



Newsletter

Virginia Association of Broadcasters

February 2011

Live in Three, Two

by VAB 2010 Summer Intern
Yvonne de los Santos

It has been 10 minutes since we went on the air and there she is: blonde and blue-eyed making pretty with her compact mirror. Like any experienced anchor, she knows that the camera is not on her right now.

Instead, it is panned stage left on a close-up of a reporter sitting next to her. Behind him is a video of a widow crying. She is about to lose her house. The money earned from the family business is barely enough to pay-off her dead husband's medical bills.

I watch the thirty-something anchor check the mirror one more time. She carefully arranges her iron-curls below her chest, the camera is moving in. She is ready for her close-up.

Who behaves like this, I thought. I listen to the widow sob for help. But, what do I know. I am just an intern from Old Dominion University. I will soon learn the importance of keeping quiet in the week to come.

I have been assigned by the Virginia Association of Broadcasters to work with what some locals dub as a quirky station. I am in my third week. By this time, I have overcome the dreadful 4:30 a.m. first shift where I had close calls sounding off the dead working at the assignment desk.

Back then I had just turned on my computer, blinking white to wake-up with me. It was week two. I was slowly carving a name as a credible intern. The producer greets me with 'listen to the scanner for signs of a body.' The Virginia Beach police dispatcher is shouting 'rescue search.' I can make out 'Lynnhaven Pier,' and 'Coast Guard,' in between the crackling noise of chaos. My heart is pumping a mile a minute.

"This is it, I'm so excited," I said. I have officially crossed-over. Gone is the girl who is squeamish at the thought of the dead. Instead, I am hoping that we will get something live to show to our morning viewers.

I glance at our competitor's station, the posh helicopter shots show a bird's eye view of the pier, missing was any signs of life struggling above water.



The producer is calling me from the control room. In the background is our competitor's announcement of breaking news.

"Any signs," he said.

Our competitor's reporter is on live. He is shooting out words like a wildfire making a story out of thin air.

"No," I said.

Our closest camera man lives near Laskin Road, about a ten minute drive from the scene. Was it worth waking him up before the crack of dawn for footage? My producer tells me that he has authority to do it, if necessary.

I dial a list of public officers that I can think of. I leave a message on the Virginia Beach p.o.'s voicemail. Next was the Coast Guard. No luck. The Virginia Beach dispatcher says there is no report of a water rescue mission going on. Seconds turn into minutes. Meanwhile, our competitor stretches out a repeat to viewers of exclusive live breaking news by showing footage of aerial shots around the empty pier, repeating facts over and over like a hamster spinning its wheels.

'Call this off,' rips through the scanners. Whether it is a direct order from Virginia Beach police or the Coast Guard is anybody's guess. 'Rodger that,' repeats another. Neither of their p.o.'s would confirm that a rescue mission ever happened. The time is 5:20 a.m. Next is the morning traffic report.

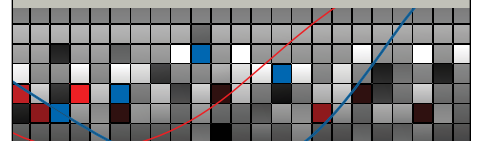
With the hysteria of manning the scanners and TV screens, I forgot to call the other city p.o.'s to beat check for news. A Norfolk dispatcher confirms that a rape case has been called in. The morning photographer sounds as moved as a mountain. I wait a full hour until the real

continued on page 2

What's Inside ...

VAB/FCC Inspection and Legal Audit Programs	3
Radio Show Honored for Helping Sudanese Refugees	5
World Wide Radio Group to Meet in Williamsburg	5
Federal Court Prohibits ivi.tv from Streaming Broadcast	5
"GINA" Mandates Changes for (Almost) Everyone	6
NAB Promotes Free Local TV	7
2011 License Renewal Deadline	8
VAB 2011 Legislative Summary	10
February Job Bank	14
Spectrum Incentive Auction Proposal	16
VAB Inspection/Audit Application	insert

Visit us online
www.VABOnline.com





VAB Newsletter

Published monthly by the
Virginia Association of Broadcasters
600 Peter Jefferson Parkway, Suite 300
Charlottesville, VA 22911
434.977.3716 (p); 434.979.2439 (f)
www.vabonline.com

PRESIDENT	Francis Wood WFLO-AM/FM, Farmville
PAST PRESIDENT	Doug Davis WAVY-TV/WVBT-TV, Portsmouth
PRESIDENT-ELECT	Warren Führ WSLS-TV, Roanoke
SECRETARY/TREASURER	Bob Willoughby WKHK-FM/WMXB-FM/WKLR-FM/WDYL-FM, Richmond
EXECUTIVE DIRECTOR	Douglas Easter
ASSOCIATE ADVISORY	Vacant
BOARD MEMBERS Districts 1 & 2	
Vacant	-----
Charlie (Charles) Russell	WESR-AM/FM, Onley
Tod Smith	WVEC-TV, Norfolk
District 3	
Vacant	-----
Stephen Hayes	WTVR-TV, Richmond
Don Richards	WVBT-TV, Richmond
Districts 4 & 5	
Dennis Royer, Sr.	WBBC-FM/WKLV-AM, Blackstone
Districts 6 & 9	
Jack Dempsey	WJHL-TV, Johnson City, TN
Teresa Keller	WEHC-FM, Emory
Randy Smith	WSET-TV, Lynchburg
Leonard Wheeler	WFIR-AM/WSLC-FM/WSLQ-FM/ WVBE-AM/FM/WXLK-FM, Roanoke
Districts 7, 8 & 10	
John Moen	WFLS-FM/WWUZ-FM/ WVBX-AM/FM, Fredericksburg
Brad Ramsey	WAHU-TV/WCAV-TV/ WVAW-TV, Charlottesville
Robert Scutari	WJLA-TV, Arlington

CONSULTANTS

LABOR LAW EMPLOYMENT COUNSEL
John G. Kruchko, Paul M. Lusky
Kruchko & Fries
1750 Tysons Boulevard, Suite 560
McLean, VA 22102
(703) 734-0554

FIRST AMENDMENT HOTLINE
Craig T. Merritt
Christian, Barton, Epps,
Brent & Chappell
1200 Mutual Building
Richmond, VA 23219
(804) 697-4100

FCC/EEOC MATTERS
Wade Hargrove, Mark J. Prak,
Marcus Trathen, Coe Ramsey
Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
P.O. Box 1800, Raleigh, NC 27602
(919) 839-0300; Fax: (919) 839-0304

VAB Summer Intern *continued from page 1*

assignment desk editor begins her shift to get the assignment.

The assignment desk editor is what I call the engine of the newsroom. It is a demanding job managing news crews, scanners, beat checks, and being responsible for generating stories. It is a faceless position, the glamour is in making news happen. She agrees to cover the Norfolk story.

"Is it one o'clock yet," said the photographer. The 4:30 a.m. shift ends at one o'clock.

"How long have you been working here," I said.

He is a year in the news. A twenty-something graduate of Virginia Commonwealth University majoring in Film with a wife and kid.

We pull up to an apartment complex lined with police cars. A building is fenced in tape marked 'crime scene do not cross.' The photographer tells me to stand back 100 feet from the police. The forensic team nods their heads as a gesture of hello. We wait for the p.o. to get an interview. But he never shows up. I help take shots for the evening news. The 12 p.m. show is more like lunch specials, news about rape isn't something viewers want to stomach at noon.

Back at the studio in my third week, I am learning to be a producer. I watch the blonde anchor fix her hair again while she is off camera. I sit with another blonde in charge of the teleprompter and cambiotics. Technically, it is a two person job but this station has managed to merge the two positions into one. Cambiotics allows one person to have control over three cameras with the click of a button.

The blonde anchor comes in cue but is clearly not listening to what the story is about. The prompter/cambiotics operator crinkles her nose and turns to me. I frown, not knowing how to react.

