



# Newsletter

Virginia Association of Broadcasters

November 2009

## Senate Commerce Committee Approves Satellite Reauthorization Legislation

The Senate Commerce Committee has unanimously approved satellite reauthorization legislation (S. 2764). The Commerce Committee is the final of four Congressional committees to approve satellite legislation—the House Commerce Committee, the House Judiciary Committee, and the Senate Judiciary Committee previously approved such legislation.

Except for two amendments adopted by the Commerce Committee, the bill that was approved is identical to the bill that was introduced by Chairman Rockefeller. The first amendment, offered by Senator Claire McCaskill (D-MO), requires the FCC to study the economic and capacity conditions affecting the delivery of local signals by satellite carriers into all 210 markets. The second amendment, offered by Senator Maria Cantwell (D-WA), would allow satellite carriers to use their channel capacity reserved for noncommercial, educational, or informational programming to carry state public affairs networks. Senator Tom Udall (D-NM) did not offer an amendment on market modification as broadcasters had originally feared.

### Grandfathering

Under the bill, all legal subscribers on the day before enactment can continue to receive distant network signals, whether or not they subscribe to local signals, until they choose not to receive the distant network signals. Thus, the bill, like the other bills to date, contains grandfathering provisions that do not take account of the “timing gap” through which, because of the digital transition, virtually all households in the country are “unserved” today because they cannot receive an over-the-air analog signal of Grade B intensity. These provisions also ignore those subscribers served by pre transition digital-only network stations or by digital multicast network chan-



nels. The issue is problematic because the way the provisions are written the grandfathering exceptions essentially swallow the rule.

### “If Local, No Distant” Principle and Multicast Channels

Existing law contains the important “if local, no distant” principle, which states that if a satellite subscriber resides in a market in which local satellite service is offered at the time the subscriber seeks to subscribe to a duplicating distant network signal, then the subscriber cannot receive the distant signal. The Senate Commerce bill does retain this provision for stations’ primary channels, but it changes the way the principle works for multicast channels, adopting the House Commerce bill’s approach. Instead of applying the “if local, no distant” principle to multicast channels, it would allow any subscriber receiving such a duplicating

signal to continue receiving it until he or she actually chooses to receive the local multicast channel.

### Prohibition on Time Shifting

Existing law contains a provision that only permits a satellite carrier to offer distant digital signals from stations in the same or later time zones than the local market. The Senate Commerce bill continues this prohibition on time shifting.

### Importation of Significantly Viewed Signals

Existing law requires a satellite carrier that wishes to import a significantly viewed station into a market to protect the local station affiliated with the same network by providing to the

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## VAB Newsletter

Published monthly by the Virginia Association of Broadcasters

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# NOVEMBER COMPLIANCE TIP

## A New Compliance State of Mind

by Harrison Pittman

On-Time Online Broadcast Compliance

It is a safe to assume that compliance rules and regulations are not going away. In fact, they seem to increase each year. At times, compliance may be inconvenient, an irritant and a task ignored or delayed. None of which is healthy in terms of ensuring that your station is compliant. For this month's tip, I'd like to suggest a new compliance state of mind that will hopefully help.

I'm not suggesting some mystical Zen-like approach that suddenly converts you into a compliance devotee. What I am suggesting is reviewing your current compliance routines to see if they could pull double duty. Are there compliance tasks you currently perform that with a nuanced shift could be used to benefit your station or accomplish another goal?

For example: EEO Outreach Initiative # 14: Provision of training to management level personnel as to methods of ensuring equal employment opportunity and preventing discrimination. Once per quarter, why not devote a department head meeting to proper and effective recruitment and interview techniques, etc. The benefit is not only earning an outreach initiative credit but now your managers have sharpened a set of important management skills.

Another EEO example: Outreach Initiative # 8: Establishment of training programs designed to enable station personnel to acquire skills that could qualify them for higher level positions. Why not schedule regular lunchtime panels for those staff members aspiring to become managers? You could schedule current managers to speak to their career path and the skills they feel are critical to being a manager. One station doing this example received an added benefit. Not only did they receive an outreach initiative credit and management hopefuls received valuable career insights, but by sharing his career story, the manager became better known to other staff members and more appreciated for his unique experiences.

This tip is not intended to be a glass half full vs. half empty platitude. This is about recognizing that compliance is here to stay and that by shifting our mindset there are ways we can also use it to our advantage. ♦

*This compliance tip provided by Harrison Pittman of On-Time Online Broadcast Compliance, [www.OnTimeOnlinebc.com](http://www.OnTimeOnlinebc.com), [hpittman@ontimeonlinebc.com](mailto:hpittman@ontimeonlinebc.com).*

Please send announcements & press releases to: [derek.breen@easterassociates.com](mailto:derek.breen@easterassociates.com). Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to available space.

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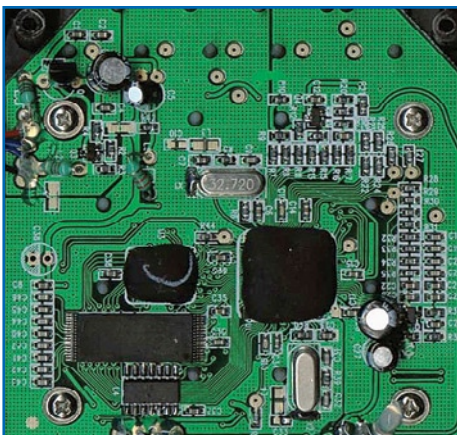
## NAB Criticizes Spectrum Plan

The National Association of Broadcasters has filed reply comments with the Federal Communications Commission concerning the agency's request for information on spectrum management practices as they relate to the rollout of nationwide broadband. NAB's comments were filed jointly with the Association for Maximum Service Television (MSTV).

"The Commission should reject the plan presented by the commercial wireless interests and develop instead a National Broadband Plan that both preserves the public's digital broadcast service and creates a world-class broadband network," NAB stated.

NAB reiterated the importance of prioritizing the efficient use of more than 500 MHz of spectrum already allocated for wireless broadband. NAB also stressed the importance of considering frequencies above 3.7 GHz and on using "white space" spectrum for licensed fixed rural services, a tactic NAB has long supported.

"[B]roadcasters are intensely using each station's 6 MHz channel to deliver a variety of HD and multicast programming, mobile DTV, advanced public safety services, datacasting and other ancillary and supplemental services," NAB explained. Accordingly, there is "no truth" to claims that question the efficiency of digital broadcasting, NAB wrote. NAB also reminded the Commission that, through mobile DTV, broadcasters in coming years will serve as an important means to offload video-related traffic from broadband networks experiencing network congestion. ❖



## FCC Extends Reporting Deadline

On November 23, 2009, the FCC released a Public Notice extending the deadline for commercial broadcasters to file the new Biennial Ownership Report (FCC Form 323) to January 11, 2010. The deadline was previously set for December 15, 2009, but the FCC has extended it, in large part because the FCC has not yet made available the electronic version of the new Form 323.

According to the Public Notice, as soon as the electronic version of the form is available for filing, the FCC will release another Public Notice to announce its availability and will provide the same information on the Media Bureau's Form 323 webpage, available at <http://www.fcc.gov/form323>. The FCC is also encouraging the public to submit questions regarding the new form and filing procedures to its dedicated email address: [Form323@fcc.gov](mailto:Form323@fcc.gov). The Public Notice indicates that the Media Bureau has been updating the Form 323 webpage's Frequently Asked Questions page, which provides answers to many ownership reporting questions.

