



MAY 2020

WPA Bulletin



2121 Evans Avenue • Cheyenne, WY 82001 • 307/635-3905 • Fax 307/635-3912 • wyopress@wyopress.org • www.wyopress.org

Calendar of Events

June 12

WPA Summer Board Meeting

Via Zoom conferencing

January 14-16, 2021

122nd Annual WPA Convention

Red Lion Hotel, Cheyenne

VIDEO: "WE ARE WYOMING NEWSPAPERS"

The Wyoming Press Association has created a video under the directive of its legislative committee and with funding approved by the board of the directors.

Produced by Orijin Media of Jackson, the idea for the video was conceptualized with the goal of getting the message out that newspapers in the state are very much alive and well, with growing readership averaging 31%!

The video tells audiences that Wyoming newspapers and their news websites are the best platform for getting credible, verifiable information to communities in a timely manner.

Wyoming newspapers, large and small, digital and print, are committed to keeping communities connected -- from the actions of local and state government, to events happening at their schools, to recording and telling stories of Wyoming people.

Wyoming newspapers are committed to excellence in appearance, content, and the best mediums available to bring communities the news they need, when they need it most. Additionally, the legislative committee felt strongly in communicating that, during the COVID-19 pandemic, Wyoming newspapers have been functioning as state government's communication infrastructure. State and local governments can rely on the credibility of local newspapers to get important and changing information to communities. As always, in times of trouble and stress, people turn to Wyoming newspapers for accurate information, as evidenced by the significant increase in readership newspapers have experienced in 2020 thus far.

The legislative committee hopes to release another video closer to the end of summer. Part two will focus on the importance of transparency of government and publishing notices in newspapers. Not only do newspapers play a vital role in the sustenance of democracy by reporting on community news, they are also stewards of keeping the public informed. As the fourth estate, newspapers believe publishing notices in print and providing third-party access on their newspaper websites, are important functions of providing residents with transparency and access to information they need to participate in the governance of their state and communities. As private sector, main street businesses, Wyoming newspapers have for decades ably provided residents with permanent access to public notices.

The link to "We are Wyoming Newspapers" was sent to publishers in a letter from Legislative Committee Chair Jim Wood, emailed May 26 from the WPA office. Publishers were encouraged to post and share with local legislators, county commissioners, city councils, school boards, hospital boards and more. If you did not receive the letter or are having issues with the link, please email the WPA at wyopress@wyopress.org.

SEE PUBLIC NOTICES
PRINTED IN ALL OF
WYOMING'S
NEWSPAPERS

Visit
wyopublicnotices.com



SAFETY FIRST -- Staff at the Pine Bluffs Post wear protective masks to safely provide the essential service of publishing news, stories and information important to their local community during the COVID-19 pandemic. **From left:** Penny Merryfield, Victoria Smithey and Jo Radcliffe. Their newsprint material masks were made by local resident Diane Wise.

2020 WPA BOARD MEMBERS

Kevin Olson, President
 Jackson Hole News&Guide
 P.O. Box 7445 • Jackson, WY 83002
 (307) 733-2047/Fax (307) 733-2138
 Email: kevin@tetonmediaworks.com

Rory Palm, Vice-president
 Adams Publishing Group
 P.O. Box 1286 • Cheyenne, WY 82003
 (307) 633-3165/Fax (307) 633-3191
 Email: rpalm@wyomingnews.com

Jen Sieve-Hicks, Sec.-Treas.
 Buffalo Bulletin
 P.O. Box 730 • Buffalo, WY 82834
 (307) 684-2223/Fax (307) 684-7431
 Email: jen@buffalobulletin.com

Kristen Czaban, Past-president
 The Sheridan Press
 P.O. Box 2006 • Sheridan, WY 82801
 (307) 672-2431/Fax (307) 672-7950
 Email: kristen@thesheridanpress.com

Lara Love
 Thermopolis Independent Record
 PO Box 31 • Thermopolis, WY 82443
 (307) 864-2328/Fax (307) 864-5711
 Email: publisher@thermopir.com

Jeff Moberg
 Sundance Times
 PO Box 400 • Sundance, WY 82729
 (307) 283-3411/Fax (307) 283-3332
 Email: jeff@sundancetimes.com

