

Q&A with Brad Ramsey: Getting to Know VAB's President

What are your thoughts on becoming the VAB President?

I am incredibly excited and honored to represent Virginia's outstanding radio and television stations. When I look around the VAB board table I see many great friends and mentors, and a group of people who go to work every day with the mission of informing and entertaining their audiences, and bettering their communities. I know as VAB President I will learn a tremendous amount from the talented board around me. Thanks to the hard work of the VAB staff, and to many great broadcasters who came along before me, I believe the Virginia Association of Broadcasters is the best association of its kind in America. This is a once in a lifetime chance to carry on that great tradition of excellence, and I already know this is an experience I will cherish for the rest of my life.

What are your goals for this year?

First, to be sure we are accurately measuring and then effectively communicating the positive impact our stations have in their communities around the Commonwealth. We



all know local radio and television stations have a tremendously positive impact on their audience, their community, and the people around them in need. For example, Virginia's television stations collectively produced more than 56,000 hours of live, local news in 2012 – that's up about 10% over just three years ago. That's a powerful story, but only if we effectively communicate it to the policymakers around us who will make some important decisions about the future of local broadcasting in the year ahead.

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Drive for the Dream Unites Hampton Roads Radio in Pro-Bono Campaign to Benefit HRADA

Hampton Roads radio groups cooperated in an unprecedented display of civic effort to assist the Hampton Roads Automobile Dealers Association (HRADA) raise funds for its Youth Automotive Training Program.

Drive For The Dream united 17 stations that collectively provided a month-long pro-bono campaign valued at almost \$300,000 to support scholarships in automotive technology at Tidewater Community College (TCC) and Thomas Nelson Community College (TNCC).

For an entire month, each person test driving a new vehicle at any participating HRADA dealership on a Tuesday or Wednesday was entered to win a \$5,000 dream vacation from a random drawing. Each test drive generated \$25 from the dealer toward the HRADA scholarship fund. ■

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President *continued*

Second, to involve more local broadcasters in the VAB. In the first half of 2014, along with VAB staff, I'll be visiting every region of Virginia for a VAB social to tell the "VAB story"... to be sure a wide range of broadcasters, from all backgrounds and disciplines, understand the role VAB plays and the valuable services VAB provides. From sales and management training, to leadership development, to paid internships, VAB offers a lot to its members. We need to communicate that information to every level of our stations. I hope those of your reading this will attend – be on the lookout for the invitation in the near future.

Third, I'd like to see a few of our key programs continue to expand. Our Best of the Best leadership class is off to a fantastic start in its second year. As far as we know it's the first and only program of its kind in the country, and I think it will continue to grow as we "graduate" more broadcasters around the state. Our VAB internship program is fantastic, and certainly has the capacity to include more undergraduates and impact more stations. The VAB funded internships are a true win-win for the stations and the interns. And finally, I hope we set a new VAB Summer Convention attendance record for the third year in a row. To be at the beautiful Virginia Beach Hilton Oceanfront, alongside hundreds of our fellow local broadcasters, just feet from the sand and the water, is an energizing experience that's hard to beat. The VAB continues to invest in outstanding programs, and I think it's our responsibility as broadcasters to show up and have a great time!

What major issues do you see facing the broadcasting industry?

My answer here may surprise you. We all know the well-documented issues – retransmission consent, advertising deduction, performance tax, FM chips in cell phones. I think the most important issue can be found on the

"If we continue to focus relentlessly on the elements within our control – continuing to super-serve our local audience, with local content they can't get anywhere else – I believe our future is brighter than ever."

other side of the camera or the microphone. Local broadcasters have always done one thing better than anyone else... serving local viewers and listeners. If we continue to focus relentlessly on the elements within our control – continuing to super-serve our local audience, with local content they can't get anywhere else – I believe our fu-

ture is brighter than ever. For years we have been very successful at playing this vital role in our communities. As consumers enjoy more and more content choices, I would argue the local choice stands out more than all the others combined.

Who is your role model? Why?

It may seem like I'm dodging the question, but I have too many role models to mention them all here. Many of them will be receiving this newsletter, and they know who they are, because they are Virginia broadcasters who have taught me the right way to treat employees, customers, and viewers. Many of them are former supervisors, but many of them have worked for me as well. The people I respect the most are those who lead by example, who give their very best effort, who try to better themselves a little bit each day, and who head home to put as much focus on their family and friends as they put on their job.

What song best describes your work ethic?

I wasn't sure how to answer this question, so I asked some of the people I work with for a little help. They suggested everything from "Shake It Up" by The Cars, to "S(he) Works Hard for the Money" by Donna Summers, to "The Lucky Ones" by Tim Myers. I guess I better look up the lyrics to see what they were trying to say! ■

Sen. Baucus Goes After Advertising in Tax Reform Draft

For the first time, proposals to limit the ad tax deduction are being pushed by the two chairmen of the tax writing committees in both the House and the Senate.