Additionally, the FCC has issued an Order and Further Notice of Proposed Rulemaking in response to NAB's petition for reconsideration of the FCC's April 2009 Order in which the Commission revised certain biennial ownership reporting requirements for commercial stations. As previously reported, the April 2009 Order revised the ownership reporting rules to require sole proprietors of broadcast stations to file Biennial Ownership Reports. The April 2009 Order also broadened the scope of interests to report on Form 323 to include not only all interests in the station that are "attributable" (as defined by the FCC's rules) but also (1) minority interests in a corporation with a single majority shareholder and (2) interests in an "eligible entity" (any entity that would qualify as a small business consistent with Small Business Administration standards for its industry grouping, based on revenue) that would otherwise be attributable but for the operation of the higher Equity/Debt Plus attribution threshold. NAB requested reconsideration of the rules regarding sole proprietors and the two new classes of reportable interest holders.

The FCC rejected NAB's petition



with respect to sole proprietors—sole proprietors of commercial stations will be required to file Form 323 along with all other commercial filers by January 11, 2010. However, the Commission deleted or removed the reporting requirements for the two non-attributable but reportable interest categories described above. In doing so, the Commission acknowledged that its "intention to impose the requirement was not explicitly stated" in its earlier request for comment on the proposed ownership rules. Therefore, the FCC has announced a Further Notice of Proposed Rulemaking ("Notice") seeking comment on these new reportable interest categories. Comments will be due 30 days after publication of the Notice in the Federal Register, and reply comments will be due 45 days after publication.

In summary, all commercial full power AM, FM, and TV stations and low power TV and Class A stations and entities with an attributable interest in these stations—including sole proprietors—will be required to file Form 323 by January 11, 2010. TV translator and booster stations are not required to file Biennial Ownership Reports, and non-attributable interests are not required to be reported at this time. Other than the filing deadline and the deletion of the non-attributable interest reporting requirement, all other aspects of the April 2009 Order remain in effect.

Stations are strongly encouraged to consult with their communications counsel regarding the FCC's ownership reporting requirements. If you desire additional information, please give one of our FCC attorneys a call. ❖

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## Satellite Legislation

(continued from page 1)

local station an equivalent amount of bandwidth as is being provided to the significantly viewed station. The result of the provision is that a satellite carrier cannot import a significantly viewed signal in HD unless it also carries the local station in HD, and it cannot import a significantly viewed station's multicast channels unless it also carries the local station's multicast channels.

### Transition to Digital Television

The Senate Commerce bill deals with the digital transition by establishing a predictive methodology for digital signals that has heretofore been absent in the Act. The bill requires the use of the Individual Location Longley-Rice ("ILLR") model that was recommended by the FCC to Congress in 2005 and which the broadcast industry supports.

However, in a potentially significant change, the bill drops the requirement that the model the FCC is to adopt determine the ability of an individual location to receive an adequate over-the-air signal by means of a "conventional, stationary, outdoor rooftop receiving antenna." Instead, the bill merely specifies that an "antenna" must be used, but not that it be an outdoor rooftop antenna. If this language were to be read to permit the use of an indoor rabbit-ears antenna, the effect would be to shrink exponentially the service area of local stations and to expand drastically the geographic scope of the distant network signal license.

### Grade B "Bleed"

The Senate Judiciary bill contains a provision that reduces the relevance of a station's over-the-air signal to the boundary of its DMA. This is a major change from existing law. In other words, if a station's signal "bleeds" into a neighboring market, under existing law, a household located in that "bleed" coverage area is deemed served by a relevant network signal and cannot receive a duplicating distant network signal unless the household receives a waiver from all affected stations, including the out-of-market station that provides "bleed" coverage to the household in question. The Senate Judiciary bill eliminates the "bleed" coverage from the definition of "unserved household." Thus, only over-the-air signals received from stations licensed to communities in

the household's television market count. This change has the potential to result in many additional households being eligible for distant network signals.

The Senate Commerce bill appears to acquiesce in this change. It contains a new special provision that allows a subscriber to be eligible to receive a distant network signal if either (i) the subscriber's household is predicted by the ILLR model not to receive an adequate signal over the air or (ii) the subscriber resides in an "unserved household" as defined in the Copyright Act.

### Market Modification

As noted above, the Senate Commerce bill contains no specific market modification provisions. This has been a top priority for broadcasters, and, to date, the industry has been successful in steering through this potential minefield.

Fortunately, unlike the House Commerce bill, the Senate Commerce bill does not contain a requirement that the FCC conduct a study on the efficacy of DMAs and the extent to which viewers receive service from in-market, but out-of-state stations.

### Study on Phase-Out of Compulsory Licenses

The Senate Judiciary bill requires the Copyright Office, after consultation with the FCC, to submit a report to Congress within one year on "how to" phase-out the statutory licenses in sections 111, 119, and 122 of the Copyright Act if there is a "single licensor" in the market that can authorize the performance or display of all works embodied in the broadcast signal. The language specifically requires a report on "how to"—not on "whether to"—phase out the licenses.

The Senate Commerce bill contains a similar provision requiring the Comptroller General—not the FCC (or the Copyright Office, for that matter)—to report in one year on the changes in carriage requirements that would be necessary or beneficial to consumers if the compulsory licenses were to be phased out by Congress. The report is also to examine the impact on consumer prices and access to programming if the compulsory licenses were to be phased out.

### Accelerated HD Carriage of NCE Stations

As noted above, the Senate Com-

merce bill incorporates most of the language from Rep. Eshoo's amendment that was passed out of the House Commerce Committee. That language was intended to accelerate satellite carriers' launch of NCE stations in HD.

The Senate Commerce bill alters the Eshoo language in one important respect. The satellite carrier can exempt itself from the accelerated HD launch requirements if it enters into a private carriage arrangement that governs more than 30 qualified NCE

stations. This is a substantially lower threshold than the Eshoo language (which was basically all or none). Presumably this change is intended to prevent APTS and PBS from stonewalling DISH since DISH could earn its exemption by negotiating with NCE stations, such as statewide public broadcasting networks, that may be more willing to compromise.

### Next Steps

The House and Senate committees now must "harmonize" their bills into a single bill in each chamber before sending them to the full House and Senate for approval. This process will give broadcasters another opportunity to attempt to improve the bill. For although the bills do not contain any harmful "market modification" provisions, they still contain several provisions that, on balance, expand satellite carriers' ability to import distant, duplicating network signals to subscribers who can receive a good quality digital signal from the primary or multicast channel of a local network affiliate. ❖

*If you should have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.*

Wade H. Hargrove  
Mark J. Prak  
David Kushner  
Charles Marshall

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## Television Stations File Class-Action Lawsuit Against SESAC

A group of television station owners has filed a class-action antitrust lawsuit against SESAC and its affiliated composers and music publishers. SESAC is a for-profit company that licenses public performance rights to copyrighted music compositions. The complaint ("Complaint") filed in a United States District Court in New York alleges that SESAC has engaged in anti-competitive behavior in violation of federal antitrust laws.

The Complaint asks the court "to restrain and prevent SESAC from perpetuating the unlawful exercise of the monopoly power SESAC has amassed, unilaterally and collectively in conspiracy with and among SESAC [copyright holders],...over the licensing to Plaintiffs and other Class Members of the music performance rights they need to broadcast their scheduled programming." In layman's terms, the television broadcasters have asked the court to force SESAC to stop its anti-competitive conduct with respect to licensing SESAC public performance rights that are embedded in network and syndicated television programming. The Complaint also seeks treble money damages from SESAC for its alleged violations.