Rob Mortimore
 Torrington Telegram
 2025 Main • Torrington, WY 82240
 (307) 532-2184/Fax (307) 532-2283
 Email: rmort@torringtontelegram.com

Matt Adelman, NNA President
 Douglas Budget
 PO Box 109 • 310 Center St.
 Douglas, WY 82633
 Email: publisher@douglas-budget.com

Milton Ontiveroz, Assoc. Chair
 University of Wyoming
 Institutional Communications
 Dept. 3226, 1000 E. Univ. Ave.
 Laramie, WY 82071
 (307) 766-6709/Fax (307) 766-6729
 Email: miltono@uwyo.edu

Cindy Price Schultz
 University of Wyoming
 Communication and Journalism
 Dept. 3904, 1000 E. University Ave.
 Laramie, WY 82071
 Email: cprice@uwyo.edu

Ken Smith
 University of Wyoming
 Liaison Emeritus
 Email: ksmith@uwyo.edu

WPA STAFF
 Darcie Hoffland, Executive Director
 Cec Moats, Deputy Director

HAPPY BIRTHDAY TO WPA AND TO THE LUSK, LOVELL AND GILLETTE NEWSPAPERS

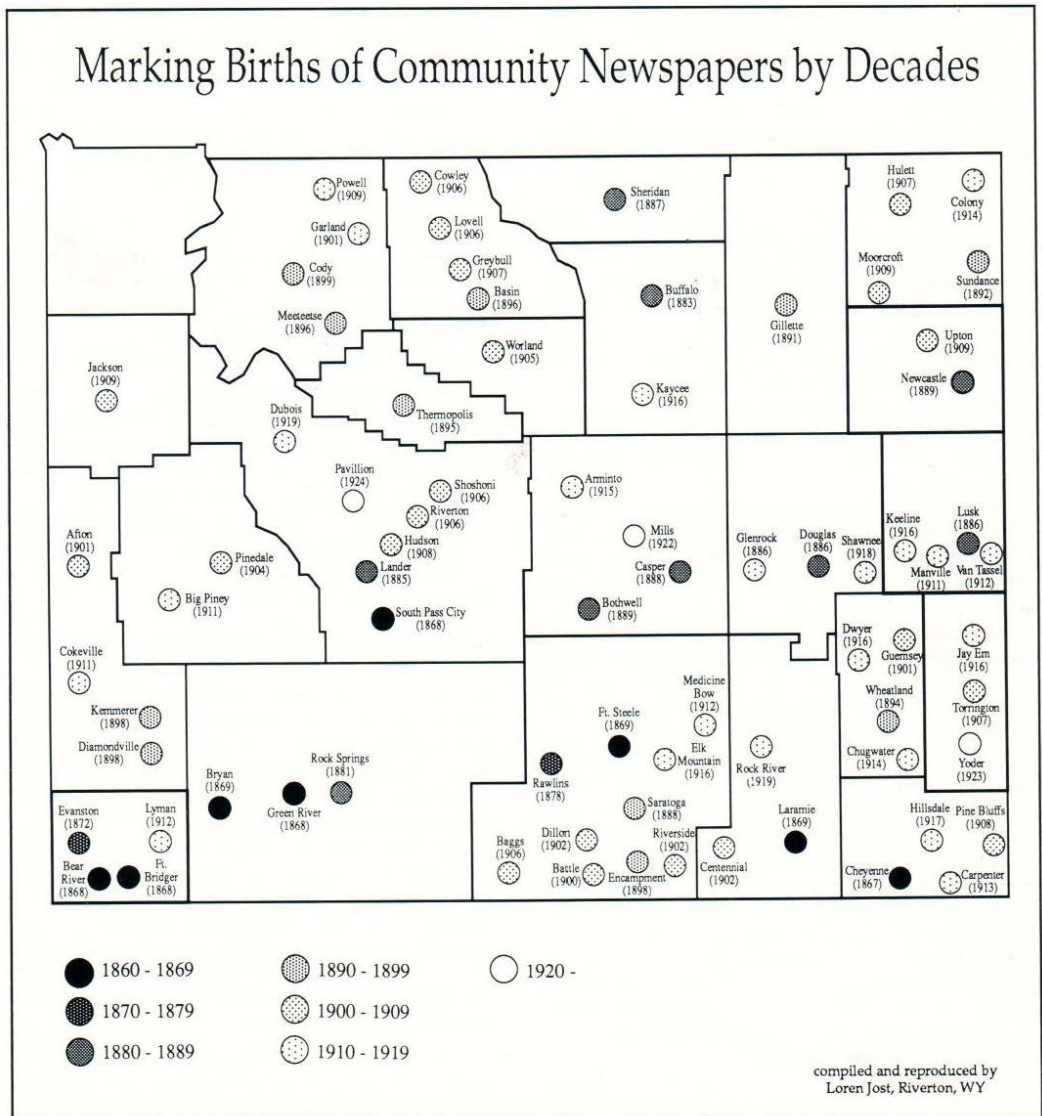
The Wyoming Press Association was organized in Cheyenne on May 15, 1877 and was already 13 years old when Wyoming became a state. From its organization the WPA has been designed to serve its members and was formed because the territorial publishers at the time were concerned about the economic stability in their industry, and they also wanted a means for exchanging ideas.