'Is my hair o.k.' shouts someone in the control room.

That evening I get assigned to work with a reporter and photographer both in their late twenties. The photographer tells me that he is told by the news manager that she can see

him as a reporter one day, a hope he clings to.

The assignment is to cover a new legislation in North Carolina. Senator Marc Basnight passed a bill outlawing plastic bags in the Outer Banks. I request to complete a full package on the story to build up my reel.

As I direct the photographer with how I want my opening shots, I ask him to do a sound check. He gives me a thumbs-up. I do three takes for safety, something that I learned in my film classes. The photographer decides to shoot near the water, getting his pants wet in the process. We make a short trip to the local store and he begrudgingly spends too much money on blue plaid shorts to match his orange plaid shirt. A story he will share with the newsroom.

The blonde anchor warmly adds to the story about a time when she ripped her skirt in two before going on air. Now she never goes anywhere without a sewing kit, more of an advice than a suggestion. The photographer walks away. Later he tells me 'Barbie has to always have the spotlight.'

A month in my internship, I get a call from the same blonde that many have had mouth.

"Yvonne I have been watching how you carry yourself and you are very professional," she said. "I want you to be my field-producer."

I tell her that it would be an honor to work with her. She tells me what she expects; a copy of her script, wear an evening gown for this event, a business suit to change in after, be at the station by 2 p.m., remind the photographer to grab a memory card.

In hindsight, I tell myself that I am smart for not participating in the negativity.

On location, she asks that I hold up a sign reminding her of her transition. I take my notepad and scribble W-E-A-T-H-E-R. In my earpiece I hear the producer.

"Live in three, two ..." ❖

The VAB would like to thank Yvonne for her participation in the VAB Internship Program and wishes her well on her future assignment with Tom Brokaw of Dateline NBC.

The VAB/FCC Inspection and Legal Audit Programs

VAB has developed, in cooperation with the FCC, an FCC Technical Station Inspection Program and a Legal Audit Program to help stations comply with FCC regulations. Stations may elect to participate in either one or both programs. The VAB FCC "technical" station inspection program is being implemented pursuant to an agreement between VAB and the FCC Enforcement Bureau's Field Office. Under this program, if you are inspected by a VAB technical inspector and are certified by VAB to be in compliance with the FCC's technical rules, the FCC Field Office will not conduct a routine inspection of your station for three years.

The VAB "legal" audit is a separate program designed to assist stations with FCC non-engineering legal issues.

The FCC Technical Station Inspection Program

VAB's technical and engineering inspectors have been approved by the FCC to conduct inspections comparable to official FCC Field Office inspections. These inspections will typically include the following:

- Inspection of transmitter operation, transmission standards and tower regulations.
- Inspection to assure compliance by the station with its FCC licenses including compliance with directional AM parameters and auxiliary operations.
- Inspection of remote control point operations, extension metering and automatic transmission systems, and review of operational requirements for stations located outside the city of license.
- Inspection of each station's Emergency Alert System (EAS) and review of Chief Operator requirements, station logs and the public inspection file.

The station may elect to have VAB notify the FCC of its participation in the inspection program prior to the VAB inspection being conducted. If the station does so elect, the FCC will not conduct a



Following the VAB inspection, the inspector will notify the station of any detected violations of FCC technical requirements. The inspector will give the station a reasonable period of time to correct any violations, and where necessary, a reinspection may be conducted.

routine random inspection of the station for a period of 150 days from the date VAB receives payment for the inspection. The station will have 150 days to successfully complete the inspection. [Note: If the station has not successfully passed the inspection within the 150-day grace period, the station, of course, is not immune from an official FCC inspection.] If the station does not

elect this "Grace Period," VAB will not notify the FCC of the station's request for an inspection, and the "Grace Period" pending inspection would not apply.

Following the VAB inspection, the inspector will notify the station of any detected violations of FCC technical requirements. The inspector will give the station a reasonable period of time to correct any violations, and where necessary, a reinspection may be conducted. For stations that have opted into the Grace Period, all inspection-related activities should occur prior to the expiration of the 150-day period to ensure immunity from routine FCC inspections.

When the inspector is satisfied that the station is in compliance and has taken all required remedial actions, VAB, upon approval of the inspector, will send a Certificate of Compliance to the station and to the Field Office of the FCC.

Upon receipt of the VAB certification of compliance, the FCC's Field Office will not conduct a routine random inspection of the station for a period of three years from the date of certification. However, during this three-year period, the station will still be subject to the following FCC inspections: (1) public file inspections relating to political broadcasting or EEO materials; (2) inspections concerning tower safety; and (3) complaint-driven inspections. Also, the VAB/FCC Technical Station Inspection does not insulate the station from FCC compliance problems that may later arise during the course of an FCC inspection, complaint proceeding or during the license renewal process. The fact that a subsequently discovered regulatory deficiency or violation was not discovered and disclosed to the station by the inspector as part of or in connection with a VAB/FCC Technical Station Inspection does not mean that the station may not later be held accountable by the FCC for that deficiency or violation. Please remember that the inspection is not a substitute for FCC legal advice.

continued on page 4



Happy New Year ... we are in a new year with new ideas! Time to take advantage of your **FREE** training with P1 Selling. We have added over 50 new classes.

- Successful Sales Meetings: Building the Perfect Sales person
- Presentation Skills: Over 20 new tactics like Psyching up, not out
- Smart Phone Etiquette
- Building Great Sales Relationships
- Talking customer
- Facebook; an on-air must
- Administrative Training: Workplace Ergonomics

If one of your resolutions was to make more money, then resolve to take more training. **It's free and waiting for you to log on.** We train everyone at your station, from the receptionist to the GM and everyone in between. Let us tailor a curriculum just for you.

Contact Katey McGuckin-Woolam at **816.456.8603** or by email at katey@p1selling.com



Programs *continued from page 3*

The Legal Audit Program

The VAB legal audit is a separate program. It includes a visit to the station and a detailed legal audit by an FCC communications lawyer. The lawyer will audit the station's compliance, among other things, with the FCC's EEO rules, political broadcast rules, public file requirements, quarterly issues-programs list requirements, and advertising and sales practices. The lawyer will meet with the station manager and key staff members to discuss these and other legal requirements. The audit of television stations will also include an evaluation of the station's compliance with the FCC's children's programming rules.

Costs for the Technical Station Inspection Program

RADIO: The cost of an FCC technical inspection for a VAB **member radio station** will be \$400 for the first station and \$200 for each additional commonly owned station with co-located main studios and co-located transmitter sites. For directional AM stations, an additional fee of \$50 per monitoring point will be charged.

The cost of an FCC technical inspection for **non-member radio station** will be \$1,200 for the first station and \$600 for each additional commonly owned station with co-located main studios and co-located transmitter sites. For directional AM stations, an additional fee of \$150 per monitoring point will be charged.

TELEVISION:

VAB Member TV Station.....	\$750
VAB Member LPTV Station.....	\$550
VAB Non-Member TV Station.....	\$2,250
VAB Non-Member LPTV Station.....	\$1,650

Costs for the Legal Audit Program

RADIO: The cost of the legal audit for a VAB **member radio station** will be \$1,200 for the first station and \$550 for each additional commonly owned station with main studios in the same city. The cost of the legal audit for a **non-member radio station** will be \$3,600 for the first station and \$1,650 for each additional commonly owned station with main studios in the same city.

TELEVISION:

VAB Member TV Station.....	\$2,000
VAB Non-Member TV Station.....	\$6,000

Auto mileage and lodging (if any) expenses will be charged in addition to the above and, where possible, pro-rated among stations inspected on the same day. Inspection and audit fees quoted above are subject to change if the fees charged to VAB change.

