



# Newsletter

Virginia Association of Broadcasters

May 2010

## U.S. Supreme Court: Must-Carry Review Denied

On May 17, 2010, the United States Supreme Court issued an order denying Cablevision’s request to review the FCC’s must-carry rules. The denial of Cablevision’s request preserves the status quo for the mandatory carriage regulations and is a significant “win” for broadcasters.

In late January 2010, Cablevision filed a petition with the Supreme Court seeking review of the FCC’s must-carry rules. In its January 2010 petition, Cablevision had asked the Court to reverse the June 2009 decision of the Second Circuit Court of Appeals requiring carriage of television station WRNN in some Long Island, New York, communities pursuant to the market-modification provisions of the must-carry rules. (The Second Circuit decision was “stayed” pending Cablevision’s appeal to the Supreme Court.)

More broadly, however, Cablevision sought an end to the entire must-carry regime, which the Supreme Court deemed constitutional as recently as the late 1990s, in two landmark cases, both named Turner Broadcasting System, Inc. v. FCC. The thrust of Cablevision’s argument was that competitive and technological changes in the market for video programming warranted striking down the must-carry regime, in large part on First Amendment grounds. Had it been successful, Cablevision’s challenge could have dramatically reshaped the regulatory landscape, potentially weakening



the bargaining power of broadcasters in their negotiations with cable operators for signal carriage. The Supreme Court’s decision not to review the Cablevision case puts this must-carry challenge to rest, at least for now.

It should be noted that the Supreme Court’s decision to deny review of the Cablevision case does not mean, from a legal standpoint, that the Supreme Court on May 17 upheld the constitutionality of the must-carry rules. Instead, it only means that the Supreme Court declined to review the case, which, in turn, means that the lower court’s decision (which had affirmed the FCC’s underlying decision requiring carriage of WRNN in certain communities) stands. ❖

### What’s Inside ...

May Compliance Tip .....	2
“Slamming” Violations Warrant Fine .....	2
New Study Debunks Cable Retrans Claim .....	3
Senate Passes Satellite Legislation .....	3
VAB Offers Free Training to Station Employees ..	3
Retaliation Claims on the Rise and Difficult to Defend .....	4
Guidance on Issues/Programs Lists .....	6
May Job Bank .....	8
73rd Annual VAB Summer Convention Registration Form .....	10

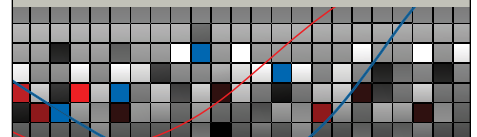
Visit us online  
[www.VABOnline.com](http://www.VABOnline.com)

73rd Annual VAB  
Summer Convention

June 24-26, 2010

Hilton Virginia Beach Oceanfront

For details,  
see page 10





## 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](http://www.vabonline.com)

PRESIDENT	Doug Davis <i>WAIY-TV/WVBT-TV, Portsmouth</i>
PAST PRESIDENT	Michael Guld <i>WBBT-FM, Richmond</i>
PRESIDENT-ELECT	Francis Wood <i>WFLO-AM/FM, Farmville</i>
SECRETARY/TREASURER	Warren Führ <i>WSLS-TV, Roanoke</i>
EXECUTIVE DIRECTOR	Douglas Easter
ASSOCIATE ADVISORY	Harrison Pittman <i>On-Time Online Broadcast Compliance, Newport News</i>

### BOARD MEMBERS

Districts 1 & 2

Charlie (Charles) Russell	<i>WESR-AM/FM, Onley</i>
Larry Saunders	<i>WGH-AM/FM/WV/BW-FM/ WXMM-FM/WXEZ-FM, Virginia Beach</i>

District 3

Bob Peterson	<i>WRIC-TV, Richmond</i>
Linda Forem	<i>WCDX-FM/WKJM-FM/WKJS-FM/ WPZZ-FM/WTPS-AM, Richmond</i>
Bob Willoughby	<i>WKHK-FM/WMXB-FM/WKLR-FM/ WDYL-FM, Richmond</i>

Districts 4 & 5

Dennis Royer, Sr.	<i>WBBC-FM/WKLV-AM, Blackstone</i>
-------------------	------------------------------------

Districts 6 & 9

Leonard Wheeler	<i>WFIR-AM/WSLC-FM/WSLQ-FM/ WVBE-AM/FM/WXLK-FM, Roanoke</i>
Jack Dempsey	<i>WJHL-TV, Johnson City, TN</i>
Teresa Keller	<i>WEHC-FM, Emory</i>
Randy Smith	<i>WSET-TV, Lynchburg</i>

Districts 7, 8 & 10

Vacant	----
Doris Newcomb	<i>WEAX-AM, Falls Church</i>
Robert Scutari	<i>WJLA-TV, Arlington</i>

## 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**

## May Compliance Tip

### My Advice—Save It!

Recently, I was helping a General Manager as he responded to the questions in his EEO Audit letter.

We were dealing with assessing his recruitment efforts and overall EEO program. Some of the answers came from within obscure files from two years ago. These files contained records of letters and emails, reports of tracking non-recruitment contacts with sources and training sessions with managers.

Here is this month's tip; save, save and save some more especially any correspondence with recruitment sources. Whether it is copies of letters/emails, dated copies of ads placed that seek candidates for a job vacancy, notes of your efforts to assess a source's viability in providing candidates, or the agenda of a department head meeting when you discussed your recruitment efforts, save it.