At the first meeting of the WPA, those attending limited the membership to territorial publishers and proprietors. The stated purpose of the association was ‘to advocate the inter-

ests and increase the usefulness of the press in Wyoming, and to secure for it mutual protection and the rights and benefits to which was legitimately entitled.’ The action to implement the statement of purpose was to appoint a committee to standardize advertising rates and to enlist the support of all the publishers in the territory. This was the first cooperative act taken by the Wyoming newspaper people to bring economic security to the industry.



See HAPPY BIRTHDAY page 6



Historical data excerpted from “Wyoming Newspapers: A Centennial History, published 1990. The publication was a project sponsored by the Wyoming Press Association.

JOINT JUDICIARY MEETS FOR INTERIM SESSION EXCEPTIONS TO MEETINGS AND RECORDS

The legislative joint judiciary committee met May 20 via Zoom video conferencing to continue its two-year review of the Public Meetings and Public Records Act. The meeting was broadcast over YouTube and is available at <<https://www.youtube.com/watch?v=InKt8laDqzQ&feature=youtu.be>> or by going to <<https://www.wyoleg.gov/Committees/2020/J0>> and clicking on May 20 AM under the Audio/Video tab. The interim session will focus on reviewing exceptions to both open meetings and public records.

Ruth Van Mark, Public Records Ombudsman, was called to testify at the start of the meeting. Van Mark was appointed to her position by Gov. Mark Gordon last summer, after legislation was passed and signed into law for the creation of the position. For the 2020 session the committee sponsored Senate File 82 amending the public records statute, clarifying that the ombudsman position must:

- Receive complaints related to public records requests;
- Mediate disputes between a governmental entity and applicant for a public record (if requested by one of the parties);
- Keep confidential all records that a governmental entity submits;
- “Provide uniform interpretation and training on the ombudsman’s role and recommendations under this act to governmental entities and the general public.”

Van Mark said the legislative action that was signed into law this year has been useful for mediation between agency and requester, and educational purposes as well, thus far. She provided the committee with data on issues that have been or are in dispute and the type of record being denied (see graph next page). She testified that the question of what constitutes a personnel file comes up a lot, and said she believes this needs clarification.

Van Mark also told the committee that state agencies are far more responsive to requests than local government agencies. She noted that questions about fee schedules keep coming up with local agencies and that there seems to be no consistency between counties.

Rep. Chuck Grey stated that open communication with citizen groups and her position is also important, noting specifically in-person mediation. Rep. Clark Stith asked Van Mark if she thought the system was working well or if change is needed. While the Ombudsman noted the need for clarification regarding personnel information, she said the system is working overall.

Next on the agenda was Brian Fuller, staff attorney for the Legislative Service Office. Fuller gave a very brief overview of the exceptions to the public records and open meetings laws. Some committee members had questions about specific records, to which Fuller answered by citing exceptions already in law.

Tara Evans, General Counsel for the University of Wyoming, was then invited to testify. Prior to the meeting she had submitted a letter to the Judiciary committee “advocating for more clarity in the language.” The following memo was submitted for consideration.