The on-site FCC legal audit will be conducted by a communications lawyer under the direction of VAB's General Counsel Wade Hargrove. If a reinspection should be required, charges for the reinspection will be determined by VAB and based on the amount of time and expense required for the reinspection.

How to Sign Up

To sign up for either the FCC technical station inspection or legal audit programs, please complete the attached registration form and return it to:

Wade H. Hargrove, Esquire
VAB General Counsel
Post Office Box 1800
Raleigh, North Carolina 27602

For additional information about the programs, call the VAB Office at 434/977-3716 or VAB's General Counsel at 919/839-0300. ❖

GOT NEWS?

For coverage in future issues, please send announcements/press releases and accompanying photographs to marci.malinowski@easterassociates.com or mail to:
VAB Newsletter

600 Peter Jefferson Parkway, Suite 300
Charlottesville, VA 22911

Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.



Radio Show Honored for Helping Sudanese Refugees



From left to right: Andrew Natsios, David Chadwick of WNOT in Charlotte, NC, WAVA's Don Kroah and Joe Madison of Sirius XM.

Don Kroah, host of WAVA's *The Don Kroah Show*, was one of four radio broadcasters honored by Christian Solidarity International at an awards ceremony held at the University Club in Washington, DC. Honors were given in recognition of their work in addressing the plight of former slaves in Southern Sudan. In presenting the awards, Dr. John Eibner, CEO of Christian Solidarity International recognized Don for his on-air work in support of persecuted Christians and his fundraising which has obtained the freedom of hundreds of Southern Sudanese trapped in the north. Commenting on the award, Don praised WAVA's listeners who through the years have been very responsive to the needs of the persecuted

church such as giving so generously toward freeing slaves in Southern Sudan through the work of CSI, saying "I never cease to be amazed and humbled by the impact WAVA and *The Don Kroah Show* have had in our efforts to be a voice for our fellow-Christians in Southern Sudan and around the world who are quite literally putting everything on the line to follow the Lord Jesus Christ." Keynoting the evening's ceremonies was Andrew Natsios, former Bush Administration Aid, who provided an overview of the decades-long suffering of the Southern Sudanese and shared the hope that 2011 would grant the country the ability to separate from the Islamist-controlled North. ❖

World Wide Radio Group to meet in Williamsburg

The International Broadcasters Idea Bank will have its 50th anniversary convention in May at the Williamsburg Lodge. The IBIB is group of 100 radio station owners representing over 400 radio stations across the United States, Canada, Australia and New Zealand. The group was founded by long time Richmond broadcaster Dave Lyman who will be honored at the event. The group is currently the second largest broadcasting group of its kind in the United States. Tom Cooper of WGRQ and WGRX in Fredricksburg and Charlie Russell of WESR AM/FM on the Eastern Shore will act as convention hosts. The IBIB limits itself to one hundred members and is dedicated to promoting excellence in community service among its members. Russell said, "Tom and I are both looking forward to welcoming our members back to Virginia where the group began 50 years ago. We're excited about sharing some of the heritage of our group and our country with our fellow broadcasters." Among the members of the IBIB are also former VAB President Suzanne Meyers of WSVB in Harrisonburg and its current Executive Director and former VAB President T. David Luther of Danville. ❖

Federal Court Enjoins Internet Company from Streaming Broadcast Programming over the Internet or to Mobile Phones

Earlier today, the federal district court in the Southern District of New York issued a preliminary injunction prohibiting ivi.tv from streaming the programming of the plaintiffs' television stations over the Internet or to mobile phones. The plaintiffs include television stations in New York and Seattle, the major television networks, major television studios, and Major League Baseball.

ivi.tv began live Internet streaming of the programming of television stations located in New York and Seattle on September 13, 2010, to subscribers located anywhere in the United States for a fee of \$4.99/month. ivi claimed that it could do so because it was a "cable system" under the Copyright Act. ivi, however, claimed that it was not a "cable system" for purposes of the Communications Act and, therefore, did not need to obtain the retransmission consent of the affected stations.

The court concluded that it is "extraordinarily unlikely that ivi will ultimately be deemed a cable system" under the Copyright Act since ivi neither fit the traditional type of localized delivery systems that are entitled to rely on the statutory license nor agreed to be abide by the FCC's governing rules. ❖

“GINA” Mandates Changes for (Almost) Everyone

By John G. Kruchko
and Christin L. Eberst

The Genetic Information Nondiscrimination Act (“GINA”) affects more employers than most realize. Hundreds of charges alleging violations of GINA have already been issued by the Equal Employment Opportunity Commission (“EEOC”). Those employers who think GINA does not apply to them should think again.

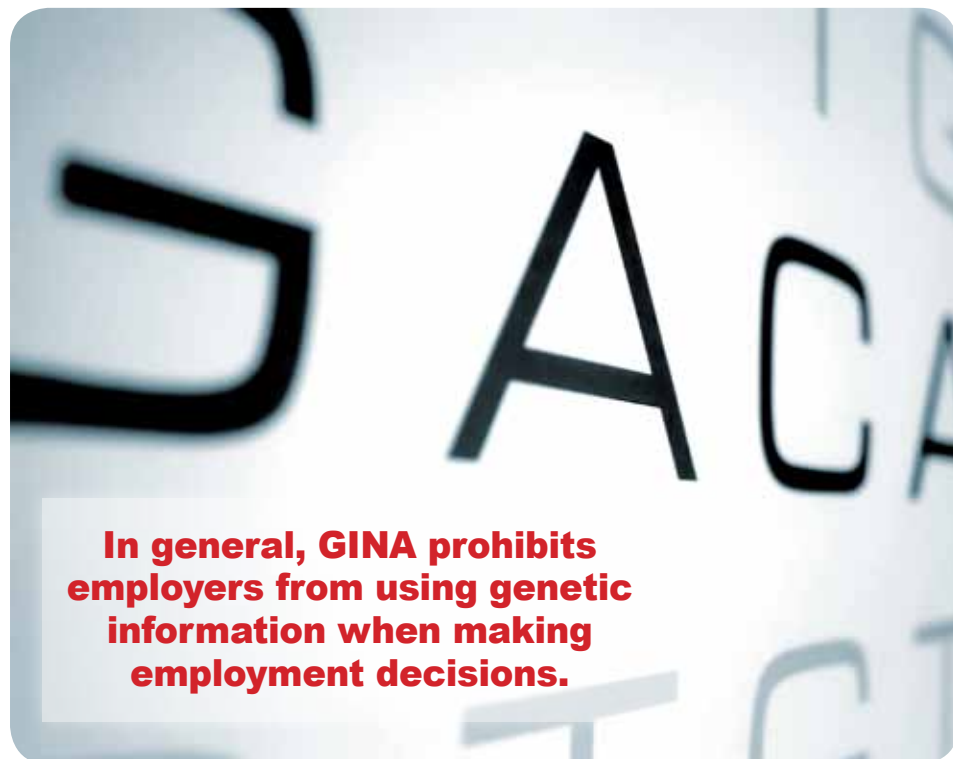
GINA went into effect on May 21, 2008, and the EEOC has recently issued regulations that took effect on January 10, 2011. The regulations and the text of the law are broad. Now subject to GINA are all employers who have 16 or more employees, and it also applies to employment agencies, labor unions, and joint-labor management training programs.

In general, GINA prohibits employers from using genetic information when making employment decisions. This includes all types of employment decisions such as hiring, firing, discharge, compensation, and other terms and conditions of employment. GINA also prohibits employers from requesting, requiring, purchasing or disclosing such genetic information. Significantly, GINA’s broad application holds employers liable even when they have no intent to acquire genetic information!

What is Genetic Information?

The statute and the regulations define “genetic information” to include an individual’s genetic tests; the genetic tests of that individual’s family members; family medical history; requests for, or the receipt of, genetic services of an individual or a family member; and the genetic information of a fetus carried by an individual, a pregnant family member, or the genetic information of the embryo legally held by an individual or family member using assisted reproductive technology.