The lawsuit was filed as a class action, which means that the named plaintiffs are proceeding on behalf of themselves and other members of a particular class—the class in this case is identified generally as local commercial television broadcasters. If the judge certifies that the case should proceed as a class action, other television broadcasters will be given an opportunity to participate as members of the class and, thus, to be bound by the outcome of the case. For example, if the court awards monetary damages to the plaintiffs, then participants in the class should also be entitled to some portion of that award. As of November 18, 2009, the judge had not yet certified the class. (Assuming the court certifies the class, procedures to notify local commercial television broadcasters and the methods by which class members may choose to or decline to participate in the lawsuit will be ordered by the court.)

Three entities offer music performance rights licenses for virtually all music broadcast by local television stations—ASCAP, BMI, and SESAC. Local

stations must acquire licenses from each of these organizations because their repertoires are exclusive of one another. For decades, ASCAP and BMI have been operating under consent decrees following the U.S. Department of Justice's investigation into alleged antitrust violations by those two entities ("Consent Decrees"). SESAC is not a party to the Consent Decrees and not bound by their terms. According to the

Complaint, "SESAC flaunts its freedom from the competitive safeguards afforded by the Consent Decrees and has clearly demonstrated its intention to take full advantage of its monopoly power by engaging in many of the very same practices that ASCAP and BMI were barred from continuing..."

One of two key factual allegations made in the Complaint is that SESAC  
(continued on next page)

## Richmond Loses Longtime Radio Icon

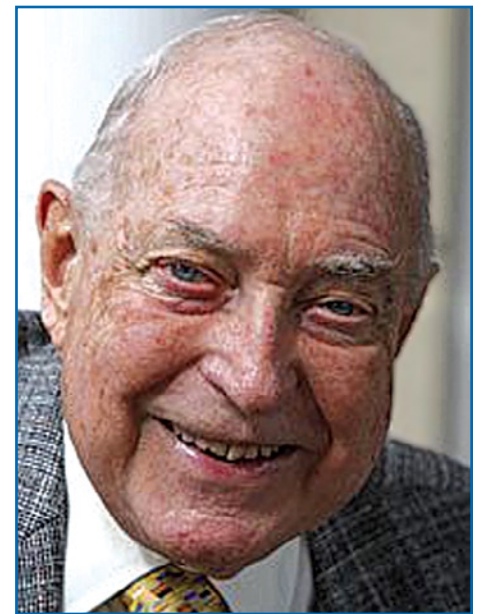
Harvey Lee Hudson, Jr., after seventy years as a broadcast personality and manager, passed away on Sunday, November 1, 2009. He was 88 years-old.

"It's a huge loss," said Tim Timberlake, who dedicated a Richmond Pops Band concert to Mr. Hudson's memory. "He was one of those larger-than-life personalities that loved what he did so much that it was contagious."

Born in Richmond on September 21, 1921, he was the son of the late Harvey L. Hudson Sr. and Mary Lillian Hudson. He is survived by his cousins, Laura Jane Dwyer of Richmond, Ruby Huffer of Harrisonburg, and Robbie Clatterbuck of Staunton; four children, Marcus P. Dickinson of Bahama, N.C., John R. Dickinson of Roanoke, William W. Dickinson of Knoxville, Tenn., and Anne Dickinson L'Orange of Windsor, Colo.; and nine grandchildren. Mr. Hudson was in his 60s when he married Bobbie Dement, who died in 2006.

Mr. Hudson graduated from the University of Richmond and was featured as the "morning personality" on WRVA in the 40s and WLEE in the 50s and 60s. He was well-known as a stage and show "Master of Ceremonies" and was a lifetime honorary member of the Azalea Festival of North Carolina. He was emcee of the Virginia Junior Miss Pageants in Roanoke and the Miss Richmond Pageant in Richmond for many years.

Although many people knew him as a "radio, TV and stage entertainer," he began his management career with WLEE in 1948. He was the manager of WLEE Broadcasting Corporation, which later became Nationwide Communications Corporation. He was the Vice President and Manager of WLEE and



Channel 8 TV for Nationwide. In the late 70s, he brought Channel 35 WRLH TV to Richmond. Mr. Hudson was also one of the founders of TVX Corporation, which became one of the country's largest independent TV operators in the 80s.

Mr. Hudson recently celebrated 70 years in radio broadcasting. In 1991, he founded and hosted a radio program on WTVR-AM and later WZEZ-FM called "Harvey Hudson's Passing Parade." The show continues to air Saturday mornings on WLEE.

"He was sharp as a tack," said Jan Carlton, who joined Hudson on his weekly broadcast. "At 88, he still had that voice, still had his wits about him. He really was a one-of-a-kind person."

Most recently, he was also heard and seen on numerous radio and TV commercials, and as part of the four public TV documentaries called "Memories of Richmond." ♦



# AMA Winners Emphasize Importance of Local Radio

A trio of American Music Award winners became the latest in a growing chorus of musicians to recognize the unparalleled promotional role of free, local radio airplay. The praise for radio by Taylor Swift, Keith Urban and country band 'Gloriana' comes as the Recording Industry Association of America (RIAA) continues to push Congress to support legislation that would levy a new fee on radio stations for music aired free to listeners.

Taylor Swift, AMA Artist of the Year, said, "I want to say thank you to country radio for giving the fans a chance to hear my music."

Country band 'Gloriana' also used the stage to thank radio. Accepting the award for Breakthrough Artist of the Year, band member Rachel Reinert said, "We gotta thank country radio so much for playing our music."

Also praising radio was Keith Urban, AMA winner in the Country Male category, who took the stage and thanked "all our friends at country radio."

A 2008 study conducted by former Stanford economist Dr. James Dertouzos revealed that between \$1.5 billion and \$2.4 billion in annual music sales are generated through free radio airplay. While RIAA has continued to press for legislation that would hamstring local stations' ability to serve listeners, a bipartisan group of 253 House lawmakers and 27 U.S. Senators have publicly stated their opposition to such legislation.

Representatives from the National Association of Broadcasters recently met with members of Congress and representatives from the Recording Industry Association of America (RIAA) to reiterate the negative impact an additional performance fee would have on local radio stations and listeners.

"Out of deference to key members of Congress, NAB representatives met today with representatives of RIAA and the music industry to discuss pending performance tax legislation," said NAB Executive Vice President Dennis Wharton. "NAB representatives, along with representatives of minority-owned radio stations, reiterated our strong concerns over the negative impact that the bill would have on the ability of free and local radio stations to continue serving our listeners." ♦



## SESAC Lawsuit

*(continued from previous page)*

has taken anti-competitive actions that are "exactly the type of conduct" prohibited by the ASCAP and BMI Consent Decrees and cause the same anti-competitive effects against which the Consent Decrees were designed to protect.

The Complaint also alleges that SESAC's scheme to restrain trade and eliminate price competition has had "actual injurious effects" on television broadcasters. For example, the lawsuit points out that from 2005 to 2007 SESAC offered stations a per program license fee. The terms of the license for that period were set by an independent panel of arbitrators following a lengthy arbitration proceeding. According to the Complaint, more than 250 local stations chose to operate under this lower cost, per

program structure rather than the blanket license structure. However, following the expiration of the 2005-2007 license period, SESAC changed the terms of the per program license. Under the 2005-2007 agreement, only five percent of certain kinds of third-party programming was deemed to contain SESAC music (on which royalties were due); after the 2005-2007 agreement expired, SESAC deemed that 50 percent of such programming would be deemed to contain SESAC music—greatly increasing the fees due from broadcasters to SESAC. ♦

*(This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.)*

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# The Laurence E. Richardson Community Service Award Call For Entries

The Virginia Association of Broadcasters recognizes the value of community service completed by stations across the Commonwealth. The Laurence E. Richardson Community Service Award is given each year to the station that exemplifies the benefits of local community service by Virginia's broadcasters and will be presented at the **Legislative Cocktail Reception on Wednesday, January 20, 2010.**

VAB member stations are encouraged to submit their community service activities for consideration for this award. Awards packages will be judged on the following criteria:

- Community need
- Benefits to the community
- Originality of activities and programs
- Degree of station participation in community service activities
- Measurable results (e.g., dollars raised, community needs met)

A station may receive the Laurence E. Richardson Community Service Award MORE THAN ONCE and previous winners ARE ELIGIBLE to submit again and win!