In this age of document scanning it is simple to make this information handy without super sizing a file cabinet especially since audits request information going back several years. ❖

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

## "Slamming" Violations Warrant a Fine

In response to an Enforcement Bureau investigation, the FCC proposed a forfeiture of \$1.48 million against Silv Communication for "slamming" violations -- changing consumers' telecom carriers without proper authorization.

The Enforcement Bureau launched an investigation of the company based on information received from a whistleblower. In today's order, the Commission finds that Silv committed 25 slamming violations, and concludes that the volume of complaints against Silv reflects a systemic problem meriting a substantial penalty.

The Commission found that many of the violations were particularly egregious because they involved intentional and misleading marketing practices. In particular, the Enforcement Bureau's investigation determined that Silv failed to take timely action when it learned that its telemarketer was misrepresenting its identity to consumers -- in a dozen cases stating that it was calling on behalf of their current carrier to offer lower rates or simply to verify account information. In those instances involving deceptive practices, the Commission doubled the usual forfeiture for slamming from \$40,000 to \$80,000.

A detailed fact sheet on slamming, which includes information on how to file a complaint, is available on the Commission's website at <http://www.fcc.gov/cgb/consumerfacts/slamming.html>. ❖



## New Study Debunks Cable Retrans Claim



The National Association of Broadcasters has filed a new study with the Federal Communications Commission showing that retransmission consent -- the market-based negotiation process in which a pay-TV provider and a local television station reach a carriage agreement -- is working just as Congress intended.

"The data simply do not support the claim that increases in MVPD rates are caused by rising programming costs in general, or rising retransmission fees in particular," today's study says. "To the contrary, programming costs are rising slower than MVPD revenues, slower than other components of MVPD costs, and slower than MVPD profits, while retransmissions fees make up a small fraction of programming costs, and an even smaller percentage of MVPD revenues."

NAB's filing notes that a November 2009 study commissioned by the National Cable & Telecommunications Association, DIRECTV and DISH Network claims that consumers pay between \$0.37 and \$0.74 per month to watch broadcast programming on their pay-TV service. If accurate, these figures translate to between .75 percent and 1.5 percent of the average monthly cost for expanded basic cable. This "hardly seems excessive," today's study says.

The report also debunks cable's claim that service interruptions related to retransmission consent are routine. "Aggregate service interruptions (related to retransmission consent) continue to represent approximately one one-hundredth of one percent of annual U.S. viewing hours," today's study says. In fact, the study counters, "the average household is far more likely to be without electricity, or to experience a cable system outage, than it is to be unable to watch its favorite broadcast channel via an MVPD as a result of a retransmission dispute." ❖

## Senate Passes Satellite Legislation



On May 7, 2010, the United States Senate unanimously approved the Satellite Television Extension and Localism Act (STELA), which reauthorizes satellite carriage of broadcast television signals for 5 years.

The bill will allow satellite MVPDs to continue bringing in distant broadcast signals as fill-ins when major networks are not otherwise available in a given market.

The legislation now moves to the House where it could be considered as early as next week. We will continue to monitor the bill as it proceeds through the House, and provisions if, as expected, the bill is enacted into law. ❖

## VAB Offers Free Training Solution to Station Employees

The Virginia Association of Broadcasters has recently partnered with on-demand broadcast training company, P1 Selling, providing broadcast training at no cost to its member stations.

To kick off the program, VAB's Jonathan Williams and P1 Selling's Bryan Marriott conducted a series of live demonstrations in Chesapeake, Richmond, Charlottesville, and Roanoke. Each visit entailed a two-hour product demonstration and an entertaining training exercise.

The program began with an exercise designed to get managers thinking "outside the box," which was followed by an overview of both the radio and television online training campuses. The objective was to give each station



representative the tools necessary to introduce the training campus to their employees. In just a week's time the demonstration helped register over 58 member stations in Virginia.

P1 Selling is web-based, allowing stations to access any of its 250+ ten-minute courses 24/7/365. The curriculum includes interactive training courses on a variety of training topics such as: selling skills, negotiation, promotions, programming, interactive marketing, leadership development, social media, and FCC/HR compliance.

If your station missed the live VAB market presentations and you would like to learn more about P1 Selling, contact P1 Selling Partner, Katey McGuckin-Woolam, at 816/456-8603 or [katey@p1selling.com](mailto:katey@p1selling.com). ❖

## Retaliation Claims on the Rise and Difficult to Defend

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

Move over race and sex discrimination; there is a new leader in employment discrimination claims – retaliation. For the unfamiliar, retaliation claims are premised not on the underlying discrimination but, rather, stem from an employee’s complaint about discrimination or mistreatment and the company’s resulting decision to “retaliate” against the employee for complaining (often via some adverse consequence to the employee, such as termination or demotion). For more than a decade, race discrimination has been far and away the most common basis for charges of discrimination filed with the Equal Employment Opportunity Commission (“EEOC”). That changed in 2009. According to EEOC statistics, about 36% of the claims filed now contain a retaliation allegation, which represents an increase of 70% over the last decade!