The new regulations further define genetic tests as any analysis of the human DNA, RNA, chromosomes, proteins, or metabolites that are designed to detect the possibility of acquiring a disease in the future. For example, genetic tests include tests used to determine whether



an individual may be predisposed to cancer, or at a higher risk of conditions like cystic fibrosis; tests on how an individual may react to a particular dosage of drug; testing to detect family genetic traits or possible inherited diseases; or a simple paternity test.

In short, information pertaining to an individual’s genetics or future health, or their family’s medical history is most likely genetic information. Other general information such as an employee’s sex, age, race, ethnicity, or results from an employment-required drug or alcohol test will probably not be considered genetic information. Regardless of whether the genetic information is acquired with or without malice, the EEOC has made it clear that making an employment decision based on such information is always unlawful.

Are There Any Exceptions to Acquiring Genetic Information?

The regulations do, however, describe six narrow exceptions that allow an employer to possess genetic information. First, an employer who inadvertently acquires genetic information when requesting non-genetic information may not

violate the rule. However, an employer must direct the individual or health care provider to not supply the employer with genetic information. This may be accomplished by incorporating certain “safe harbor” language in the medical request form.

Second, genetic information acquired in connection with health or genetic services offered by an employer does not violate GINA. This may include services provided by a voluntary wellness program, which the individual knowingly approves and which genetic information is only provided to that individual. Employees participating in these programs should fill out an authorization form that informs them of their rights under GINA.

Third, an employer may request an employee’s family medical history when necessary to comply with family and medical leave certification provisions. However, the employer’s policy must require all employees taking leave to care for a family member to substantiate their leave with information about that family member’s health condition. An employer’s health request may otherwise appear discriminatory and in violation of GINA if it is not a general policy applicable to all.

Fourth, an employer may acquire genetic information that is available through commercially and publicly available sources. This includes newspapers, books, magazines, and some electronic sources. This does not include medical databases, court records, sources with limited access (i.e., social networking sites that you must get the individual's permission to view), or viewing publicly available websites with the intent to acquire genetic information.

Fifth, acquiring information to use in monitoring toxic substances in the workplace is lawful. However, the genetic monitoring must be required by federal, state, or local law, or where the individual gives prior consent through an acceptable authorization form. In addition, an employer must provide proper notice of the monitoring to the affected employees.

Finally, genetic testing conducted by employers for law enforcement purposes at a forensic laboratory or for human remains identification is lawful. However, GINA limits this exception to information that is used for analysis of DNA identification markers for quality control to detect sample contamination. Since these six exceptions are limited, employers should use caution when requesting any medical information from their employees.

What Does This Mean for You, the Employer?

To limit liability, employers should reevaluate what medical information is routinely requested from their employees and new hires. Managers and human resource personnel should be more aware of the types of questions they ask, and whether it may appear that they are "soliciting prohibited information." While general questions of an employee's health may appear innocent, they may violate GINA if asked in a way that is likely to result in the receipt of genetic information.

In addition to an increased general awareness, employers should take the following steps to help prevent a GINA violation:

1. Use "safe harbor" language when obtaining information in response to an employee's request for time off for his or her own medical condition. The recommended language from the EEOC is very specific and should be included in all instructions to health care providers conducting employment-related medical exams.
2. Obtain employees' voluntary consent and signed authorization forms from those using an employer's health or genetic services, or from those participating in other genetic testing that may fall into one of the six exceptions.
3. Update employment policies to reflect non-discrimination requirements posed by GINA.
4. Ensure that the most recent "EEO is the Law" poster is displayed, which reflects GINA's applicable provisions.
5. Keep all health-related information in a confidential file separate from other personnel records.
6. Check your local and state laws to ensure compliance with any additional, more protective "genetic information" laws.

An employer in violation of GINA could be liable for monetary damages, attorney's fees, and other types of compensation to the employee (such as rehiring and back pay). To avoid penalties up to \$300,000, plus any litigation expenses, you should contact your employment attorney to ensure your employment policies and forms are up-to-date. ❖

Copyright 2010 Kruchko & Fries

NAB Ad Promotes Free Local Television

KEEP FREE LOCAL TV
FREE TO INNOVATE.

Broadcasters across America are united to deliver the latest innovations. As the stewards of free local TV and radio programming, we are in direct connection with every local community.

Last month, we unveiled The Future of TV campaign to highlight the innovations that local TV stations are bringing to life - HD, multicasting and mobile DTV. Our members donated more than 72,000 TV spots and 30,000 radio spots, seen 528 million times by adults nationwide.

Our viewers - and your constituents - understand the value that free local broadcast programming provides to their communities. They are excited, as we are, about the future of TV.

As Congress returns, we will work together to make sure that TV's future is not threatened and that broadcasters remain free to innovate by continuing to put their spectrum to work.

The Future of TV - more choices than ever before.

TheFutureofTV.org
It's what you want, where and when you want it.

NAB

The National Association of Broadcasters placed an advertisement today in three D.C. publications, Communications Daily, National Journal Daily and Politico, promoting the value of free local TV. The ad, "Keep Free Local TV Free to Innovate," highlights the more than 100,000 radio and TV spots that have aired since the unveiling of NAB's The Future of TV campaign. Launched last month, The Future of TV complements the industry-wide on-air campaign touting new technologies and services shaping the medium's future.

"Our viewers -and your constituents- understand the value that free local broadcast programming provides to their communities. They are excited, as we are, about the future of TV," reads the advertisement. "As Congress returns, we will work together to make sure that TV's future is not threatened and that broadcasters remain free to innovate by continuing to put their spectrum to work."

For additional information on The Future of TV campaign, visit www.TheFutureofTV.org. ❖

John G. Kruchko is a Partner with the Management Labor and Employment Law Firm of Kruchko & Fries in McLean, Virginia; Christin L. Eberst is an Associate with the Firm. For more information, please contact Mr. Kruchko or Ms. Eberst at (703)734-0554, or JKruchko@KruchkoandFries.com, or CEberst@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.



Virginia Association of Broadcasters LEGAL REVIEW



Countdown to 2011 License Renewal for Virginia Radio Stations

By Stephen Hartzell

As we have previously advised, 2011 is a license renewal year for all radio stations licensed to a community in Virginia. Renewal of your radio station's FCC license(s) for full eight-year terms will carry your station(s) through October 1, 2019. All Virginia radio stations must electronically file their FCC license renewal applications (and accompanying EEO report on FCC Form 396) by June 1, 2011. In addition, non-commercial Virginia radio stations must also electronically file biennial ownership reports by June 1, 2011. (The deadline for filing biennial ownership reports for commercial radio stations in Virginia will be November 1, 2011.) Moreover, each station is required to begin airing its pre-filing announcements on April 1, 2011. Thus, Virginia radio stations should begin to attend to the license renewal process as soon as possible.

The FCC's license renewal process is grounded neither in simplicity nor in common sense—there are numerous issues to review and evaluate, certifications to make, i's to dot, and t's to cross. Late-filed, incomplete, or inaccurate license renewal applications may lead to significant enforcement action, including monetary fines and even the loss of a license. In fact, when a station files its license renewal application late, it subjects itself to the possibility of incurring two separate FCC fines: one for unauthorized operation, which carries a base forfeiture of \$10,000, and one for the failure to timely file a required form, which carries a base forfeiture of \$3,000. Similarly, negative certifications in a station's renewal application may also lead to significant monetary fines. Any potential regulatory deficiencies should be thoroughly examined and, if necessary, appropriately addressed in a station's renewal application.