**Deadline:** The VAB must receive materials by **5 PM on Monday, January 4, 2010.** Late entries will not be accepted.

**Eligibility:** A VAB Member Station may enter any and all community service activities occurring between **September 1, 2008 and August 31, 2009.** Each community service activity should be considered as 1 award entry.

**Entries:** Each award entry must have the station call letters as well as a contact name with phone number. Each award entry should also document the following:

- Community service programs and promotional spots aired
- Your station's community involvement
- Amount of money raised
- Thank-you letters, plaques, and certificates received
- Audio and/or videotapes of station activities

**Additional Information:** Audio and Videotapes are limited to a total of three (3) minutes and must be labeled with the station call letters. Written entries may not exceed five 8 1/2 x 11 single-sided pages of text. Each entry may contain a maximum of five letters or other commendations from community leaders and organizations and a maximum of two 8 1/2 x 11 pages of photos.

**NEW**  
The winning  
station will also  
receive a \$1,000  
donation to their  
winning charity!!

Send entries to: Virginia Association of Broadcasters  
Community Service Awards  
600 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911



Please contact us at (434) 977-3716 or [easter@easterassociates.com](mailto:easter@easterassociates.com) with any additional questions.



## Meet Virginia's 20 Newest House of Delegates Members

Republicans had big wins in the House, gaining six net seats and boosting their majority to 61, including the two independents who caucus with the Republicans. They benefited from recruitment of strong candidates to take on incumbent Democrats, particularly in Northern Virginia as well as the large margin of victory by governor-elect Bob McDonnell and his running mates. The only incumbent Republican who lost was Delegate Philip Hamilton (R-Newport News), Chair of the House Health Welfare and Institutions Committee, who faced ethics charges.

Democrats also picked up the seat of retiring Delegate Jeff Frederick (R-Prince William County), who was removed earlier this year as Chairman of the Virginia Republican Party. Special elections will be held in the near future to fill the Senate seats of Ken Cuccinelli, who was elected Attorney General, and Ken Stolle, who stepped down to run for Sheriff of Virginia Beach.



**Robin Abbott** (D-93rd) is a partner at Consumer Litigation Associates. After working as a legal secretary for the FBI and Dept. of Justice, she attended college

and law school while raising her children and working full time. Her son Nicholas was diagnosed with cerebral palsy in 1980, leading her to a successful career as a consumer advocate. Abbott is recognized nationally for her defense against predatory mortgage lenders and foreclosure abuses.

**Richard Anderson**

(R-51st), who defeated incumbent Paul Nichols, served 30 years in the Air Force as a senior military advisor who commanded Titan II ICBM combat crews and served at both the U.S. Atlantic and Pacific Command Headquarters as well as the Pentagon. He is active in several military and civic organizations and seeks to keep taxes low, help small businesses and prioritize government spending on education, transportation and public safety.



**Dickie Bell** (R-20th) is a special education teacher and coach at Riverheads High School in Staunton. He served in the U.S. Navy during Vietnam and also on Staunton

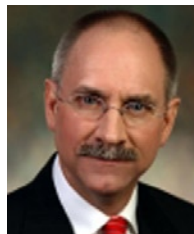
City Council. He wants to ensure workers in his area can find good jobs and keep more of their money instead of paying higher taxes.



**Betsy B. Carr** (D-69th) is Outreach Director at St. Paul's in Richmond. She founded the Micah Initiative, which provided 1000 volunteer tutors, and has held various civic

and community outreach positions.

**Bill Cleaveland** (R-17th) worked for Corning Glass, then attended law school. He served as a prosecutor for the City of Roanoke Commonwealth Attorney's office before going into private practice focusing on defense, plaintiff's injury and civil litigation.



**Barbara Comstock** (R-34th) defeated incumbent Margi Vanderhye. She has served as a senior aide to Congressman Wolf, and also on the House Government Reform and Oversight Committee. She is presently at Corallo Comstock, a public relations/government affairs firm she co-founded.

**John Cox** (R-55th) is a successful entrepreneur who created two well respected companies in the difficult long haul trucking industry. He is also a Certified Transportation Broker and past president of the Virginia Trucking Association. He wants to see fiscal responsibility and budget restraint at all levels of government.



**James Edmunds** (R-60th) is a 3rd generation beef cattle, grain and tree farmer who has served on the Halifax County Board of Supervisors for 10 years. Edmunds has a

degree in Business Administration and says his primary goals are to create new jobs in his area while preserving gun and hunting rights. He also strongly opposes uranium mining in his area.

**Scott Garrett, MD** (R-23rd), defeated incumbent Shannon Valentine and is a longtime Lynchburg-area surgeon. He was elected to City Council in 2006, where he has been a strong voice for fiscal responsibility and government accountability.



**Thomas "Tag" Greason** (R-32nd), who defeated incumbent David Poisson, graduated from West Point and earned an MBA from George Mason. He coaches his children's sport-

ing teams and was recently appointed as a commissioner of the county's Economic Development Commission. As Executive VP for Current Analysis, Inc., Greason was instrumental in turning around the company, experiencing firsthand the positive effect of reducing taxes and government spending.

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## New VA Delegates

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**Patrick Hope** (D-47th) is Director of Legislative Policy at the American College of Cardiology. He is active in organizations that include the National Alliance on Mental Illness and

ARC of Northern Virginia, and said he is committed to providing Northern Virginia with a permanent funding mechanism for transportation improvements.

**Matthew James** (D-80th) is President and CEO of the Peninsula Council for Workforce Development after holding several key positions in Portsmouth City government. Understanding the key role of transportation, he wants to address his regions needs in bridges, mass transit and high speed rail.



**Mark Keam** (D-35th) is an attorney who worked as an FCC prosecutor, with duties that included implementing portions of the Telecommunications Act of 1996. He then was assistant chief counsel in the Office of Advocacy within the Small Business Administration implementing the Access to Capitol Electronic Network.

**Kaye Kory** (D-38th) is vice-chair of Fairfax County's Public School Board and served two years as a volunteer working on housing and anti-poverty issues. As program advisor to a Community Agency on Aging and Executive Director at the Saunders Moon Senior Citizens Center, she established a free transportation network for the elderly.



**Jim LeMunyon** (R-67th) is a technology entrepreneur who co-founded Sterling Semiconductor. He presently leads HexaTech, a company developing novel sources of ultra-violet light for water purification and new components for wireless communication systems. While serving as Deputy Assistant Secretary of Commerce, he reduced the agency's budget while making the agency more effective.

**James W. "Will" Morefield** (R-3rd), who defeated incumbent Dan Bowling, comes from a mining family. After graduating from Midwest University in Texas, he returned home to fight for victims of black lung disease. Morefield serves on a number of community boards, including The Tazewell Area Chamber of Commerce.



**Chris Stolle, MD** (R-83) trained as a nuclear engineer in the U.S. Navy and is a medical doctor who also earned an MBA from the College of William and Mary. He currently is in an administrative role at Riverside Regional Medical Center and is also a practicing physician.

**Scott Surovell** (D-44th) is an attorney whose practice includes criminal defense, family law, personal injury, small business litigation and consumer matters. He is currently a law partner with State Senator Chap Peterson. In 2005, he was selected for the Fifth District Attorney Discipline Committee. His website addresses the need for transportation funding on Northern Virginia, adding that Fairfax County's annual road maintenance allocation from the Commonwealth dropped from \$28 million to \$240,000 in the past six years.