W.S. 16-4- 203(d)(iii). Personnel file is not defined, which creates ambiguity for public records officers when determining whether a requestor should be denied the right to inspect a particular record. Note that this section is a shall deny section, not a section that requires a balancing of the public’s interest.

W.S. 16-4- 203(d)(i). Sociological data is not defined, again creating some ambiguity for public records officers when determining whether a requestor should be denied the right to inspect a particular record. For example, some states define sociological data as personal cell phone numbers, residential addresses, social security numbers, banking or other financial information, email addresses, gender, race, religion, etc. Note that this section is a shall deny section, not a section that requires a balancing of the public’s interest.

W.S. 16-4- 203(d)(xi). Clearly unwarranted invasion of personal privacy is challenging to interpret and apply in a consistent manner. For example, the University conducts many types of investigations (sexual harassment, sexual assault, discrimination, fraud, academic misconduct, research misconduct, ethical violations, etc.). When does an investigation, or when do certain documents com-

See INTERIM SESSION page 5

2020 WPA COMMITTEES

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Convention

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WPA Executive Director
David Peck
Lovell Chronicle
Rory Palm, Kevin Olson

Budget

Kevin Olson, Rory Palm,
Jen Sieve-Hicks,
Kristen Czaban

Public Records Ombudsman Case Review October 2019 through present

Total Complaints Filed: 23 (21 resolved)

 Against State Agencies: 12

 Against Local Government Entities: 11

Average Time for Ombudsman’s Initial Response: 1 day

Average Time for Ombudsman’s Final Recommendation: 10 days

Number of Complaints Presently Pending: 2

Complaint Types:

 Dispute of Claim of Privilege/Confidentiality: 13 (see graph below for record types)

 Related to Request Filed with Incorrect Agency: 2 (1 involved federal records)

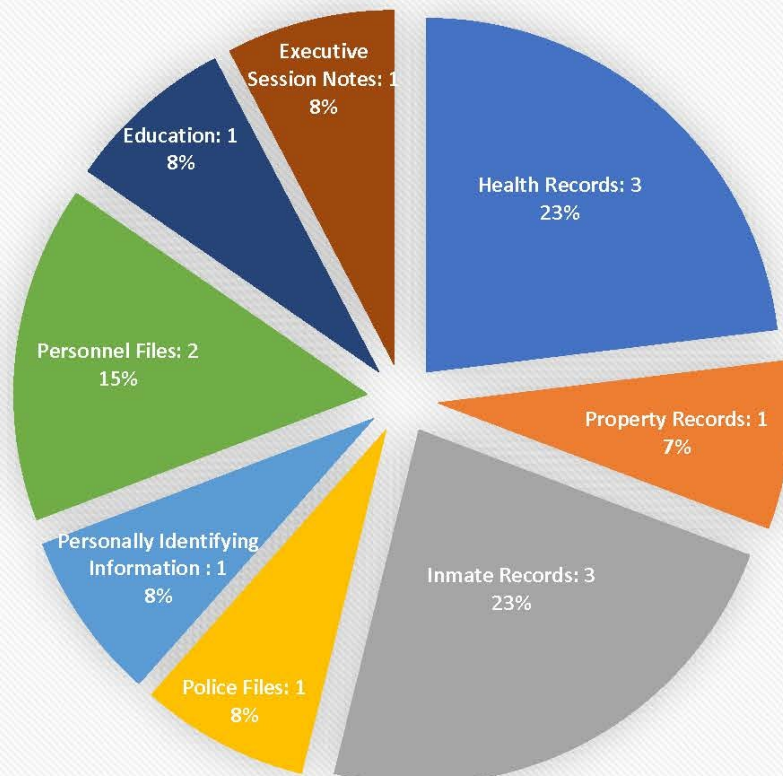
 Related to Timeliness of Response: 2 (\$120 waived in fees)

 Related to Custodian Designated: 1

 Related to Records already made Public: 1

 Miscellaneous: 4

Types of Records Denied on Basis of Privilege/Confidentiality



INTERIM SESSION CONTINUED FROM PAGE 3

piled during an investigation, rise to the level of unwarranted invasion of personal privacy for the complainant? Witnesses? Respondent? There also appears to be a contradiction between this exemption, which requires a balancing test, and the personnel files exemption ((d)(iii)), which is a per se denial.

