made up of ordinary readers. None of them were professional writers, editors or designers.

I divided the focus group into smaller groups of three to four members each and asked them to critique a dozen elements of the publications. These included stories, design, readability and other elements.

Most surprising to me was the lack of concern over paper quality. Most readers didn't seem to care whether they were reading something printed on coated stock, newsprint or something else. What they cared about most were the stories. Were the topics of local interest? Were the writers local or did they get the material from a news service? How was the quality of the writing?

When I met individually with publishers, I shared the input of the focus groups, then went through their publications page by page, sharing my own thoughts. Afterwards, more than a few of the participants told me it was the most valuable program they'd every attended at a convention.

Why was it so valuable? Most of us, I think, get so used to seeing our newspapers that we forget how the reader sees them. By looking at their products through new eyes, I was able to share ideas that will be valuable as they continually work to improve their publications.

Here's a thought: How about gathering a focus group to look at your newspapers every six months? By offering to pay for lunch, I had 23 willing participants, giving us enough folks to break into groups and critique two dozen titles in four hours.

In my customer service survey last month, I learned that the chief concern of subscribers is the number of local stories and the quality of writing. For nonsubscribers, quality of writing was number one and local story content was number two.

Consider creating your own focus group. I can't wait to hear from the publishers I met in Florida to learn about the improvements to their products in the coming months.

Have you read Kevin's "The Good Folks of Lennox Valley?" It's carried by papers stretching from Idaho to Florida. Visit the Good Folks of Lennox Valley at LennoxValley.com

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Page 20 • November 2015 • The Independent Publisher • www.ifpa.com



## A Flu Shot Is NOT A Wonderful Surprise

I grew up in what many might consider "frugal" circumstances. My father was a high school math teacher. My mother was an elementary school music teacher that gave up her lucrative career to raise six children, one of which was me. This might come as a shock to you but school teachers don't make a ton of money and a family of eight isn't cheap.

And so it was that whenever we received anything special, like an extra helping of chicken on Sunday, a new stick to play with, or soda pop for no special reason we felt like we were living the "good life."

I remember one time when I felt that we were living like Rockefellers. My father decided that we would go out to dinner instead of eating our usual supper of gruel and bread crusts. He even invited my widowed grandmother to join us. Talk about extravagant! Mother reminded us as we left to walk to school that we should come home on time because we were doing something special.

We picked up Grandma Fry and began our 45 minute drive to a favorite restaurant on Hood Canal, Washington. It was a favorite restaurant because my mother and father had eaten there once before 15 years earlier when they didn't have children.

We had only driven 10 minutes when Grandma exclaimed, "Oh no! We have to go back home. I forgot my plates." Please understand that I didn't know that "plates" was a polite name for dentures. As Dad turned the car around, I helped her out by exclaiming, "Don't worry Grandma. From what I understand, restaurants supply the plates, napkins, and everything!" Needless to say I was the butt of the jokes for the evening. But the food was good and the restaurant even supplied plates, napkins and everything.

With all that in mind let's fast forward a couple of years. We were heading off to school again when Mother tells us to come home on time because there will be a "surprise" for us. She wouldn't tell us what the surprise was so all during the day it was hard to concentrate on school work imagining what delights we would have waiting for us when we arrived home.

I skipped home after school and joined my brothers and sisters in anxious speculation as to the surprise which would soon come. Would we go out to dinner again? Would we have in increase in our allowances to a quarter instead of a dime? Our minds spun at the sheer expectation.

We piled into the car at Mom's request and drove across the bridge to the other side of town. What would it be? What was the great surprise? I could hardly sit still but with four of us crammed into a car bench seat I didn't have any other option.

We parked downtown and walked up some marble stairs in a professional building. My mind started screaming at me, "This is the same building the doctors office is in! Run, Douglas, Run!" You might have figured it out by now but I refused to believe my mother would knowingly deceive us. We were going to the doctor to receive our annual flu shots. Talk about a let down! You may have never seen six children rubbing their scrawny upper arms with the saddest faces known to man but let me tell, you it isn't a pretty sight.

What does this have to do with our industry? From time to time we have bad news to give our employees. It might be a new compensation

package, or health care modifications, or even reduction in staff. How do we handle it? Do we sugar-coat the bad tasting change in order to make it easier to swallow or do we simply tell the truth and allow our grown up employees to handle it?

My recommendation is that we always be up front with the people we work with. Don't try to make the situation something it isn't. That is insulting to employees and only makes the situation worse. If you have bad news to deliver get the involved parties together and simply lay it out. If you are looking for answers or their suggestions on how to handle the challenge you will get better ideas when you are up front than when you aren't.

Sometimes we get to deliver good news, like when your team completes a challenging project on time, under budget, and over sold. When that happens let everyone celebrate together.

Your business might be in the same "frugal" situation my family was in growing up. If so, look for ways to celebrate together that doesn't cost much. Have an employee pot luck luncheon where everyone brings something. Give your people a couple of hours off after a job well done. They probably wouldn't have accomplished much anyway. Invite them to attend an IFPA conference. It will earn you more than it costs.

If you are flush with profits you can always ask your employees what they would like to improve their work areas or sales efforts. Invite them to attend an IFPA conference. Or you might take everyone out to dinner. But if you do please remember that the restaurant will supply plates, napkins, and everything.