Retaliation claims filed by employees can be based on provisions in various employment-related statutes, such as Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), the Family and Medical Leave Act (“FMLA”), or even state statutes, such as worker compensation laws. In the case of retaliation claims filed under employment discrimination law, the remedies available to the successful plaintiff are the same as would be obtained by an employee alleging race, sex, religion, national origin or another form of employment discrimination. However, the EEOC generally performs a more exacting review of retaliation allegations because it suggests a purposeful act by an employer that is designed to intentionally undermine the employee’s rights under the anti-discrimination laws. The EEOC’s heightened interest, coupled with a 2006 U.S. Supreme Court decision (*Burlington Northern & Santa Fe Railway Co. v. White*) that broadened the scope of possible retaliatory acts, has driven (and will continue to drive) the significant spike in retaliation claims. In fact, it is important to stress that the EEOC and the courts can conclude there was no actual discrimina-




---

**“About 36% of the claims filed now contain a retaliation allegation.”**

tion, while still finding an employer guilty of retaliation.

### A. Recent Retaliation Decisions

Two recent federal court cases reviewed retaliation claims that were filed by terminated employees. One case was filed by an employee who alleged that his termination constituted race discrimination under Title VII of the Civil Rights Act and he also claimed that he was terminated because he had filed an internal complaint, alleging discrimination. The other federal court case was based on a state worker’s compensation statute, which contained an anti-retaliation provision.

In the employment discrimination action, *Popo v. Giant Foods, LLC*, which also included a retaliation claim, the terminated employee had received several promotions before performance issues surfaced when he was promoted to a grocery store manager position. During one store inspection on June 9, 2003, the employee’s immediate supervisor expressed dissatisfaction with the condition of the store and Mr. Popo

took exception to the criticism and left the store. The incident on June 9th had been preceded by several prior exchanges between Mr. Popo and his supervisor in which his less than stellar performance as a manager had been discussed and documented. Later, Mr. Popo wrote to the grocery store’s Human Resources Manager complaining about the supervisor’s treatment of him and claimed that he was being treated unfairly because of his race. Mr. Popo subsequently requested a transfer, which was approved.

However, the employee was advised at the time that his transfer was approved (on August 29th) that the performance standards and expectations for his improvement would remain unchanged at the new store. When Mr. Popo was informed of these facts on August 29th, he became very angry during the meeting with management representatives and began shouting at management personnel. Mr. Popo then attacked one of the management representatives and pulled a box cutter from his pants pocket. After the fight was broken up, he was suspended and then terminated. After he was fired, he filed an employment discrimination charge, alleging race discrimination and retaliation. He then filed a lawsuit asserting the same claims.

At the trial court level, the former employee argued that he was terminated,

---



---

## **“All employers should train their managers about retaliation and its possible legal consequences to the company.”**

not because of his fighting, on August 29th, but because he had earlier filed an internal complaint of discrimination on June 18th. In order to establish a retaliation claim under Title VII, an employee must establish, among other elements, that there is a causal connection between the protected activity and the adverse employment action. The court found that Mr. Popo was unable to establish the required causal connection. In large part, Mr. Popo's inability to show the causal connection was due to the intervening event, which was the fight that he initiated. The employer's witnesses consistently testified that the reason that Mr. Popo was terminated was due to his threatening and intimidating behavior, which was an expressed violation of the employer's policies.

In the second court case involving a retaliation claim, the employee in *Thayer v. Tyson Foods, Inc.*, sued his former employer alleging that his termination was wrongful because he was fired because he filed for worker's compensation. In this case, the employee, Mr. Thayer, went to the employer's clinic, complaining of wheezing and shortness of breath. The next day, Mr. Thayer was examined by one of the physicians who was on the employer's worker's compensation panel of physicians. At the completion of the medical examination, Mr. Thayer was given two copies of the same document. One was for him to retain and the other was for him to submit to his employer. Both documents indicated that his illness was not work-related.

However, the document that he provided to his employer was altered. The word "not" appeared to have been scribbled or smudged out on the form. When the

employer representative questioned Mr. Thayer about the smudging on the document, he stated that the examining doctor initially thought that his condition was not work-related, but later changed his mind. A subsequent telephone call to the office that had conducted the physical examination of Mr. Thayer determined that the doctor had only concluded that Mr. Thayer's medical condition was not work-related and that the documentation that had been provided to Mr. Thayer had indicated the same. Mr. Thayer was then contacted and notified that he was terminated for falsification of documents, which was a violation of the company's policies.

Mr. Thayer later sued his former employer, alleging wrongful discharge and claiming that he was terminated for filing for worker's compensation. To set forth a claim for retaliatory or wrongful discharge, the court stated that the former employee must establish, among other elements, that Mr. Thayer's claim for worker's compensation benefits was a "substantial factor" in the motivation for his former employer to terminate him. Due to the fact that only four days had elapsed between the date when Mr. Thayer filed for worker's compensation benefits and the date when he was terminated, the district court found that he could establish the necessary causation between the two events and, thus, an inference was created that the filing for benefits was a "substantial factor" for his termination.

Even though Mr. Thayer met his initial burden, the employer was entitled to introduce evidence to show a non-retaliatory reason for the termination action. In that regard, the employer introduced evidence showing that the reason for Mr. Thayer's

termination was because he had falsified the documentation that he had submitted. In further support of the legitimate, non-discriminatory reason for its decision, the employer showed that the document that Mr. Thayer presented to his employer had a smudge on it, that copies of the same document did not contain a similar smudge covering the word "not" and that Mr. Thayer could not offer any explanation for the inconsistent forms. The court ruled that the company established that there was a legitimate, non-discriminatory reason for its actions. Mr. Thayer's wrongful discharge claim was dismissed.