W.S. 16-4- 203(b)(v). Per case law, the deliberative process privilege falls under this exemption. The legislature might consider adding this privilege as an exemption, with a clearly defined definition of what meets this privilege.

W.S. 16-4- 203(b)(iii). This exemption is clear (“the specific details of bona fide research projects being conducted by a state institution”); however, other states have language that is a bit more representative of the universe of documents that universities and community colleges would need to protect. For example, Vermont’s public records statute articulates the following exemption:

(23) Any data, records, or information produced or acquired by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information are published, disclosed in an issued patent, or publicly released by the institution or its authorized agents.

This subdivision applies to, but is not limited to, research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research. This subdivision shall not exempt records, other than research protocols, produced or acquired by an institutional animal care and use committee regarding the committee’s compliance with State law or federal law regarding or regulating animal care.

Redaction v. withholding. There is a lack of direction on whether institutions are required to withhold an entire document (easier on resources but less transparent) or whether we are required to redact a document. Oftentimes, the University receives complicated and voluminous key word search requests. A majority of the time is spent redacting information that the University is not allowed to disclose per the law (medical information, student educational records, diagnostic records, bona fide research, etc.).

Bruce Moats, WPA attorney, reached out to the WPA in response to the University’s memo and said, “I cannot see any changes to these provisions that would result in more transparency. I have found that added language only results in more litigation about meaning of the new language. I would note that the Supreme Court has defined what is an invasion of privacy in *Houghton v. Franscell*. There is no way to define it so that it answers every question in every circumstance.”

Evans also told the committee they receive 200 requests a year and because many exception laws apply to them, it is a time-consuming process for redaction. She said there needs to be redaction guidelines. Additionally, she made note that some of the requests they see are very “voluminous” because they are based on key

word searches that generate at times 50,000 emails.

The WPA submitted the following written testimony to the committee.

“Open meetings, freedom of information laws, and public notice are all essential parts to government transparency. They ensure Wyoming citizens have access to information needed for civic engagement. The Wyoming Press Association strongly opposes any legislative action seeking less openness, less access and less notice to the people of our state on Wyoming governance.

We are not proposing any changes to the Open Records or Public Meetings acts, nor do we feel any are warranted. However, we reserve the right to speak on any proposals considered by this committee.”



Questions or
issues regarding
open meetings
or public records?

**CALL THE
FOI HOTLINE
(307)
778.8844
FREE
TO WPA MEMBERS**

Sponsored by Wyoming Press Association

HAPPY BIRTHDAY CONTINUED FROM PAGE 2

Lusk Herald

The Lusk Herald began publication on May 20, 1886. It was established in a tent in the old town of Silver Cliff by JK Calkins and was later moved to the present site of Lusk. In its inaugural edition, Calkins said, "We have named our paper The Lusk Herald, as we have positive, reliable information that our town will not be named Silver Cliff, but will be named Lusk in honor of Mr. F.C. Lusk, an old and respected citizen."

Gillette News-Record

Newspapers have been a part of Gillette since it was platted in July of 1891, when the Burlington and Missouri Railroad was being built through the area. It was May of 1925 when Arthur Nisselius, editor of the Campbell County Record, had the opportunity to purchase the Gillette News, combining the two papers and forming The News-Record.

Lovell Chronicle

While other newspapers in the Big Horn Basin of Wyoming may have been founded earlier than the Lovell Chronicle, it may be the oldest paper to be published under the same, continuous name. J.P. May moved to Lovell under the persuasion of a friend and established the newspaper in May of 1906. He named the paper the Lovell Chronicle, and the paper has retained this name since the beginning. Machinery to print the paper was hauled to town from Bridger, Mont., by wagon and was housed in a small building along the old main area of the town.



The "Old Ironsides" building was home to the Lusk Free Lance until the paper was sold to the Lusk Herald in January 1957. It was the only building to be moved to Lusk from the tent town of Silver Cliff in 1886.



The News-Record was housed in this building for 50 years. The structure was converted from an automotive repair garage to a newspaper operation in 1925, the year the Gillette News and the Campbell County Record were combined by Arthur Nisselius, owner and publisher.