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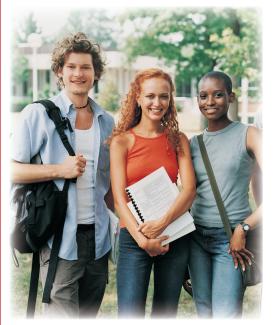




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## Sponsoring Special Events Creates Special Opportunities

## by Darrell Davis, Metro Creative Graphics

Publications have a special role to play in promoting special events. By listing the events in their community calendars, publications simultaneously inform readers and enable them to incorporate special events into their schedules. By posting information about local happenings on their Facebook pages, websites or via Twitter, publications drive both interest in and attendance at the events. By producing print event guides, programs and maps, enhance attendees' publications experiences and create meaningful memories. And by creating contests that tie in with existing events, publications both boost their own visibility and the visibility of their event-related advertisers. But there are no greater opportunities to generate a combination of good will and great revenue than when publishers develop, implement and promote their own special events.

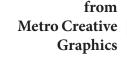
There are many reasons that publications opt to produce their own events. In some cases, they take over an event from its original producer in order to prevent an ongoing revenue stream from drying up. In others, publishers develop events—such as bridal fairs—to complement and build on existing special sections. The best inspiration for creating and producing a special event, however, is that a publication finds a need and fills it.

For example, one Iowa publication has held a salute to local women each fall for nearly two decades. The event brings area women together for a day of pampering that includes a fashion show, lunch, a motivational speaker and time to peruse the booths of more than 80 area womenoriented vendors. Attendees also have chances to win a range of prizes, from jewelry to gift bags and gift certificates, and raise money for the publication's Newspapers in Education program. In addition to generating revenue from the sale of event tickets and vendor fees, the publication sells event sponsorships, which help to offset the cost of producing the event.

In 2010, a group of three Pennsylvania publications launched a series of indoor flea markets held at local high school gyms that attract about 100

vendors. Based on the success of the indoor markets, the publication launched an outdoor market in the summer and a small-business expo for home-based businesses. The impetus for the markets was the drop in yard sale advertising revenue that occurs each winter when the weather in the greater Philadelphia area turns cold. Not only do the indoor winter flea markets generate revenue from vendor fees and both print and online advertising, but the events encourage readers and area residents to consider the newspaper an effective vehicle for selling their goods all year long.

In the ongoing quest for new revenue, promoting and producing special events always deserve special consideration.





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#### continued from page 16

## Sales Counselor?

the customer has to perceive the salesperson as a professional...and very importantly as someone who the customer likes and respects. This likeability factor is huge. Customers many times will stop working with media salespeople, simply because they don't like their personality.

Let's look at the traits of the professional advertising counselor working for a community publication:

• They have a weekly goal to sell written cold contracts. If they can sell just one cold contract a week, that's eventually 52 accounts that could be represented in their weekly sales volume on long range programs.

• They are constantly planning ahead with all their accounts. They sell ideas in chunks—bringing layout ideas for a month at a time, getting them approved, and in some cases leaving a box in the ad for any feature item to promote. This salesperson will e-mail the account for the featured item.

• The budget is a primary tool of the professional advertising counselor. They try to have a budget for every account which has a blend of weekly ads, inserts, and larger ads for special times of the year. Their accounts

feel comfortable with the budget and want to be committed to a long range program because they trust and believe in their advertising counselor.

• They know how important it is to tap the customer's ego and incorporate the customer in personalized ad campaigns.

#### **STREET SMARTS**

The ability to read people is a valuable asset. Many times selling is done so much from a textbook approach, that we lose our sense of humor, empathy, and understanding of people. The bottom line is that the professional advertising counselor is a good business friend to the customer. In most cases, if a customer likes and respects the professional advertising counselor, they'll continue to do business with them.

#### THE BOTTOM LINE

The burning question again—order taker or professional advertising counselor?

It's an issue that every publication advertising salesperson has to consider. The question is about how hard work will pay off if the customer is handled on a long range program and not on a week to week basis with the salesperson trying to sell one time ads or a special one time promotion just to motivate the customer to advertise.

At a seminar for publication customers, the following comments were made by the customers about publication salespeople calling on them:

"They don't take a real interest in my business. They just want to get an ad and get out."

"Pressure to run larger ads—without reason or logic to do it."

"Belittles my advertising with a competitor. If you want my business—don't insult me. It's irritating."

"Not enough follow through. I might give them a rough time, but I might commit to a long range program if they showed they want to work with me."

Start today with acquiring loyal customer advocates who perceive you as a professional advertising counselor. It will pay off.

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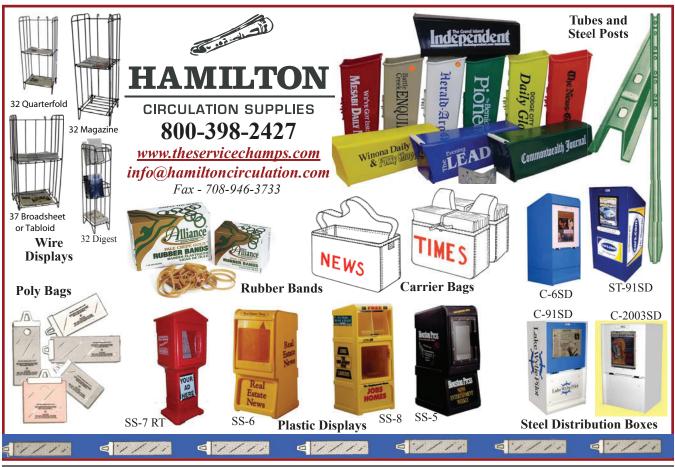
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www.ifpa.com • The Independent Publisher • November 2015 • Page 27