### **B. Precautions Employers Should Take Now**

The two cases discussed in this article illustrate situations in which employers were successful in refuting retaliation claims. However, employers are not always successful. Therefore, it is important for employers to take the necessary precautions before confronted with an actual retaliation claim. For starters, every employer should include in their EEO or non-discrimination policy (usually located in your handbook) a statement that retaliation is unlawful, will not be tolerated by the company, and could lead to discipline or termination. Secondly, all employers should train their managers about retaliation and its possible legal consequences to the company. Similarly, employees should be advised about retaliation and instructed on how to file an internal complaint about retaliatory conduct. Lastly, formulate a plan for investigating internal complaints. An incomplete, *ad hoc*, investigation could very well (standing alone) form the basis of an independent retaliation claim. Demonstrating that you took the employee's allegations seriously and addressed them appropriately is paramount to mounting a successful defense.

©2010 Kruchko & Fries



# Virginia Association of Broadcasters Legal Review



## Guidance on Issues/Programs Lists



By Stephen Hartzell\*

As broadcasters are well aware, the FCC requires all stations to prepare quarterly Issues/Programs Lists. A station's Issues/Programs Lists may prove to be one of the most important sets of documents a station will use to provide evidence of its public interest stewardship at license renewal time. Accordingly, it is important for all broadcasters to be familiar with the FCC's Issues/Programs List ("Quarterly List") requirements.

### Background

The Quarterly List documents a station's compliance with its obligation to air programming that is responsive to significant community needs, issues, and problems as determined by the station. Stations have substantial discretion in determining which issues facing the community served by the station are the most significant, and how best to

treat them in the station's overall programming.

The FCC generally requires all radio and television stations (including Class A television broadcast stations) to place a Quarterly List in their public inspection files by the 10th day of the month following the end of the previous quarter (e.g., April 10th for the first quarter, July 10th for the second quarter, etc.).

Quarterly Lists must remain in the public inspection file until final action has been taken on the station's next license renewal application. The Quarterly List may provide important "evidence" in a station's defense if its license renewal is ever contested. Therefore, stations should approach the preparation process with diligence.

### Contents of the Quarterly List

The FCC's rules require each Quarterly List to include a brief narrative describing (1) which issues were given

significant treatment and (2) the programming that provided this treatment. The descriptions are required to include, at a minimum, the time, date, duration, and title of each program in which a particular issue was treated. The list should include the programs that afforded the "most significant" treatment of community issues during the quarter, and it is not necessary to include all programming that deals with the issue(s). Be sure your Quarterly List reflects that your station's issue-responsive programming covers all three months in each quarter—a Quarterly List looks incomplete if it includes dates from only two months of a three-month quarter.

Despite the fact that all programming dealing with community issues need not be included on the list, it would be wise to err on the side of over-inclusiveness. Stations should include as much issue-responsive programming as they feel is necessary to demonstrate



# Virginia Association of Broadcasters

## Legal Review



fully their programming responsiveness to community needs. Remember, your Quarterly List may prove to be important at license renewal time.

(You may recall, in 2007, the FCC adopted a new “enhanced disclosure” form (FCC Form 355) that was intended to replace Quarterly Lists for television stations. As of the date of this newsletter, Form 355 is still not in effect, and television stations should continue to compile the traditional quarterly Issues/Programs Lists.)

### Preparation of Quarterly Lists

Stations may wish to consider some of the following points when compiling their Quarterly Lists:

**Number of Issues**—While the FCC does not require stations to include a particular number of issues in each Quarterly List, stations that include only one or two issues may find that their Quarterly Lists contain somewhat less information about community-responsive programming than stations that include more issues.

**Outreach to Determine Issues**—The process of deciding which significant community issues to cover in a particular quarter is an important one. A valuable way of discovering and developing such issues is by maintaining some type of routine outreach practice for talking with various community segments and groups to learn their perceptions of community issues, problems, and needs. The fact that such contacts were made and the information learned from them, along with any letters to the station about community issues, should be documented and saved in a separate, private administrative file apart from the public inspection file. While the FCC

---

**“As the community’s interests and needs change ... the station should find that the issues covered in its Quarterly List change too.”**

“de-regulated” its formal, prescribed Ascertainment process years ago, stations must still “ascertain” which issues are of concern and interest to the community so that community-responsive programming may be appropriately tailored to address those issues and needs.

**Nature and “Evolution” of Issues**—A strong Quarterly List will reflect a variety of subject matter, and, as issues of importance to a station’s community change over time, the station’s Quarterly List will reflect that evolution.

For example, in a given community for a particular quarter, a station’s List might show, if appropriate, that the station’s community-responsive programming included segments addressing consumer issues, education, crime, the economy, child abuse, and environmental issues, and four years later the same station’s community-responsive programming might, if appropriate, include segments addressing terrorism, transportation infrastructure, school budgets, crime, taxes, and recycling. (The foregoing list is for illustrative purposes only—the variety of issues of importance to a station’s community will obviously vary.) In other words, as the community’s interests and needs change, the station, through its determination of which issues are important to address, should find that the issues covered in its Quarterly List change too. Moreover, a station should not overlook significant issues. While a station may

consider what issues are being treated in the programming of other stations in the market, each station must be able to persuade the Commission, in a contested license renewal proceeding, that it has acted “reasonably.”