A June 12, 1930 edition is one of the earliest issues on file in the Lovell Chronicle morgue. Earlier files were destroyed in a 1930 fire, which took everything. The Dec. 9, 1954 issue tells of the death of publisher Ted Huntington in an auto wreck near Lander. A February 1960 issue shows the full-page picture format Burt Huntington used for the front page in those days.

COMMITTEE MEMBERS DISCUSS CONTEST CHANGES

CATEGORIES ELIMINATED • JUDGES NEEDED • VIDEOS ADDED

The WPA Contest Committee met recently to review contest category participation and to address the situation of the dwindling number of judges available from partnering press associations. Also on the agenda was the topic of how story and photo entries can be submitted.

There were several categories under review that were only seeing one to five entries - specialty, brand and story promotions on social media, public service and freedom of information, young and veteran journalists of the year, and web page.

Due to the lack of interest, the committee voted unanimously to eliminate specialty, brand promotion on social media and story promotion of social media for the 2020 contest.

The committee decided to look at better ways of promoting the remaining awards on the table and left them in the contest for the coming year.

To help with judging the WPA contest, the committee decided to look to the WPA associate members. Associates Chair Milton Ontiveroz, who also serves on the contest committee, said there were several categories that he believed associate members, such as the University of Wyoming and Wyoming Business Council, could judge.

Categories judged by the associates group will include: Education, Business & Energy, Ag, Arts & Entertainment, Obituary and Brand Promotion.

Contest Chair Jim Angell said, "What we're seeing more and more, is that other state associations are having trouble fielding enough staff members to judge contests. It's not just a problem with Wyoming's contest, it's an issue in almost every state.

"The Contest Committee saw that the only way to keep from overloading the remaining judges was to turn over the judging for some of the specialty writing categories to our associate members. They're all experts in their individual fields, so we'll be getting the benefit of their years of experience and knowledge."

The contest committee was also approached about the possibility of allowing newspapers to submit simple text for stories rather than tearsheets as collecting

tearsheets can be a "time-chewing" exercise.

For photos, it was asked that photographers be allowed to simply submit their original digital images rather than tearsheets.

Simply put, the committee agreed that

there always needs to be proof of publication whether online or in print to submit entries.

Finally, and after much discussion with a close vote, the committee approved long and short video categories to be added to the contest for 2020.



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New editor or staff member?

Have a column you'd like to share in the WPA E-bulletin or on the WPA website?

We appreciate hearing from you!

Send information to: wyopress@wyopress

DIRECTORY UPDATES REQUESTED

The WPA office is gearing up to publish the bi-annual member directory next month.

All WPA newspapers will receive a request for updates to the directory via email June 1.

If you have had changes in personnel or contact information, changes that affect your listing, please let us know promptly.

While we are aware of publication day changes, we still require that you verify that we have all information for your paper listed correctly.

Additionally, we request that you verify the population count for your city listed in the directory. We are not updating paid circulation numbers for the mid-year directory.

Associate members also will be notified. Again, please update any contact changes and related information.

Should you have any questions, please don't hesitate to reach out to the WPA office by phone at 307.635.3905 or by email at wyopress@wyopress.org.

DHS GIVES 500 FACEMASKS TO WPA

The Department of Homeland Security recently gave the WPA 500 facemasks to distribute to members. All newspapers that requested masks should have by now received them in the mail.

Please be advised that newspaper groups may have received only one package to be distributed to all their papers.

If you did not receive masks and would like to, or your paper requires more than you received, please let the WPA office know as we may be able to acquire more for your essential personnel.

Contact the WPA by phone at 307.635.3905 or email at wyopress@wyopress.org.

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HOW DO YOU BENEFIT FROM PAYING DUES? LET US COUNT THE WAYS

Now that the 2020 legislative interim session is in full swing, and while we are gearing up to publish and distribute the bi-annual membership directory and, in addition, working on invoicing almost 1200 insurance companies for the department of insurance advertising, we would like to take this opportunity to remind our members to please send us their 2020 dues.

With only five months left in our fiscal calendar year, as of right now the WPA office has received dues from only about 50% of our members.