The renewal process and applica-



tion this year are somewhat different than they were eight years ago. For example, for the first time, stations are required to certify in the renewal application that their advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses. Thus, stations will need to be sure to include non-discrimination language on written materials that document the agreement between the station and the advertiser. This requirement may pose a particular challenge to stations that do not use formal advertising contracts and instead use written proposals or verbal agreements—such stations would be prudent to include a non-discrimination statement on any written materials sent to an advertising client. There are other changes to the license renewal application as well,

and stations should consult with their communications counsel to ensure that they are aware of all the filings, requirements, and certifications.

Overview of Critical Dates

Here are the critical deadlines relevant to the renewal application process for Virginia radio stations:

- * Pre-Filing Announcements must be broadcast on April 1, April 16, May 1, and May 16, 2011.
- * Pre-Filing Announcement Certifications must be placed in the Public File by May 23, 2011.
- * Renewal Applications must be filed with the FCC by June 1, 2011.
- * Immediately following the filing of a renewal application for an FM translator station, a Post Filing Public Notice must be published for the FM translator station in a daily, weekly, or



Virginia Association of Broadcasters LEGAL REVIEW



biweekly newspaper of general circulation in the community or area served by the FM translator station.

If there is no newspaper published or having circulation in the community or area served by the translator, you should discuss with your communications counsel an appropriate means to provide the required notice to the public, such as posting the notice in the local post office or other public location.

- * Post-Filing Announcements must be broadcast on June 1, June 16, July 1, July 16, August 1, and August 16, 2011.
- * Post-Filing Announcement Certifications must be placed in the Public File by August 23, 2011.
- * Deadline for public to file a Petition to Deny is September 1, 2011.
- * Current licenses expire October 1, 2011. (A station's authority to operate is automatically extended while its renewal application is on file with the FCC and under review.)

Content of the Pre-Filing Announcements

The text of the required pre-filing announcements is prescribed by the FCC. Each station's pre-filing announcement should read as follows:

On [INSERT DATE OF LAST LICENSE RENEWAL GRANT], [INSERT STATION CALL SIGN] was granted a license by the Federal Communications Commission to serve the public

As February slips into March and winter into spring, stations should make it a priority to consult with their communications counsel to ensure that they are properly prepared to make their renewal filings.

interest as a public trustee until October 1, 2011.

Our license will expire on October 1, 2011. We must file an application for renewal with the FCC by June 1, 2011. When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last eight years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by September 1, 2011.

Further information concerning the FCC's broadcast license renewal process is available at [INSERT STREET ADDRESS OF STATION'S MAIN

STUDIO WHERE PUBLIC FILE IS MAINTAINED] or may be obtained from the FCC, Washington, D.C. 20554.

Dates/Times of Broadcast for Pre-Filing Announcements

The pre-filing announcements must be broadcast on each of the following days in 2011: April 1, April 16, May 1, and May 16. At least two of these four announcements must air between 7:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 6:00 p.m. Stations sometimes schedule one or two extra pre-filing announcements in an effort to anticipatorily make good any announcements that are preempted for any reason. Each station should decide for itself whether to take such an approach or not.

Pre-Filing Certificate of Broadcast

A certificate of broadcast of the pre-filing announcements must be signed and placed in each station's public inspection file after the last announcement is broadcast on May 16, 2011, and no later than May 23, 2011. The pre-filing announcement certificate is not filed with the FCC.

Post-Filing Announcements

In the coming months, we will provide the FCC's required language for your post-filing announcements and FM translator newspaper public notices.

As February slips into March and winter into spring, stations should make it a priority to consult with their communications counsel to ensure that they are properly prepared to make their renewal filings. ❖

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.

© 2010 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.

VAB 2011 Legislative Summary

The Virginia General Assembly considered over 2,500 pieces of legislation over the course of their 45 day session. If state budget negotiations are successful, the 2011 session is set to adjourn on Saturday, February 26th.

VAB lobbyists carefully tracked and lobbied a sizeable number of bills this session. A summary of the most relevant bills is included below for your reference. Please do not hesitate to contact us if you have any questions.

HB 1457 Freedom of Information Act; violations and penalties. **Chief patron: Marshall, R.G.**

Summary as passed House: Freedom of Information Act; violations and penalties. Doubles the civil penalties imposed for willful and knowing violations of FOIA. The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA.

02/04/11 House: VOTE: PASSAGE (95-Y 3-N) 02/21/11 Senate: Passed Senate (40-Y 0-N)

HB 1479 Search warrant affidavit; public availability. **Chief patron: Loupassi**

Summary as passed: Public availability of a search warrant affidavit. Provides that the affidavit for a search warrant may be made publicly available only after the warrant that is the subject of the affidavit has been executed or 15 days after issuance of the warrant, whichever is earlier.

01/25/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 02/16/11 Senate: Passed Senate with amendment (40-Y 0-N)

HB 1566 House and Senate voting records; publication on legislative electronic information system. **Chief patron: LeMunyon**

Summary as introduced: Publication of House and Senate voting records. Provides that, beginning with the 2012 Regular Session of the General Assembly, the Legislative Support Commission, through the Division of Legislative Automated Systems, from information and data provided by the Clerk of the House



and the Clerk of the Senate, must post on the legislative electronic information system (LIS) the recorded committee, subcommittee, and floor votes of each member of the General Assembly on legislation acted upon in each house. The information pertaining to the voting records of legislative members must be electronically accessible to state agencies, political subdivisions, and the public.

02/08/11 House: Left in Rules

HB 1722 Freedom of Information Act; designation of records, penalties for certain violations. **Chief patron: Marshall, R.G.**

Summary as introduced: Freedom of Information Act (FOIA); designation of records; penalties for certain violations. Requires that at the time of creation of any public record, the custodian of such records that are subject to FOIA shall designate whether the record is subject to FOIA's mandatory disclosure provisions or otherwise exempt from disclosure. The bill requires that such designation shall appear on the face of the record and be updated by the custodian in a timely manner in the event of any changes. Failure to make the required designation shall, upon receipt of a request for such record, waive any charge authorized under FOIA. The bill also provides that in addition to the civil penalty under FOIA, a public employee found to have committed a willful and knowing violation of FOIA may be subject to other disciplinary action, including suspension, demotion, or termination of public employment. The bill contains technical amendments.

01/25/11 House: Passed by in General Laws with letter

HB 1804 House of Delegates; digital recordings of meetings of standing committees and subcommittees. **Chief patron: Surovell**

Summary as introduced: Digital recordings of House of Delegates standing committees and subcommittees. Provides that meetings of standing committees of the House of Delegates and their subcommittees shall be digitally recorded and made available on the legislative electronic information system.

01/25/11 House: Tabled in Rules

HB 1860 Freedom of Information Act; proceedings for enforcement. **Chief patron: Anderson**

Summary as introduced: Freedom of Information Act; proceedings for enforcement. Requires that the party against whom a FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. The bill contains technical amendments and is a recommendation of the FOIA Council.

01/28/11 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 02/21/11 Senate: Passed Senate (40-Y 0-N)

HB 1935 Legal notices; locality to meet notice requirements by utilizing their websites, radio, etc. **Chief patron: Ware, O.**

Summary as introduced: Legal notices. Allows localities to meet certain notice requirements by utilizing their web sites, radio or television rather than a newspaper of general circulation.

02/08/11 House: Left in Counties, Cities and Towns

HB 1948 Virginia Fusion Intelligence Center; changes requirement that data be reviewed every three years. **Chief patron: Villanueva**

Summary as passed House: Virginia Fusion Intelligence Center; review of databases. Changes the requirement that data in the Virginia Fusion Intelligence Center databases be reviewed every year to a requirement that it be reviewed every three years. Information that is determined to not be related to

terrorist activity shall be removed from the database.

02/02/11 House: VOTE: PASSAGE (97-Y 1-N) 02/14/11 Senate: Passed Senate (40-Y 0-N)

HB 2020 Freedom of Information Act; definition of private records. **Chief patron: May**

Summary as passed House: Virginia Freedom of Information Act; definitions. Clarifies that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. The bill is in response to a court case in Loudoun County.