**Internal Organization and Compilation of Quarterly Lists**—Stations may wish to document the procedure by which information is organized and brought to the attention of news and program production staff for the possible production and airing of community-responsive programming. At a minimum, such documentation is helpful for staff training purposes. Also, on the “back end” of the production cycle, stations should maintain accurate and complete records regarding which programs were used to examine which issues. By doing so, it will make it easier for station staff to identify the programs that represented the “most significant” treatment of issues (e.g., through duration, depth of presentation, frequency of broadcasts, etc.) when compiling the Quarterly List

**Public File Retention**—Quarterly Lists should be retained in your station’s public inspection file for the duration of your license term. All or some of the Quarterly Lists may be stored electronically in a computer database so long as the public can readily access the files. If you do store the Quarterly Lists electronically, you must make a computer terminal available at the location of your public file for the public to use to access the Lists. ❖

**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.

# MAY JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please email the listing directly to [marci.malinowski@easterassociates.com](mailto: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](http://www.vabonline.com)

### Announcer Arlington, VA

Salem Media of Virginia is looking for an announcer for WAVA 105.1FM / 780AM and WRC, 1260AM. Candidate should have minimum 3-5 years experience. Will voice newscasts, commercials and perform other announcing duties. Position may require public appearances. Mail cover letter, resume and air check (CD) to Salem Media of Virginia, Attn: Bob Jones, 1901 North Moore Street, Suite 200, Arlington, VA 22209 or E-mail cover letter, resume and air check (MP3) to [bobj@wava.com](mailto:bobj@wava.com) Salem Media of Virginia is an Equal Opportunity Employer.

### News Photojournalist Richmond, VA

WTVR-CBS 6 is seeking a full time News Photojournalist. Must have 1-2 years experience in a television newsroom shooting, editing and operating ENG trucks. Experience with nonlinear/Final Cut Pro editing software preferred. Must be able to work in a fast pace team environment with or without a reporter. Must help create story ideas, have good journalism skills and help produce high quality work. Please send a DVD copy of your latest and greatest work along with a cover letter and resume to: Bob Hogensen, Director of Photography, WTVR-CBS-6, 3301 W. Broad Street, Richmond, VA 23230 EOE.

### Outside Sales Representative Kingsport, TN

Holston Valley Broadcasting Corporation has an opening for a full time outside sales representative. We are seeking a self-motivated professional individual to join our sales team for, 98.5 WTFM, Classic Hits 102.7, and 95.9 WRZK (The HOG). If you're looking for an exciting, challenging and rewarding career, send us your resume. Previous sales experience and a college degree is a definite advantage, but not a requirement. This is an outside sales position calling on local and regional businesses selling radio advertising. We offer an excellent benefits package including health, dental, and life insurance, 401(K) plan, training, commissions, bonuses and an expense account. Send your resume to Tim Loy 222 Commerce St, Kingsport, TN 37660, fax 423-247-9836 or email it to [hr@hvbgroup.com](mailto:hr@hvbgroup.com).

### General Sales Manager Richmond, VA

General Sales Manager Position WTVR-TV, an Affiliate of CBS in Richmond, VA (Local TV LLC) has an immediate opening for a General Sales Manager. We are seeking an individual who can lead a dynamic sales team across multiple media screens and platforms. Applicant should have prior sales management experience including supervising personnel, strong research and presentation skills as well as new business development expertise. Ability to manage annual revenue and operational budgets is essential. To apply, send resume to [shays@wtr.com](mailto:shays@wtr.com). EOE

### Sales Account Executive Culpeper/Orange, VA

Piedmont Communications is seeking a Radio Account Executive for WJMA, WOJL (SAM-FM) and WCVA in

Culpeper/Orange/Louisa, VA. We've got a great opportunity for someone who enjoys working with local businesses and helping them grow through local radio. The potential is unlimited for a person who hits the streets and provides the highest level of service. You must...  
- Be self motivated, self disciplined and dependable  
- Build and maintain client relationships - Have good written and oral communication skills - Be creative and computer literate - Have reliable transportation  
Previous sales experience is preferred. We offer: Base Salary, Commission on Sales, Health Insurance Plan, Paid Vacation and Paid Holidays. Send a cover letter and resume to [jobs@wjmaf.com](mailto:jobs@wjmaf.com) or to Sales Manager, Piedmont Communications, Inc., P.O. Box 271, Orange, VA 22960. Piedmont Communications, Inc. is an equal opportunity employer.

### Sales Account Executive Richmond, VA

WUPV/CW Richmond has immediate opening for experienced, motivated sales professional to effectively grow existing list of business, aggressively close new business and provide creative solutions to client challenges. 2-3 years media sales experience or demonstrable track record of sales success required. Excellent written and presentation skills required. Send cover letter w/ salary requirements and resume to Judy Gibson, HR Director, WUPV, P. O. Box 12, Richmond, VA 23225 or [jgibson@nbc12.com](mailto:jgibson@nbc12.com). EOE, M/F/H/V.

### Experienced Account Executive Charlottesville, VA

This is truly a unique opportunity. The Charlottesville Newsplex (CBS19/ABC16/FOX27/MyCvilleTV/WeatherNow) is the only true broadcast TV "triopoly" 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 University 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](mailto: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.

### Promotions Producer Charlottesville, VA

The Charlottesville Newsplex, home of CBS19, ABC16, and FOX27, is seeking a PROMOTIONS PRODUCER to join our award-winning creative team. If you can write, shoot, and edit compelling station promotion, we want to talk to you. You'll also work on creative print and online advertising, outdoor billboard campaigns, guerilla marketing initiatives, and more. We are looking for someone with non-linear editing experience, great writing skills, and a desire to win. Experience

with Adobe After Effects and Photoshop are a must, and we'd 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, outdoor concert series, and minutes from the Blue Ridge Mountains, and 2 hours from the beach. Rush samples of your work, a cover letter, and resume to [hr@newsplex.com](mailto:hr@newsplex.com) or to: Charlottesville Newsplex Attn: Promotions Position 999 2nd St. S.E. Charlottesville, VA. 22902 A great driving record is a must. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace.