Here's another friendly reminder of some of the benefits that come from your dues membership payments:

1 FOI HOTLINE

The hotline was created in the 1990s to assist reporters with public meetings and public documents questions. Reporters can call the hotline at any time to determine whether a document or meeting should be public and how to proceed if they are being denied access to either. It is a FREE service for our members.

2 PUBLIC NOTICES/FREEDOM OF INFORMATION/OPEN MEETINGS

The WPA lobbies to keep public notices in your newspaper and keep your community and state government transparent. In addition, we often travel to three or four interim committee meetings around the state pertaining to the public records and open meetings act. During the 2020 session we lobbied against thirty bills that threatened public notice and access. We maintain a digital archive to all public notices published in Wyoming newspapers.

3 ADVERTISING

The WPA staff is an extension of your ad department and works hard to enhance revenue to your paper through display, online and pre-print advertising placements. Additionally, the total divided out to all the members in statewide program dividends was nearly \$50,000, putting the total advertising payout to member papers in the 2018 fiscal year over 1.3 million dollars.

4 CONVENTIONS

The WPA puts on one of the best press conventions in the country! Members are provided the opportunity to network, participate in roundtables with peers, expand their knowledge, listen to incredible speakers and celebrate their accomplishments.

5 NATIONAL NEWSPAPER ASSOCIATION MEMBERSHIP

- Subscription to the Publishers' Auxiliary and FREE Pub Aux Live webinars
- 24/7 in NNA's online Great Ideas database
- Networking and sharing successes with peers at the annual convention and trade show
- Daily 24/7 NNA web site resources
- NNA industry research on readership and advertising trends
- Updates from NNA and federal agencies and departments and lobbying efforts
- Attend the annual convention and trade

See COUNT THE WAYS next page

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PEOPLE AND OTHER STUFF

The Wyoming Tribune Eagle recently won 13 awards in the Top of the Rockies contest, coordinated by the Society of Professional Journalists.

The WTE competed in the print and online competition for newspapers with a print circulation between 10,000 and 29,999.

The awards were received by current and former WTE staffers and freelancers.



NEWSPAPERS HAVE YOUR BACK.

We are grateful for those who have our back in this important time. The list is long, but we want to thank our first responders and front-line workers.

Especially in critical times, **newspapers have your back.** COVID-19 is a national story that is impacting you at home and at work. Your local newspaper is keeping you informed with current events in your neighborhood and is bringing communities together in these challenging times.

From the actions your local government is taking, to lists of local stores that are delivering and tips on what to do while you're at home, your local newspaper is committed to bringing you the news you need, when you need it.

WE ARE IN THIS TOGETHER

**Support your local newspaper.
Subscribe in print or online.**



COUNT THE WAYS CONTINUED FROM PREVIOUS PAGE

5 NATIONAL NEWSPAPER ASSOCIATION MEMBERSHIP

(Continued)

- show, and the annual "We Believe in Newspaper Summit."
- AND A TON MORE BENEFITS!!

6 AWARDS

The WPA celebrates the winners of the Pacemaker Contest by recognizing great work with plaques, trophies and certificates. The WPA also gives internship assistance to three winning newspapers each year.

7 RECRUITMENT

The WPA visits with high school, college and university students to encourage interest in journalism, with particular focus on internships and jobs with Wyoming newspapers.

8 NEWSPAPER DIRECTORY

We provide an up-to-date directory of all our newspaper members and distribute it bi-annually. Additionally, we work hard to keep you informed about industry news through our website, social media and e-bulletin.

9 INSURANCE ADS/BILLING

We invoice almost 1,200 insurance companies each year for the Wyoming Department of Insurance. Companies must pay a fee each year to keep in compliance with state statute. Also, per statute, the WPA creates and places informational ads in all legal newspapers every month.

10 PRESS PASSES

We produce, laminate, and mail press passes per a publisher's request. At many events - in particular sports events - reporters and photographers now have to provide identification for access.

Let's get straight to the point.

Please pay your membership dues. Invoices were mailed the beginning of February with a request for payment by March 31.

You have a vital organization, working for the benefit of the newspaper industry and it is owned by you. We are employed by you, our members, and governed by you through a board of directors to work with you and for you.

Paying your membership dues keeps your company strong, stable and running smoothly.