01/28/11 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 02/21/11 Senate: Passed Senate (40-Y 0-N)

HB 2034 Attorney General; investigation of complaints. **Chief patron: Peace**

Summary as passed House: Attorney General; investigation of complaints. Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance, and provides that records and information furnished to the Office of the Attorney General in connection with an investigation shall be exempt from disclosure under the Freedom of Information Act. This bill is identical to SB 1214.

01/28/11 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 02/14/11 Senate: Passed Senate (40-Y 0-N)

HB 2041 Freedom of Information Act; record and meeting exemption for certain commissions. **Chief patron: Anderson**

Summary as introduced: Virginia Freedom of Information Act; record and meeting exemption for certain commissions. Allows any commission created by executive order to study and make recommendations concerning the prevention of closure and realignment of federal security installations in Virginia to withhold from public disclosure cer-

tain records relating to the relocation of national security facilities. The bill also allows those portions of meetings where such records are discussed to be closed to the public.

01/28/11 House: VOTE: BLOCK PASSAGE (95-Y 0-N) 02/21/11 Senate: Passed Senate (40-Y 0-N)

HB 2076 Inspector General, Office of; established. **Chief patron: Landes**

Summary as passed House: Office of the Inspector General. Establishes the Office of the Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments. The bill contains a delayed effective date of July 1, 2012, except with respect to transportation, which will become effective July 2014.

02/08/11 House: Read third time and passed House (96-Y 2-N) 02/21/11 Senate: Passed Senate with substitute (40-Y 0-N)

HB 2196 Government Transparency Advisory Council; established, searchable database website established. **Chief patron: Comstock**

Summary as introduced: Government Transparency Act. Establishes a searchable database website that would allow persons to search and aggregate information including but not limited to (i) individual or specific appropriations or budget items, (ii) state agency spending and procurement data, (iii) financial disclosure statements, (iv) audit and state agency performance

reports, and (v) contact information for public records access purposes. Under the bill, the searchable database website will be developed and maintained by the Department of Planning and Budget and is required to be operational by July 1, 2012. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill requires the Department to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid duplication of effort. The bill also establishes the Government Transparency Advisory Council to advise the Department on the practical usability of the website, considering all intended end users.

02/08/11 House: Left in Appropriations

HB 2199 Journalists; prohibits a body authority to issue a subpoena to testify regarding any information. **Chief patron: Comstock**

Summary as introduced: Journalists as witnesses. Prohibits a body with the authority to issue a subpoena or other compulsory process from compelling a journalist to testify regarding or to produce or disclose in an official proceeding any confidential or nonconfidential information, document, or item obtained or prepared while the person was acting as a journalist or to produce or disclose in an official proceeding the source of any such material. The bill prohibits a subpoena or other compulsory process from compelling the parent, subsidiary, division, or affiliate of a communication service provider or news medium to disclose the information, documents, or items, or the source of such material, that is privileged from disclosure under the provisions of the bill. The bill further authorizes a court, in limited circumstances, to compel a journalist, a journalist's employer, or a person with an independent contract with a journalist to testify regarding or to produce or disclose any information, document, or item or the source of any such material obtained while the person was acting as a journalist.

02/08/11 House: Left in Courts of Justice

continued on page 12

Legislature *continued from page 11*

HB 2269 Freedom of Information Act; criminal records are exempt from mandatory provisions. **Chief patron: Keam**

Summary as introduced: Virginia Freedom of Information Act; access to criminal records. Provides that criminal records are exempt from the mandatory provisions of FOIA prior to judicial proceedings, but pertinent records or pertinent information from records that are otherwise unlawful to disclose shall be disclosed in any judicial proceeding where such records or information is requested in the interest of transparency of government, except where disclosure of any pertinent record or information is specifically prohibited by law. A denial without legal grounds of pertinent records or information disclosure or a failure upon appeal to remand a case back to the court where there had been a denial without legal grounds of pertinent records or information disclosure by any judge is grounds for judicial impeachment, enforceable retroactively, in the interest of forcing the executive and judicial departments to become and to remain separate and distinct in accordance with Article I, Section 5 and Article III, Section 1 of the Constitution of Virginia.

02/08/11 House: Left in General Laws

HB 2383 Freedom of Information Act; court review in cases of requester harassment. **Chief patron: Lewis**

Summary as introduced: Freedom of Information Act (FOIA); court review in cases of requester harassment. Allows any public body to petition an appropriate court for a summary determination whether a requester, in making a request for records, is intending to harass or otherwise abuse the rights or privileges granted by FOIA or whether such request is overly burdensome on the public body.

02/08/11 House: Left in General Laws

HB 2476 Estate tax; reinstated for persons dying on or after July 1, 2011. **Chief patron: Howell, A.T.**

Summary as introduced: Estate

tax reinstated. Reinstates the estate tax for persons dying on or after July 1, 2011. No estate tax will be imposed on a gross estate (i) whose value is less than \$3 million or (ii) if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

02/08/11 House: Left in Health, Welfare and Institutions

SB 763 Freedom of Information Act; proceedings for enforcement. **Chief patron: Puller**

Summary as introduced: Freedom of Information Act; proceedings for enforcement. Requires that the party against whom a FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. The bill contains technical amendments and is a recommendation of the FOIA Council.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/17/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

SB 812 Virginia Freedom of Information Act; access to salary information, etc., of public employees. **Chief patron: Martin**

Summary as introduced: Virginia Freedom of Information Act; access to salary information, etc., of public employees. Allows public access to the records of only the job position, official salary, or rate of pay of, and the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body. The bill specifically excludes the name of any such officer, official, or employee from disclosure.

02/02/11 Senate: Passed by indefinitely in General Laws and Technology with letter (14-Y 0-N)

SB 951 Freedom of Information Act;

Library of Va. is custodian of records transferred to it for archiving. **Chief patron: Houck**

Summary as introduced: Freedom of Information Act; transfer of records. Clarifies that the Library of Virginia is the custodian of records transferred to it for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.) and for responding to requests for such records made under FOIA.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1084 Concealed handgun permittee information; prohibits clerk of court from disclosing information. **Chief patron: Hanger**

Summary as introduced: Access to concealed handgun permittee information. Prohibits the clerk of the court from disclosing identifying information contained on a concealed handgun permit application or on an order issuing a concealed handgun permit, if so requested by the applicant or permittee.

01/31/11 Senate: Passed by indefinitely in Courts of Justice (14-Y 0-N)

SB 1214 Attorney General; investigation of complaints of abuse of person in care of others. **Chief patron: Smith**

Summary as passed Senate: Attorney General; investigation of complaints. Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance. The bill also exempts records or information provided to the Office of the Attorney General's Medicaid Fraud Control Unit from disclosure pursuant to the Freedom of Information Act.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/17/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

SB 1239 Personal Information Privacy Act; makes several amendments to Act. **Chief patron: Ticer**

Summary as introduced: Personal Information Privacy Act. Makes several amendments to the Personal Information Privacy Act. The bill would prohibit a person from requiring an individual to provide his social security number to access goods and services if he also is required to provide a credit card or debit card number.

The bill reinserts language that states that restrictions on the use of social security numbers set forth in the Act do not apply to records open under the Virginia Freedom of Information Act. This language was removed by the General Assembly in 2008. Finally, the bill makes changes to the damages provisions of the Act.