## FCC Media Study

FCC Chairman Julius Genachowski recently announced what the Commission is billing as an "agency-wide initiative to assess the state of media in these challenging economic times and make recommendations designed to ensure a vibrant media landscape."

In launching this initiative, the Commission is apparently responding to requests for FCC action by the Knight Commission on the Information Needs of Communities in a Democracy and a report on the "dire circumstances" of newspapers prepared by the Pew Project for Excellence in Journalism.

The Chairman has appointed Steven Waldman, regular columnist for the online edition of the Wall Street Journal, to lead the effort.



**Luke Torian** (D-52nd) serves as the Pastor of First Mount Zion Baptist Church in Dumfries and was one of only 50 leaders who participated in John Maxwell's special leadership institute.

He has served as a mentor for troubled teens. Torian helped found Virginians Organized for Interfaith Community Engagement (VOICE), an organization that works to gain access to affordable housing, strengthen education for people who want to learn English, and to provide affordable dental care.

**Ron Villanueva** (R-21st), who narrowly defeated incumbent Bobby Mathieson by only a 16 vote margin (pending recount), is a Virginia Beach native who served as legislative aide for Frank Wagner during his time in the House of Delegates (Wagner is now a state senator). From 1997-2005 he owned and operated a marine ship repair and industrial service firm and he currently is co-principal for SEK Solutions, a provider of tactical and special operations. ❖



## Michael J. Fox to Receive NAB Distinguished Service Award

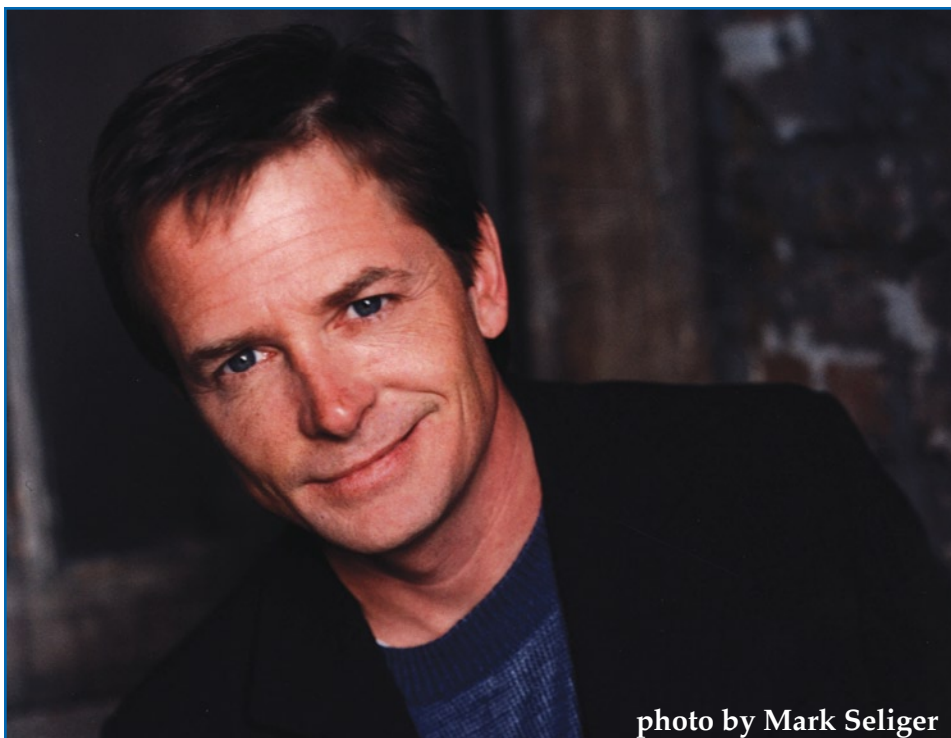


photo by Mark Seliger

Michael J. Fox, actor, author and devoted advocate for increased funding for Parkinson's disease research, will receive the NAB Distinguished Service Award during the 2010 NAB Show. Fox will be honored for the impact his career has had on the television industry, as well as his commitment to raising awareness for Parkinson's disease through The Michael J. Fox Foundation for Parkinson's Research. The award will be presented during the All Industry Opening Keynote address on April 12, 2010 in Las Vegas.

"Michael J. Fox is a true role model in every sense of the word, using his fame and influence as a successful actor to help fund nearly \$160 million dollars in Parkinson's research," said NAB President and CEO Gordon Smith. "We are proud to honor him for his tremendous contributions to both the entertainment and medical research communities."

Fox's role on the hit NBC show "Family Ties" made him one of the country's most prominent young actors of the 1980s. The show, which ran from 1982-1989, was a critical and commercial success, earning Fox three Emmys and a Golden Globe Award. Fox returned to series television again in 1996 on the ABC show "Spin City," and has appeared in guest spots on several television programs, most recently FX's "Rescue Me," for which he received a fifth Emmy Award in 2009.

Fox has appeared in a variety of comedic and dramatic movie roles, including the highly successful "Back to the Future" trilogy, "Bright Lights, Big City," and "Casualties of War."

Fox established The Michael J. Fox Foundation for Parkinson's Research in 2000 to raise research funding and awareness for Parkinson's disease. The organization is dedicated to finding a cure for Parkinson's disease through an aggressively funded research agenda and to ensuring the development of improved therapies for those living with Parkinson's today.

Each year the NAB Distinguished Service Award recognizes members of the broadcast community who have made significant and lasting contributions to the industry. Previous award recipients include Mary Tyler Moore, President Ronald Reagan, Edward R. Murrow and Oprah Winfrey. ♦

## NAB Prepares Virtual Trade Show

The NAB Show and NewBay Media have partnered together to launch DigitalVision 2010, a complimentary virtual trade show for digital content creation professionals featuring live Q&A, keynotes, moderated chat, and interactive product and technology exhibits. The online event will be held Wednesday, January 20, 2010.

DigitalVision will serve as a showcase of digital technologies, and will provide a glimpse of things to come at the 2010 NAB Show. The event will include:

- Virtual exhibits, featuring video presentations, live chats, product information, and prize giveaways. Exhibitors include event sponsor Sony, additional sponsors Harris and Omneon, and virtual exhibits Clear-Com, Digital Rapids, Ensemble Designs, Mid-Atlantic Products, Snell, VCI Solutions, Viewcast, Wohler Technologies, and the NAB Show exhibit.

- A virtual lounge, where attendees can connect with colleagues to discuss the latest developments in business and technology. The lounge will include a series of scheduled chats led by NAB Show participants and the editors

of TV Technology, TV Broadcast, Videography, DV Magazine, Government Video, among others.

- A robust resource center full of product information for download.

Additionally, there will be an educational component of the DigitalVision program focusing on acquisition, production, audio, content management, content distribution and transmission topics.

DigitalVision is free to attend. Visit [www.digitalvision2010.com](http://www.digitalvision2010.com) to register by December 15 to receive a \$100 discount code towards a 2010 NAB Show Conference Flex Pass (activated upon confirmed log-in to the virtual event).

For information on exhibiting, contact Eric Trabb at [etrabb@nbmedia.com](mailto:etrabb@nbmedia.com) or (732) 845-0004.