### Meteorologist Charlottesville, VA

The CBS, ABC and Fox affiliates in Charlottesville, Virginia, are looking for a personable, degreed meteorologist/reporter able to communicate on all of our platforms. The ideal candidate will have at least one year of experience, a Bachelors degree in Meteorology, and a NWAAMS seal of approval. Outstanding beginners will be considered. We're looking for someone able to shoot and edit on deadline and smoothly handle breaking weather coverage. You'll replace a met making a 140-market jump, join an experienced and friendly team at a fast growing station and live and work in one of America's best small cities close to the mountains, beaches and Washington, D.C. RUSH examples of your work (URL's get first look) to: Meteorologist Position ATTN: Jim Hanchett News Director The Charlottesville Newsplex 999 2nd Street SE Charlottesville VA 22902 [Jim.Hanchett@Newsplex.com](mailto:Jim.Hanchett@Newsplex.com) Excellent driving record required. The Charlottesville Newsplex is a proud member of the Gray Television, Inc. family, an equal opportunity employer, and a drug-free workplace.

### Reporter FT Lynchburg, VA

The Reporter is responsible for preparing the information gathered for on-air presentation. This individual will write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. The individual must be a good communicator, exhibit strong traits of creativity, initiative, judgement, and ability, work well with others, and take direction from management regarding job performance and on-air appearance. Advanced education in the field of Broadcast Journalism or equivalent broadcasting work experience. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Available 24/7 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! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references. WSET-TV is an Equal Opportunity Employer.

*(continued on next page)*



(continued from previous page)

**Photojournalist  
Harrisonburg, VA**

WHSV-TV is looking for a photojournalist who has mastered basic video photography and has a creative flair. If you're motivated and dependable, this is a great place to grow while you perfect your craft. Non-linear editing and P-2 digital camera experience is a plus. We're also looking for a candidate who can gather facts and present those facts well for use on air and online. This position will be based out of our Staunton bureau. Please RUSH tape and resume to: Ed Reams, News Director, WHSV-TV, 50 North Main Street, Harrisonburg, VA 22802. You may also e-mail a resume to ereams@whsv.com. WHSV-TV is a drug-free workplace. EOE

**Promotions Manager  
Norfolk, VA**

Saga's Norfolk cluster, FM99 WNOR, 106.9 The Fox and WJOI has an opening for Promotions Manager. Can you organize, manage and execute major on site events, client and station promotions and contests, and interactive projects involving all forms of social media? Do you have a talent for graphic design and layout for websites and presentations? Strong written and verbal skills are a must. Email your employment history and portfolio to promotionsopening@tciradio.net. No phone calls please. EOE.

**Local Sales Assistant  
Norfolk, VA**

WTVZ has an immediate opening for a Local Sales Assistant. We are looking for a team player to fill this position. The candidate must be ready to help our Sales Team reach their goals. A positive attitude and willingness to learn are essential qualities. Media or Broadcast experience is beneficial. The position will include data entry, customer service, clerical and telephone support to the Sales Department. Requirements: Must be detail-oriented and professional; able to work on multiple projects under tight deadlines; must be proficient in Microsoft Word, PowerPoint and Excel; good attendance is essential. Interested candidates, please submit resumes and salary requirements to: www.mytvz.com and click on Inside MYTVZ and Employment. Applicants requiring disability-related accommodations for interviews should request them in advance. WTVZ is proud to be an Equal Opportunity Employer and Drug-Free Workplace.

**Video-Journalist  
Lynchburg, VA**

The Video-Journalist position, with emphasis on Photojournalism, 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 or equivalent broadcasting work experience. Demonstration of skills by performance in audition or air-check, supported by references and pre-employment interviews. Available 24/7 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! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references. WSET-TV is an Equal Opportunity Employer.

**Television Spokesperson  
Hampton Roads, VA**

WVBT-TV FOX43 in Norfolk, VA is searching for a person 21 years or older to become the "FACE OF FOX43" -- a television spokesperson for the station. This position will be for a period of one year and will include serving as a correspondent on The Hampton Roads Show. Ideal candidates should be comfortable in front of a camera, be proficient in blogging, social medias and speaking in public. Top candidates must also be adept at shooting video and photos and editing video for use on air and online. Submit a 1-2 minute video at <http://www.fox43tv.com/> Final decision will be based on on-camera performance, originality of effort, personality, and mastery of web and mobile communications systems.

**Business Development Manager  
Chantilly, VA**

The Business Development Manager (BDM) is responsible for developing and managing federal government sales of ITI product and services. The BDM will perform the planning, coordination, execution, and client business development activities within the federal government. This includes identifying and qualifying opportunities, meeting and presenting to prospective clients; capture management, proposal development, and contract and account management. The BDM must be able to implement a strategic, solution-oriented approach to create interest in our unique value and build market position by identifying, developing, defining, negotiating, and establishing business relationships. If you are an innovative business development professional who seeks to work with dynamic professional visual information & IT services company and has three to five years experience identifying and closing new business with the federal government; a proven track record of successful sales and proficient understanding of the federal procurement process, please contact us. We offer a competitive salary along with excellent benefits that include 401k, medical/dental/disability/life insurance and other benefits. Candidates should have: College Degree in business, public policy, multi-media, telecommunications or equivalent experience; Minimum of three to five years business development experience with the Federal market; Familiar with government procurement and contracting; Proposal development process; Ability to communicate effectively in presentations to small and large groups; Excellent MS Office Professional Computer and web skills.