01/31/11 Senate: Stricken at request of Patron in Commerce and Labor (14-Y 0-N)

SB 1255 Freedom of Information Act; exempts certain records provided to Attorney General from disclosure. **Chief patron: Vogel**

Summary as introduced: FOIA exemption; Medicaid Fraud Control Unit. Exempts records of the Medicaid Fraud Control Unit from disclosure pursuant to the Virginia Freedom of Information Act.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1259 Virginia Fusion Intelligence Center; changes requirement that data be reviewed every three years. **Chief patron: Vogel**

Summary as passed Senate: Virginia Fusion Intelligence Center; review of databases. Changes the requirement that data in the Virginia Fusion Intelligence Center databases be reviewed every year to a requirement that it be reviewed every three years. Information that is determined to not be related to terrorist activity shall be removed from the database.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House:

VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1296 Freedom of Information Act; record and meeting exemption for certain commissions. **Chief patron: Ruff**

Summary as introduced: Virginia Freedom of Information Act; record and meeting exemption for certain commissions. Allows any commission created by executive order to study and make recommendations concerning the prevention of closure and realignment of federal security installations in Virginia to withhold from public disclosure certain records relating to the relocation of national security facilities. The bill also allows those portions of meetings where such records are discussed to be closed to the public.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1337 Freedom of Information Act; exempts Commercial Space Flight Authority from disclosure requirements. **Chief patron: Herring**

Summary as introduced: Freedom of Information Act; Commercial Space Flight Authority. Creates an exemption from the mandatory disclosure requirements of FOIA for (i) records relating to rate structures or charges for using the facilities of the Commercial Space Flight Authority and (ii) records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

The bill also contains a meeting exemption for the discussion of the above

records. The bill contains a technical amendment.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1467 Freedom of Information Act; criminal investigative records. **Chief patron: Edwards**

Summary as introduced: Freedom of Information Act; criminal investigative records. Amends the definition of "criminal investigative file" so that the exemption applies to records relating to active or ongoing investigations or prosecutions.

02/02/11 Senate: Passed by indefinitely in General Laws and Technology with letter (14-Y 0-N)

SB 1477 Inspector General, Office of State; established. **Chief patron: Stosch**

Summary as passed Senate: Office of the Inspector General. Establishes the Office of the Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain documents of the Office.

The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments. The bill contains a delayed effective date of July 1, 2012, except with respect to transportation, which will become effective July 2014.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) ❖

FEBRUARY JOB BANK

SUBMIT JOBS

Submit to VAB Newsletter:

- Please e-mail the listing directly to marci.malinowski@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

Account Manager Lynchburg, VA

WROV/WJJS/WYYD/STEVE FM/SUNNY FM is looking for outside sales SUPER STAR to sell Radio & Online advertising in Lynchburg area. Sell #1 radio station in market. Previous outside sales experience and understanding of internet a must. Send resume to lynchburgcareers@clearchannel.com. Equal Opportunity Employer.

General Sales Manager Lynchburg, VA

Clear Channel Roanoke/Lynchburg has an immediate opening for a General Sales Manager in Lynchburg for our five station cluster. Candidates must have documented track record of success as a leader, trainer, and inspiration to the entire team. Our candidate must be a local street fighter and coach in field with sellers. NTR, Digital and multi-platform understanding is a must. Previous management experience is preferred. If this describes you and want to live and grow your career near the beautiful Blue Ridge Mountains, we want to talk to you! Women and Minorities are encouraged to apply. Clear Channel is an Equal Opportunity Employer. Please send cover letter and resume to: davecarwile@clearchannel.com.

Account Executive Roanoke, VA

Aggressive, professional, self-motivated, TV advertising executive needed for our stations in the Roanoke/Lynchburg market. Applicant should also be able to discuss business and marketing topics with local business owners. Computer and communications skills are mandatory. We offer an exciting TV broadcast environ. with an excellent benefits package. If you are interested in joining our prof. team, please email resume with cover letter and salary req. to ksmith@fox2127.com or by mail to: Fox 21/27 and CW5, Attn: LSM, 2618 Colonial Ave., Roanoke, VA 24015, no phone calls please. Equal Opportunity Employer.

Director Of Regional Marketing Fredericksburg, VA

Centennial Broadcasting is looking for an experienced, high-level, media sales professional, to fill the new position of Director of Regional Marketing. You will be working with our premiere Hot AC stations, WBQB (B101.5) in Fredericksburg and WINC-FM in Winchester. These stations have a combined signal, that reach more than three-

million people in the growing, affluent, western counties of Washington, DC. The ideal candidate is a sales professional. You will develop lucrative multi-station marketing packages and interactive digital programs for advertising agencies and regional local-direct businesses. Candidates looking for unlimited earnings potential and are able to perform with limited supervision are encouraged to apply. Please send resume to jbutler@wbqb.com. Centennial Broadcasting II, LLC is an Equal Opportunity Employer.

Sales Assistant Lynchburg, VA

Under the supervision of the General Sales Manager, the Sales Assistant is responsible for providing assistance to sales management and account executive personnel. This includes entering orders into Pilat traffic system, assigning copy and instructions to orders, and providing reports to AE's and management. Additional responsibilities include keeping accurate records of order and client information, writing revisions to orders, and providing backup to the Inventory Control Supervisor, National Sales Assistant and Research Specialist. · Ability to use a personal computer (essential) · Strong organizational skills (essential) · Ability to use Microsoft Word (essential) · Ability to use Microsoft Excel (essential) · Ability to meet deadlines (essential) · Ability to work as part of a team (essential) · Ability to communicate verbally in English (essential) · Work Experience in television or radio traffic department (preferred) After Hire · Knowledge of organizational policies · Ability to use Pilat traffic system. Candidates may apply online at www.wsls.com or www.mediageneral.com No phone calls please.

Account Executive Charlottesville, VA

Experienced Account Executive: This is truly a unique opportunity. The Charlottesville Newsplex (CBS19/ABC16/FOX27/MyCivilTV/WeatherNow) is the only true broadcast TV "tripoly" in the country, serving one of the "Best Places to Live" in the country (#4 – Kiplinger's List of Best Places to Live 2009). We're looking for an experienced TV sales professional who can hit the ground running. We offer small market quality of life with big market opportunity. You'll have all the resources you need to be successful: NFL, NCAA, NASCAR, MLB, World Series, and all the best Prime on CBS, ABC, and FOX. Charlottesville has it all: The Univer-

sity of Virginia, Monticello, great restaurants, some of the best schools in the country, nightlife, live music, outdoor concert series, minutes from the Blue Ridge Mountains, 2 hours from the beach. If you're a proven TV salesperson, we're eager to talk. Send your cover letter and resume to hr@newsplex.com or to: Charlottesville Newsplex Attn: AE Position 999 2nd St. S.E. Charlottesville, VA. 22902 Great driving record required. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace.

Director of Creative Services Charlottesville, VA

The Charlottesville Newsplex (home of CBS19, ABC16, WAHU FOX27, newsplex.com, and more) in award-winning Charlottesville, VA (<http://bit.ly/86LJsA>) is looking for the person to lead our efforts to dream up and produce top notch commercials for our advertising clients. Can you write, shoot, and edit attention grabbing commercials that drive results? Experience with Adobe After Effects and Photoshop are a must, and we would prefer someone who knows Illustrator, Avid, and Final Cut Pro. We are a growing station group in a great city that has it all: The University of Virginia, Monticello, great restaurants, some of the best schools in the country, nightlife, live music, an outdoor concert series, minutes from the Blue Ridge Mountains, and 2 hours from the beach. If you think you have what it takes, rush your cover letter, resume, and examples of your work to hr@newsplex.com, or to Charlottesville Newsplex, Attn: Creative Director Position, 999 2nd Street SE, Charlottesville, VA 22902. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace. Excellent driving record is a MUST.