The NAB Show will take place 10-15 April, 2010 in Las Vegas (exhibits open 12 April). It is the world's largest electronic media show covering filmed entertainment and the development, management and delivery of content across all mediums. Complete details are available at [www.nabshow.com](http://www.nabshow.com). ♦





# VIRGINIA ASSOCIATION OF BROADCASTERS LEGISLATIVE COCKTAIL RECEPTION

Wednesday, January 20, 2010

## The Jefferson Hotel

101 West Franklin Street, Richmond, VA

Name: \_\_\_\_\_ Spouse/Guest: \_\_\_\_\_

Name: \_\_\_\_\_ Spouse/Guest: \_\_\_\_\_

Call Letters: \_\_\_\_\_ Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

### VAB Member Registration Fees:

Member: \$50 per person

Number of registrants: \_\_\_\_\_ x \$50 = \$ \_\_\_\_\_

Guest: \$35 per person

Number of registrants: \_\_\_\_\_ x \$35 = \$ \_\_\_\_\_

### Non-Member Registration Fees:

Non-Member: \$80 per person

Number of registrants: \_\_\_\_\_ x \$80 = \$ \_\_\_\_\_

Guest: \$60 per person

Number of registrants: \_\_\_\_\_ x \$60 = \$ \_\_\_\_\_

TOTAL AMOUNT ENCLOSED: \$ \_\_\_\_\_

### Make checks payable to VAB and mail with your registration form to:

Virginia Association of Broadcasters  
600 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911  
(434) 977-3716 • fax (434) 979-2439  
[www.vabonline.com](http://www.vabonline.com)

Full payment must accompany registration form. Cancellations must be received in the VAB office by Wednesday, January 13 to qualify for a refund. For lodging reservations, call (800) 424-8014 or (804) 788-8000. **Hotel reservations must be received at the hotel on or before Monday, December 21, 2009.** After this time, reservations will be made based on space and rate availability.





# When is a Request for Leave of Absence an Unreasonable Accommodation Under the ADA?

by John G. Kruchko  
and Kathleen A. Talty\*

Since the enactment of the Americans with Disabilities Act ("ADA"), the issue of the extent and the degree of an employer's obligation to provide reasonable accommodation in response to such a request from a disabled employee has been the subject of many court decisions. It is clear from the decided court decisions that an employer's blanket refusal to consider any reasonable accommodation request will result in a finding by a court that the employer violated the ADA. Conversely, the court decisions indicate that an employer's good faith engagement in an "interactive process" with an employee as to the appropriate reasonable accommodation does not always mean that the most costly accommodation will be found to be the only reasonable one.

One type of accommodation that frequently is requested in the context of disability claims that involve depression, anxiety, trauma or related mental disorders is a leave of absence. The duration of the leave of absence, however, is often a matter of conflict between employers and

employees. Several courts have recently looked at an employee's request for a leave of absence, which was undefined in length, and reached two different conclusions.

In one federal district court decision, the plaintiff, Ann Cortez, in 2005 and 2006 requested and received several months of medical leave, which exceeded the twelve (12) months available under the Family and Medical Leave Act ("FMLA"). Ms. Cortez was later diagnosed with depression in mid-2006 and claimed that she was unable to return to work for the remainder of the year. Long term disability benefits were approved by a third party administrator until August 27, 2006. While the award of long term disability benefits was later extended, at the request of Ms. Cortez, until September 10, 2006, subsequent appeals for a further extension of the benefit period were denied by the third party administrator. The reason for the denial was, in part, due to the fact that Ms. Cortez failed to provide the third party administrator with sufficient medical documentation to warrant an additional extension.

Ms. Cortez then requested that the

employer grant her an unpaid medical leave of absence or allow her to work at home or grant her an educational leave of absence. The employer denied the requests and, instead, on November 16, 2006 advised Ms. Cortez that because she had exhausted her FMLA leave and her long term disability benefits had ended, she was required to report to work on November 27, 2006. In response to this notification, Ms. Cortez told the employer that her psychiatrist would not release her to return to work on November 27th, but that the psychiatrist might return her to work sometime in January, 2007. Ms. Cortez, however, never submitted any medical documentation to either her employer or the third party administrator in support of her contention that she could not return to work. When Ms. Cortez failed to report to work on November 27th, the employer terminated her employment.

After her termination, Ms. Cortez filed a lawsuit against her former employer and alleged, among other claims, a violation of the ADA, asserting that the employer failed to provide reasonable accommodation. In response to the

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John G. Kruchko is a partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kathleen Talty is a Senior Counsel with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or Ms. Talty at (410) 321-7310 or jkruchko@kruchkoandfries.com, or ktalty@kruchkoandfries.com. This article is published for general information purposes, and does not constitute legal advice.



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lawsuit, the employer argued that an essential function of the position that Ms. Cortez held was attendance at work. The employer then argued that because Ms. Cortez was not able to attend work at the time of her termination, she was not a "qualified" disabled individual within the meaning of the ADA. The court agreed with the employer's argument and, thus, found that Ms. Cortez was not able to establish the first element of her failure to accommodate claim.

Nevertheless, the court went on to consider the types of accommodation that Ms. Cortez had requested and to determine whether those accommodations were reasonable. Since Ms. Cortez had at one point requested the opportunity to telecommute from home or to take an educational leave, the court first found that the employer's rejection of those requests was not unreasonable. This was because the court had earlier determined, in agreement with the majority of other courts, that attendance at work was an essential function of her job. Therefore, the court held that: "An accommodation that does not permit an employee to perform essential job functions cannot be considered reasonable." As to Ms. Cortez's request for an open-ended leave as a form of accommodation, the court, in accord with the majority of the courts, found that the employer's rejection of that request was not unreasonable because an indefinite leave of absence does not constitute a reasonable accommodation.

In contrast to the court's decision involving Ms. Cortez, another federal court which recently was asked to consider whether an employee's request for a leave of absence, which was similar to the one requested by Ms. Cortez, found that the employer's denial of the requested leave could form the basis for a retaliation claim against the former employer. In this second case, the plaintiff, Ms. Clinkscales, was employed for approximately one year during which she alleged that she was subjected to a hostile work environment by her supervisor. Ms. Clinkscales claimed that she complained about her supervisor's conduct, but no affirmative response was received.

Plaintiff then claimed that her physician advised her to take time off in order to recover from the stress-induced physical ailments. Ms. Clinkscales returned to work, but within a week she requested another medical leave on an intermit-

tent basis. While out on the intermittent leave, a consultant was hired to perform her job duties. In response to this action, Ms. Clinkscales filed an employment discrimination claim with the state and federal agencies.

While still on the leave, her employer notified her that if she didn't return to work on a specific date that she would be placed on lay-off status. Ms. Clinkscales replied in writing to this notification and stated that, while her physician considered her medically unable to work at that time, she "looked forward to returning when able to do so." Ms. Clinkscales viewed this letter to her employer as a request to accommodate her disability. Because she failed to report to work on the specified date, her employment was terminated.

In the subsequent lawsuit that Ms. Clinkscales filed, without the assistance of legal counsel, she alleged that her employer had violated numerous employment discrimination laws with regard to her employment and termination. On the issue of her retaliation claim under the ADA, she alleged that once she engaged in protected activity by seeking an accommodation she was terminated. In particular, Ms. Clinkscales asserted that when she requested "intermittent leave" to accommodate her disability her employer did not engage in any interactive process with her, but, instead, her employment was terminated.

The employer defended the retaliation claim by arguing that Ms. Clink-

scales' request for a medical leave for an indefinite period of time was not a reasonable accommodation under the ADA. Despite the weight of a majority of court decisions supporting the employer's argument, the court in this case ruled otherwise. On this point, the court stated:

While Defendant is correct that a request to stay home from work indefinitely is not a reasonable accommodation, 'there are situations in which extended leave is allowed under the ADA, such as where the leave will enable an employee to perform the essential functions of the job in the near future.'