**Anchor/Producer  
Winchester, VA**

TV3 Winchester is looking for a talented, organized and motivated Anchor / Producer to help take our newsroom to the next level. We're looking for a natural story-teller who can creatively showcase the "Big Story." We're looking for someone who can be a newsroom leader and help develop our reporters and

producers. Knowledge and experience with internet news presentation is desired. Experience with I-News and non-linear show editing and production is a plus. This is a great opportunity to work in a growing market just an hour from Washington DC. Check us out on the web at [tv3winchester.com](http://tv3winchester.com) to see our product. If you think you can take us to the next level, please RUSH your resume, tape and news philosophy to Denise Chandler, News Director, TV3 Winchester, 633 Millwood Avenue, Winchester, VA 22601. You may email your resume to [denise@tv3winchester.com](mailto:denise@tv3winchester.com). NO PHONE CALL PLEASE. TV 3 Winchester is a drug-free workplace. EOE

**TV News Photojournalist  
Portsmouth, VA**

WAVY TV (NBC), 2009 NPPA Medium Market Station of the Year, and WVBT (Fox) are looking for a talented photojournalist to join our award winning staff. NPPA style of shooting and editing preferred. Experience in microwave live van operations, non-linear editing, and willingness to work as a solo journalist is required. We edit on Avid NewsCutter and shoot on Sony XDCAM. We are in the Norfolk/VA Beach, VA market (#43); however, our market extends from Williamsburg, VA to the Outer Banks of North Carolina. If you want to join a great news team, send DVD and resume to: Jeff Myers, News Operations Manager/Chief Photographer, WAVY TV, 300 WAVY Street, Portsmouth, VA 23704. No Calls please. EEO

**Qualified Account Representatives  
Roanoke & Lynchburg, VA**

Outside sales positions available in both Roanoke and Lynchburg. Opportunity to sell 5 top rates radio stations/websites: WYYD, WROV, WJJS, Steve-FM and Sunny-FM. Money motivated? Send your resume to [Lynchburgcareers@clearchannel.com](mailto:Lynchburgcareers@clearchannel.com) or [Roanokecareers@clearchannel.com](mailto:Roanokecareers@clearchannel.com). Previous outside sales experience, understanding of new media technology and digital selling is a must. Some college preferred. Benefits include: medical, dental, vision, life, 401k, EAP, Paid Vacation and Sick Leave.

**Sales Account Executive  
Charlottesville, VA**

Minimum two years experience selling radio advertising with both advertising agencies and face-to-face with retail and business clients. Candidate should possess excellent presentation skills and be computer literate. Responsibilities include targeting new accounts, upgrading and servicing existing accounts, sports sales, being able to write winning presentations, consistently achieve monthly budgets, excel in a competitive environment, have good verbal skill and be a team player. Fax resume and cover letter (no phone calls please) to: Michelle Conner General Sales Manager Charlottesville Radio Group Fax: 434-220-2304 Charlottesville Radio Group is an EOE.

**View the latest listings at  
[www.vabonline.com/careers](http://www.vabonline.com/careers)**

# VIRGINIA ASSOCIATION OF BROADCASTERS 73rd Annual Summer Convention

## ACCOMMODATIONS

The VAB 73rd Annual Summer Convention is taking place at the Hilton Virginia Beach Oceanfront Hotel. This 21-story hotel offers panoramic views that rank among the best on the mid-Atlantic coast. Recognized as one of the premier hotels on the Virginia Beach Oceanfront, the Hilton offers the most luxurious accommodations, superior first-class service and plays host to Virginia Beach's only roof top infinity pool. There are two award-winning restaurants within the hotel, Catch 31, which features a raw bar and fresh seafood selections and Salacia, Virginia's only AAA Four-Diamond Steakhouse.

### Captains Quarters Information

A block of rooms has been reserved for the nights of Wednesday, June 23, Thursday, June 24, Friday, June 25 and Saturday, June 26. In order to receive the convention rate of \$209/night, please call the Hilton Virginia Beach Oceanfront Hotel at 757-213-3000 or 1-800-Hiltons to make your reservations.

To reserve online, please visit [http://www.hilton.com/en/hi/groups/personalized/ORFVHHF-VAB-20100623/index.jhtml?WT.mc\\_id=POG](http://www.hilton.com/en/hi/groups/personalized/ORFVHHF-VAB-20100623/index.jhtml?WT.mc_id=POG)

**\*\*The VAB Room Block will be available until Monday, May 24, 2010 or until the group block is sold-out, whichever comes first.\*\***

Please note, there are a limited amount of rooms in the block for Wednesday, June 23 and Saturday, June 26. The number of rooms in the block for Thursday and Friday nights is significantly higher. If you try to reserve a room arriving on Wednesday, June 23 and are told the block is full, simply change your arrival to the next day, which would be Thursday, June 24.



## Ahoy Mateys!

Arrrrrrrr you prepared to join the crew of the Virginia Association of Broadcasters at the 73rd Annual Summer Convention? If you be adventuresome and lookin' to make port by the sea at the end of June, here be the keys you need to start ye on ye journey.....