News Video Journalist PT (Temporary) Lynchburg, VA

The Video-Journalist is primarily responsible for gathering news by shooting and editing videotape of news, sports, and special features and responsible for setting up ENG vans for live remotes. This person must display high journalistic standards and be prepared to cover stories alone which will require using effective interviewing techniques. Due to the dangers inherent with the operation of an ENG van equipped with a mast, this person must make safety "Priority One." The individual must be a good communicator, work well with others, and take direction from management regarding job performance and shooting/editing style and technique. Advanced Education in the field of Broadcast Journalism which has given the applicant the ability to perform the required functions of the job or equivalent broadcasting work experience, which has prepared the applicant to perform the required functions of the job. Demonstration of skills by performance in audition or aircheck, supported by

(continued on next page)

(continued from previous page)

references and pre-employment interviews. Available 24 hours per day, seven days per week, and for extended periods of overtime, if needed. Able to control high stress periods and heavy workload. Valid Virginia Driver's license within 30 days of employment. Knowledge of journalistic standards as they relate to on-air presentation of news stories. Accurate and comprehensive writing skills. Ability to act and react appropriately on camera. Ability to maintain professional personal appearance. Ability to lift and transport standard camera equipment. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. Access to an automobile if needed for transportation. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! Equal Opportunity Employer.

**Production Assistant PT (p.m. hours)
Lynchburg, VA**

Two positions available. Primarily responsible for in-studio production assistance, including the operation of Camera, Audio, character generator, or etc. as assigned by shift supervisor. Also responsible for field technician assistance for Creative Services as needed. Knowledge of television production or willingness to learn. Knowledgeable in the operation of personal computers. Basic understanding of audio-visual components. Apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. EEO/M/F.

**Station Manager/Operator
Farmville, VA**

Central Virginia Radio Station is seeking a Manager/Operator for a small community based AM Station. Please send resume and cover letter to: Local Radio Station Position, 1005 Richmond Road, Williamsburg, VA 23185.

**On-Air Personality
Johnson City/Kingsport/Bristol, VA**

Rare opportunity to do mornings on a country powerhouse. Do you have the talent, personality, and experience to be part of the winning team at WXBQ. Five years on-air experience preferred. Benefits package includes vacations, insurance and 401K. Air-check and Resume to: Bill Hagy, Operations Manager, WXBQ, P.O. Box 1389, Bristol, VA 24203 or via email to billhagy@wxbq.com. No phone calls please. Bristol Broadcasting Company is an Equal Opportunity Employer.

**Video Journalist/News Photographer
Richmond, VA**

WRIC-TV is looking for a Video Journalist/News Photographer who can shoot, edit,

and write. Experience working with Panasonic P2 format and Edius editing preferred. The ideal candidate must be able to work independently, generate story ideas, and produce innovative content for all newscasts. One year shooting and reporting experience preferred. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. NO phone calls please. Equal Opportunity Employer.

**Reporter
Richmond, VA**

WRIC-TV is looking for a reporter who can generate story ideas, understands relevant content, and can deliver stories in a non-traditional manner. Shooting and editing skills are an asset. Minimum of two years 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. NO phone calls please. Equal Opportunity Employer.

**Weekend News Photojournalist/Editor
Richmond, VA**

WRIC-TV is looking for a News Photojournalist/Editor. Experience working with Panasonic P2 format, Edius non linear editing and ENG live truck operation preferred. The ideal candidate must produce innovative content for all newscasts, exhibiting creativity and attention to detail. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. NO phone calls please. Equal Opportunity Employer.

**Director of Digital Sales
Richmond, VA**

Primary responsibility is to grow digital ad revenue on wric.com and related sub domain sites. Work with GM/GSM/LSM to establish goals and strategy to grow digital revenue. Develop new initiatives based on client needs and new technology. Create and present digital marketing campaigns to generate results for local clients. 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. NO phone calls please. Equal Opportunity Employer.

**Account Executive
Richmond, VA**

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. NO phone calls please. Equal Opportunity Employer.

**Program Director
Harrisonburg, VA**

Great opportunity for someone ready for their first Program Director gig! This is a dynamic opportunity for someone with passion and energy. We have an opening for a Program Director for our Hot AC/Triple A hybrid that needs someone devoted to both growing and making the station a part of the community. Duties include: Afternoon Drive, Music selection and scheduling, Website content management, commercial production, live broadcasts and more. Qualifications: Knowledge of Selector, ability to problem solve and multi-task, great production, driven to succeed, team player, comfortable interacting with both advertisers and listeners, ability to do great remotes, working knowledge of website content management, familiar with both Hot AC and Triple A formats Also helpful: Any Maestro knowledge and the ability to pull off the occasional shift on our country station. What we offer: This is truly an opportunity which you will get out what you put in to it. You will be able to contribute heavily to the direction of the station and implement and execute your ideas. This big opportunity lies in a small market and the salary range is 25,000-30,000 depending on experience. We offer health, dental, 401k and paid vacation. You'll work for a great small company and enjoy a relaxed work environment with a solid team ready to work with you. We are located in the beautiful Shenandoah Valley of Virginia and there are no relocation funds available for this job. Send your package to: voxvajobs@gmail.com NO PHONE CALLS PLEASE My 95-5 WBOP, and Real Country 96.9 WSIG are Equal Opportunity Employers.



View the latest listings at
www.vabonline.com/careers

Official Says Most Broadcasters Unlikely to Give Up Spectrum

In February, a White House official said that not many broadcasters have to participate in a proposal that would give them a share of the proceeds from the auction of spectrum they voluntarily give up for the initiative to be a success.

During a forum sponsored by the Wireless Innovation Alliance on ways to expand the availability of spectrum, Phil Weiser, the National Economic Council's senior adviser for technology and innovation, said broadcasters' top concern with the incentive auction proposal is not how much money they would get from the proposal but the process that will be used for relocating broadcasters who choose to give up some spectrum.

"Most are not going to participate," Weiser said. "Most don't need to participate for it to be a win."

Broadcasters have said they are open to incentive auctions as long as they are truly voluntary.

When asked what share of the proceeds broadcasters will want in order to give up spectrum, Weiser said he did not believe it would be much given that they will still have "the same business model but it is done ... more efficiently." He said lawmakers, when crafting legislation authorizing the Federal Communications Commission to conduct incentive auctions, will have to decide what share of the auction proceeds broadcasters

The incentive auction proposal is one of the initiatives the White House and others have called for to free up more spectrum for wireless broadband and other wireless technologies.

should receive in exchange for giving up some spectrum.

The incentive auction proposal is one of the initiatives the White House and others have called for to free up more spectrum for wireless broadband and other wireless technologies. Last summer, the White House set a goal of freeing up 500 megahertz of spectrum for wireless broadband within 10 years.

Demand in the coming years for mobile broadband and the spectrum needed to enable it will be 35 times the level it was in 2009, FCC Wireless Telecommunications Bureau Chief Ruth Milkman said. She added that while regulators are making additional spectrum available, there will still be a "big gap between supply and demand."

As part of this effort, the Commerce Department's National Telecommunications and Information Administration wrote the FCC recently identifying 115 megahertz of spectrum that can be re-allocated from the federal government for use by the private sector for wireless broadband in the next five years, Larry Atlas, a senior adviser to NTIA Director Larry Strickling said.

But several participants also talked about the need to use broadcast white spaces to experiment with ways to more efficiently use available spectrum.

"It's a problem that we will have to find multiple ways of attacking," Microsoft Regulatory Affairs Counsel Paula Boyd said. While there is a need to clear more spectrum, another piece will involve spectrum sharing, she added.

The incentive auction proposal like other aspects of the wireless initiative announced by President Obama earlier this month would require congressional action, Weiser said.

Other provisions that will likely require congressional approval include Obama's call for the creation of a wireless innovation fund and calls for federal spectrum users to share some of their spectrum with commercial users. Atlas said such a move would require Congress to appropriate funds to help pay for the cost of planning for such arrangements. ❖



74th Annual
Summer Convention

VIRGINIA ASSOCIATION OF BROADCASTERS

June 23-25, 2011

Hilton Virginia Beach Oceanfront
Virginia Beach, Virginia