The court then went on to find that since the plaintiff's request for leave was couched in terms of taking time off "for a day or few days if the need arose" or on an intermittent basis, the request was not so open-ended as to constitute a request for indefinite leave. Therefore, the court found, at the motion to dismiss stage in the legal proceeding, that the employee's allegations were sufficient to maintain a retaliation claim under the ADA.

These federal court cases illustrate the need for human resource professionals to carefully assess employee requests for accommodation and to engage in an "interactive process" with the employee as to possible accommodations. Each request for an accommodation must be assessed based on the particular facts that are presented. ♦

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## Holiday Workplace Celebration Liability

by **Stephen Hartzell  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, L.L.P.**

With the holiday season upon us, your station may host a party or other social event for employees or clients. The decision whether to serve alcoholic beverages is an important one to make. Any event that involves serving alcoholic beverages poses special legal risks.

As you may know, the law in many states recognizes "social host" liability where "social hosts" may be held liable for damages for serving alcoholic beverages to an underage guest or to a guest who becomes intoxicated and causes injury to another person by operating a

vehicle in a negligent fashion.

If your station has a holiday celebration and you decide to serve alcoholic beverages, you will wish to check your insurance policy or talk with your insurance agent concerning "special occasion" coverage. ♦

*This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore you should consult with legal counsel concerning any specific set of facts or circumstances.*

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Humphrey & Leonard, L.L.P.

# NOVEMBER JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please email the listing directly to [derek.breen@easterassociates.com](mailto:derek.breen@easterassociates.com).
- Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

### Submit to the Online Job Bank:

- Go to [www.vabonline.com](http://www.vabonline.com)
- Click on "Member Area" (top right menu)
- Log in. (If you do not know your login or password, please email [christina.meyer@easterassociates.com](mailto:christina.meyer@easterassociates.com))
- Upon login, you will see a menu at left. Select "Your Jobs." From here you can enter new jobs, edit jobs or delete job postings that have been filled.
- Don't forget, members can also view resumes by clicking on the "Resume Bank!"

### NEWSCAST/WEB PRODUCER

WTVR-TV has an immediate opening for a full time Newscast/Web Producer. Applicant should have at least two years of experience line producing. Applicant must be a strong writer, have solid news judgment, produce energetic and compelling newscasts and adjust quickly and efficiently to breaking news situations. Monitoring and updating the news portion of our station web site is also required. Please send your resume and most recent newscast to: WTVR-CBS6, Attention Sheryl Barnhouse, Assistant News Director, 3301 W. Broad Street, Richmond, VA 23230. EOE

### CORPORATE LIAISON

Individual must be well spoken and able to connect with various organizations and High Schools career center office. We are looking for several individuals willing to work part time to generate income based on adult student enrollments. You must be able to recognize potential opportunities and provide an informative presentation of our school to individuals and groups. This is a 1099/PT position. Compensation depends on productivity. Please visit the Columbia School of Broadcasting website for more information, [www.columbiaschoolbroadcast.com](http://www.columbiaschoolbroadcast.com). EOE

### HOST

WSLS-TV is looking for an on-air talent for a live entertainment program. Minimum three years hosting of TV news or entertainment programs or equivalent. Minimum two year's producing and writing. Superior interviewing skills, ability to "adlib", and a great sense of humor a must. Ideal candidate can host, produce and shoot. Respond with resume (video and print) to H. R., WSLS-TV, 401 3rd Street, SW, Roanoke VA 24011 EOE M/F Pre-employment drug and background screening required. All applicants must complete online application at [www2.wsls.com](http://www2.wsls.com).

### NEWS/CONTENT SPECIALIST

News/Content Specialist -NBC12 seeks news/content specialist. Duties include all areas of broadcast operations including microwave, tape editing, graphics, camera and audio. Good computer and internet skills. Work schedule may include days, nights and weekends. Send cover letter and resume to Bonnie Talbert, News/Content Administrator, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/D/V.

### REPORTER

WHSV-TV is accepting resume for a full-time REPORTER. Candidates must be able to shoot and edit DVC Pro tape and be familiar with non-linear editing. We are looking for an imaginative storyteller who can take a routine story and make viewers care about it. Experience with web-publishing is a plus. A good driving record is also required. Send a tape and resume to: WHSV-TV, Attn: Ed Reams, News Director, 50 North Main St., Harrisonburg, VA 22802. You may also email resumes to [ereams@whsv.com](mailto:ereams@whsv.com). WHSV-TV is a drug free workplace. EOE

### NEWS PRODUCER

WFXR FOX 21/27 is accepting applications a qualified television newscast Producer. Responsibilities include, but are not limited to, produce, gather, organize and coordinate all elements involved in the assigned newscast; emphasize breaking news, local and relevant national content, weather and sports news; format news broadcast and related cut-ins; assign and edit news copy; produce other newscasts/specials as needed. Successful candidates must have a solid working knowledge of TV production including graphics, pre-production, newsroom computers; must possess excellent writing and news judgment skills; the desire to lead and foster teamwork and the flexibility to work varied hours and shifts. If you are a hands-on live television newscast producer with a minimum 1 - 2 years experience, who knows how to deliver on all aspects of a show and have the willingness to work any shift needed, please apply by sending us a recent tape or DVD of your work, your resume and references to: Debbie Reardon, Creative Services Director, 2618 Colonial Ave., SW Roanoke, VA 24015. No phone calls please. EOE M/F/V/D, background check required.

### VIDEO JOURNALIST/ TV ASSIGNMENT EDITOR

WRIC-TV8 is looking for a Video Journalist who can shoot, edit, and write. The ideal candidate must be able to work independently and produce innovative content for all newscasts. One year shooting and reporting experience preferred. Candidate will also work the assignment desk two days a week generating story ideas and maintaining web content. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464 or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE

### ACCOUNT EXECUTIVE

Account Executive position in Sales Department. Advertising sales background helpful. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE

### MASTER CONTROL OPERATOR (PART-TIME/OVERNIGHT/WEEKENDS)

Ability to maintain on-air integrity, while being able to handle an extensive work load in a sometimes stressful environment solely. Provide immediate and appropriate responses to emergency situations that may affect on-air. Monitor all technical aspects of station. Provide discrepancy report documentation and take appropriate action to ensure the accuracy of each log. Perform date entry and database management. Troubleshoot technical and operational reports. Must be able to operate multi format VTR's as well as routing video and audio signals, Omneon server, VCI automation and extremely organized and multi-task oriented. Troubleshoots technical discrepancies on dubs and on-air and provide corrective measures to remedy problems. \*\*Please note this is not considered an IT or an IS position. Minimum of two years college or technical school training in either electronics or television production, or prior experience at a commercial television station preferred. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to 804-330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE

### SALES REPRESENTATIVE

Star Country Mel Wheeler Inc. has a rare opening for a sales representative on our staff. Sales and/or some media experience are preferred and good computer skills are necessary. Responsibilities include developing new clients and serving existing advertising clients for the stations. Candidates must be highly motivated, have the utmost integrity, have a strong work ethic, and have an outgoing personality along with excellent verbal and written communication skills. Requirements: High school diploma or equivalent and a valid drivers license with good driving record. MEL WHEELER, Inc. is an equal opportunity employer and does not discriminate in the hiring, training, or promotion of employees by reason of race, religion, sex, national origin, age or handicap. We are engaged in a continuing affirmative action effort to seek our prospective applicants for employment with our company. Please send applications/resumes to: Human Resources Mel Wheeler, Inc. 3934 Electric Rd. Roanoke, VA 24018 [cskinner@wheelerbroadcasting.com](mailto:cskinner@wheelerbroadcasting.com).