## CONVENTION PROGRAM/AGENDA

### Thursday, June 24

12 Noon – 2 PM	VAB Board Meeting and Luncheon
2:30 – 4:30 PM	How to THRIVE, Not Just Survive in Today's Market <i>Michael Guld, Guld Resource Group</i>
6 PM	Welcome Reception
7 PM	Dinner on Your Own

### Friday, June 25

7:30 – 8:30 AM	Past President's Breakfast <b>(Registration Required)</b>
8 – 8:45 AM	Family Breakfast
8:45 – 9 AM	<i>Commissioner Robert M. McDowell, Federal Communications Commission (invited)</i>
9 – 10 AM	Broadcasting in the New Frontier – A Panel Discussion –
10 AM – 12 Noon	"No Bad Days" - a motivation presentation by <i>Bruce Hamilton</i>
12 Noon	Virginia Chamber of Commerce and their Free Enterprise Campaign <i>Randy Smith, WSET-TV, Lynchburg</i> <i>Dorcas Helfant Browning, The Virginia Chamber of Commerce</i>
12:45 PM	Small Market Radio Luncheon <b>(Registration Required)</b> Raising Radio Rates <i>Mark Levy, Radio Advertising Bureau</i>
6 PM	Awards Reception
7 PM	Awards Dinner

### Saturday, June 26

9 AM	Family Breakfast
------	------------------

# Convention Registration

During these tough economic times, the VAB is here to help. For the third year in a row, **the registration fee to attend the Summer Convention will be \$0.** In addition, the VAB would like to **give attendees \$200 each in VAB Bucks to be used towards your overnight accommodations and redeemed upon check-out at the Virginia Beach Hilton.**

Registration includes a welcome reception on Thursday, full breakfast buffet on both Friday and Saturday mornings and refreshment breaks as well as the Awards Reception and Banquet on Friday evening!

## Station Information

Call Letters \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_

## Attendees

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

## Small Market Radio Luncheon (Informal lunch for small market broadcasters)

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

## Past President's Breakfast (For Past Presidents of the VAB Only)

Name \_\_\_\_\_

\_\_\_\_\_ Number attending the entire conference

\_\_\_\_\_ Number attending the Awards Reception and Banquet

## PLEASE REGISTER BY WEDNESDAY, JUNE 16

Full payment must accompany registration form. Questions or concerns? Contact Amy Shaw in the association office at 434/977-3716 or email amy.shaw@easterassociates.com. Register online at [www.vaboline.com](http://www.vaboline.com) or mail/fax registration to: VAB, 600 Peter Jefferson Parkway, Suite 300, Charlottesville, VA 22911. Phone: 434/977-3716. Fax: 434/979-2439.

## PROGRAM HIGHLIGHTS

### HOW TO THRIVE, NOT JUST SURVIVE IN TODAY'S MARKET

#### Michael Guld

While there is no magic bullet to being a million dollar media rep, there are actionable tools, tips and systems that can immediately transform "positive potential" into "peak performance."



Regardless of economic conditions you can achieve breakthrough results by following success principles that have helped thousands across the country to grow their business.

### NO BAD DAYS

#### Bruce Hamilton

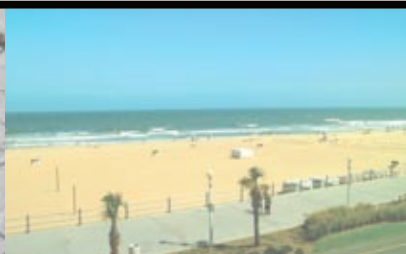
This fast-paced humorous presentation delivers a powerful but simple message. If you allow yourself to have a bad day, you LOSE! The NO BAD DAYS Program shows you simple strategies to help you avoid those bad days and take control of your life! It's not a matter of "if" things will go wrong, it's a matter of "when" things will go wrong. Bad stuff happens! The key is the way in which we deal with it!



### RAISING RADIO RATES

#### Mark Levy

Levy presents a pricing strategy that will help you determine the optimum price for your inventory and a way to present it to your salespeople that will give them confidence to get the rate. As the economy continues to recover, you MUST know what are the lowest percentages of sell-out and prices you can charge so you can still hit budget. This session will show you how to take the guess work out of that and much more!



# Performance Tax HOT 100

Radio is where listeners discover new music and new artists. It's where the artists you love got their big breaks. But the record labels are pushing a bill that would levy a fee, or "performance tax," on the music local radio plays. That means radio stations will inevitably play less music and stop taking chances on unknown artists. The performance tax – bad for radio, bad for music.

THIS WEEK	LAST WEEK	WEEKS ON	TITLE	PRODUCER, RECORD LABEL	THIS WEEK	LAST WEEK	WEEKS ON
1	1	52			1	1	52
2	2	52			2	2	52
3	3	52			3	3	52
4	4	52			4	4	52
5	5	52			5	5	52
6	6	52			6	6	52
7	7	52			7	7	52
8	8	52			8	8	52
9	9	52			9	9	52
10	10	52			10	10	52
11	11	52			11	11	52
12	12	52			12	12	52
13	13	52			13	13	52
14	14	52			14	14	52
15	15	52			15	15	52
16	16	52			16	16	52



WHAT THE WEEKLY HOT 100 LIST MIGHT LOOK LIKE IF THERE WAS A PERFORMANCE TAX ON RADIO.