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**To view the latest listings visit [www.vabonline.com](http://www.vabonline.com) and click "Careers."**



# NOVEMBER JOB BANK

## NEWS REPORTER

The successful applicant will be able to shoot video and edit in a non-linear environment. Extensive knowledge of video composition and file editing, news reporting and writing, and be able to produce story ideas. Experience: At least one year of professional experience as a reporter, preferably in a smaller market where they have been able to get some anchor experience as well. Requirements: Must be able to work under deadline pressure, be on call 24-hours and work as part of a team. A college degree in Broadcast Journalism or equivalent is preferred. EOE/M/F/H/V. WCYB-TV maintains a drug free workplace. Send resumes/tapes to: Human Resources, WCYB-TV, 101 Lee Street, Bristol, VA 24201. EOE/M/F/H/V.

## ANCHOR/REPORTER

WRIC-TV8 is looking for an energetic Anchor/Reporter. The ideal candidate will be an outstanding communicator with strong live reporting skills and excellent computer knowledge. You must be able to think on your feet and be willing to go unscripted. You will be a key contributor to our successful morning news. Two or more years reporting experience preferred. Please send non-returnable DVD and resume to: WRIC-TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO calls please. EOE.

## NEWS PHOTOGRAPHER

WVEC-TV is looking for two creative and energetic photographers with an understanding of NPPA principles. Candidates should have at least one year experience shooting and editing news. One year working/operating a microwave truck necessary. Candidates should be flexible in work schedule to provide maximum news coverage and work a specific on call schedule. Live in a great region, right on the ocean and cover stories in very competitive news market. Send resume tape (DVD, Beta SP or SX). Contact or call: Tony Church, Chief Photographer Phone: 757-628-5849 WVEC-TV, 613 Woodis Avenue, Norfolk, Virginia 23510. WVEC is an Equal Opportunity Employer.

## SALES ACCOUNT EXECUTIVE

WTVZ, in Norfolk, has an awesome opportunity for an enthusiastic, highly motivated Sales Account Executive to sell commercial advertising time to local businesses and advertising agencies. Your responsibilities will include: Handle outside sales calls, prospect customers and lead generation, attract and close advertisers to sell products and services via TV, provide input on sales promotion ideas to sales management, retain current business and develop new business contacts, and present marketing/advertising ideas to area businesses. Qualifications: Strong organizational, written, and presentation skills, outside media sales experience preferred, but not required. You must apply online to be considered, [www.sbgj.net](http://www.sbgj.net). Equal Opportunity Employer and Drug Free Workplace!

## ACCOUNT EXECUTIVES

WWDE-FM, WPTE, WNVZ-FM AND WVKL-FM have full-time positions available for account executives. The qualified candidates will be responsible for selling and servicing direct clients, agencies, developing new business accounts, coordinate production of commercial spots with production manager and client, and create and present ideas to clients to achieve their advertising goals. The candidates will also be responsible for collection of invoices from accounts. Must be organized, idea-oriented and possess strong communication and presentation skills. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to [cmorelli@entercom.com](mailto:cmorelli@entercom.com). EOE.

## ON AIR PERSONALITIES

Entercom Norfolk is looking for future air personalities both full and part time. 3 to 5 years experience is necessary for full time positions and some experience is necessary for part time positions. Full time air personalities will also be expected to be proficient in public appearances, voice work and commercial production. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Send demo tapes or CD's, thoughtful cover letters and resumes to: Entercom Norfolk, Don Londo, Operations Manager, 236 Clearfield Ave., #206, Virginia Beach, VA 23462.

## PART-TIME PROMOTIONS ASSISTANT

WWDE-FM, WPTE-FM, WVKL-FM and WNVZ-FM have part time positions available for promotions. The qualified candidates will be responsible for setting up remote broadcasts, driving station vehicles, interacting with account executives, listeners and clients, handling heavy equipment, and maintaining promotional equipment. The qualified candidates MUST BE 21 YEARS OR OLDER, have a flawless driving record, be outgoing, organized, possess strong communication skills, available nights and weekends and able to handle heavy equipment without problems. Email resume to [cwilson@entercom.com](mailto:cwilson@entercom.com). EOE.

## ASSISTANT AFFILIATE CONTROLLER

WWBT, NBC12 seeks Assistant Controller. Successful applicant will handle accounting and finance duties for two Raycom Media television stations. Duties include budgeting, forecasting, month end closing with related financial reporting and recons, daily general ledger activity, and other related functions. Candidate must possess strong communication skills, work well with all departments and be skilled using server based accounting system and Microsoft office. Minimum 3-5 years accounting experience and accounting degree required. CPA preferred. Drug screen, background and credit check required. Send cover letter including salary requirements and resume to: Assistant Controller, WWBT, 5710 Midlothian Turnpike, Richmond, VA 23225 or email [tthurman@raycommmedia.com](mailto:tthurman@raycommmedia.com). No phone calls please. EOE M/F/D/V.

## DIGITAL SALES ACCOUNT EXECUTIVE

Entercom Norfolk is looking for a Digital Sales pro to sell our portfolio of digital assets and help oversee the executive of these transactions. The ideal candidate has experience in the media/internet industry and can step in and drive the company's revenue generation with online assets. They will have the ability to pitch and close business. They will be able to comfortable in communication about the latest online technology including streaming audio and video/viral/search/rich media/mobile and SMS marketing technologies, methods and best practices. Prior experience with an online ad network is a plus, and having an entrepreneurial personality is a must. You should be able to express yourself well in email, Power point, Excel and in person. RESPONSIBILITIES: Prospecting and presenting to new and existing brands/agencies in order to exceed sales quota. Creating cross-media packages. Internal energizing and coaching of sales team: training station salespeople and co-pitching target clients/agencies. Involvement in digital sales execution from start to finish, including successful communication with all sales reps, station web masters, third party and network. Manager digital media inventory for the market. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to [hcleverger@entercom.com](mailto:hcleverger@entercom.com) EOE.

## ACCOUNT EXECUTIVE

CW Richmond is TV to Talk about...Blog about...Text about...and Chat about. We are looking for that ideal person who can talk about the hottest shows on television to businesses around Richmond. CW Richmond is now interviewing for Account Executives. If you are an energetic and creative problem solver who is not afraid of hard work, we want to meet with you! Send resume with cover letter and salary requirements to: CW Richmond, 5710 Midlothian Turnpike, Richmond, VA 23225 Attn: David Hayes or email to [dhayes@cwrichmond.tv](mailto:dhayes@cwrichmond.tv). CW Richmond is an Equal Opportunity Employer.

## RADIO SALES REPRESENTATIVE

We're looking for a superior seller with a track record of superior performance. Monticello Media is bucking the trends with consistent revenue increases and we're looking for top performers who see the opportunity and are willing to work for the payoff. The potential is unlimited for those who hit the streets and provide local clients with the highest level of service. We're in Charlottesville, Virginia with six great radio stations and interactive opportunities for you to make money with. If you're committed to outworking the rest of the market and focused on winning let's talk soon. Send a cover letter and resume to [jobs@cvillestations.com](mailto:jobs@cvillestations.com) or to Sales, Monticello Media, 1150 Pepsi Place #300, Charlottesville, VA 22901. Monticello is an equal opportunity employer and a small private company that's a great place to work.

# Nearly 300 members of Congress are committed to standing up for free, local radio and its 235 million listeners.

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The National Association of Broadcasters applauds the above **252 representatives and 27 senators** for committing to preserve free, local radio and **opposing a performance tax on radio stations** by cosponsoring H. Con. Res. 49 and S. Con. Res. 14 – the Local Radio Freedom Act.

[www.NoPerformanceTax.org](http://www.NoPerformanceTax.org)

\*List current as of November 12, 2009