Advertising lobbyists were already sounding the alarm over a House proposal. But last week, the situation turned to code red when Senate finance committee chairman Max Baucus (D-Mont.) released a tax reform draft that included precisely what the ad community feared: a proposal that would reduce the advertising tax deduction by half.

In a slight deviation from a similar proposal floated by House ways and committee chairman Dave Camp (R-Mich.), Baucus' proposal would allow advertisers to only deduct 50 percent of advertising expenses in the first year and amortize the rest of the 50 percent over five years, not 10 as proposed by Camp.

Even though the amortization period in Baucus' bill is shorter, advertisers are still appalled that any threat to what has been considered a normal cost of doing business is being considered in both chambers.

This isn't the first time the ad tax deduction has come up as part of a tax reform or budget proposal, but this time is different, ad lobbyists claim.

"This is the most serious assault on the economics of the advertising industry in decades," said Dick O'Brien, evp of the 4As. "It's time to employ every weapon in our arsenal to extinguish this very bad idea."

If proposal gets through, opponents say, advertisers would surely cut ad expenditures across all media, impacting both jobs and the economy. Data touted by the advertising media community shows that almost \$6 trillion of the U.S. economy is generated by advertising, as well as almost 15 percent of jobs.

"What is worrisome is that Baucus and Camp claim their goal is to create jobs and



stimulate the economy," said Dan Jaffe, evp of the Association of National Advertisers.

Some believe that in the end, the numbers will win out.

"The ad tax deduction always comes up but it's always been discarded because the economy needs job creation," said Gordon Smith, president and CEO of the National Association of Broadcasters and a former Republican Senator from Oregon. "It's dumb public policy. I don't see it surviving in this Congress."

That doesn't mean that it won't be debated or that the advertising and media community should sit idly by. Both Camp and Baucus are determined to lower the tax rate to 25 percent, they're looking for revenue, and advertising is a big pot of money.

As Dan Jaffe, evp of the Association of National Advertisers puts it, it's in until it's out. And right now it's in. ■

Article courtesy of Katy Bachman from www.adweek.com.

"The ad tax deduction always comes up but it's always been discarded because the economy needs job creation."

-GORDON SMITH

Retrans Rev Projected to Hit \$7.6B by 2019

SNL Kagan's projections call for higher industry retrans fees versus this time last year despite the reduction of multichannel subs in their forecast.

SNL Kagan today updated its industry retransmission fee projections and now expect U.S. TV station owners' retrans fees to reach \$7.6 billion by 2019, versus the projected level of \$3.3 billion this year.

The projections for growth are based on rising per-month sub fees for TV station owners in recent negotiations, as well as the consolidation of the business over the last couple years, which has often led to higher retrans rates after acquired stations are brought under larger groups' umbrellas.

SNL Kagan's projections call for retrans revenues to rise to \$7.15 billion by 2018, versus their 2018 projection of \$6.05 billion from last year. In the year since SNL Kagan last updated its projections, the environment has improved for TV station owners, which have increasingly obtained rates they believe are closer to the value they bring to multichannel video services. The negotiation of digital rights has added complexity to retrans negotiations, with terms associated with distribution by the multichannel operator often more complicated to agree upon than the per-subscriber fee. Affiliate groups must secure the rights to grant digital

and second-screen distribution from their network partners when renegotiating their affiliation agreements, and there is not yet a cohesive industry approach.

SNL Kagan's projections call for higher industry retrans fees versus this time last year despite the reduction of multichannel subs in their forecast. Whereas last year multichannel subscribers were projected to grow from 100.4 million at year-end 2011 to 103.7 million in 2018, this year SNL Kagan projects that in 2018 the multichannel industry will serve 100.6 million video subscribers.

SNL Kagan has also updated its reverse retrans projections, which project the funds flow from the affiliate and O&O stations back to their network partners. Their projections show that the affiliate reverse retrans funds flow back to the networks could increase from \$1.02 billion in 2014 to \$2.25 billion in 2019. SNL Kagan shows reverse retrans payments back to the networks growing to 50% of affiliates' retrans payments over time, even as affiliates' monthly fees increase in the coming years. ■

Article courtesy of www.tvnewscheck.com.



Ron Ruth Memorial Fund Established

Radio Advertising Bureau and the Broadcasters Foundation are celebrating the life of radio veteran Ron Ruth by setting up a fund with the latter organization to benefit broadcasters in need.

Donations are being accepted at Broadcasters Foundation at 125 West 55th Street, 3rd Floor, New York, NY 10019. They ask that donors specify that funds are for the Ron Ruth Memorial Fund.

Additionally, an event to celebrate Ruth's life is being tentatively scheduled for early 2014.

"Ron was an ardent supporter of the Broadcasters Foundation," said Erica Farber, President and CEO, RAB. "We at the RAB couldn't think of a more fitting way to honor and commemorate his life and work." ■

Article courtesy of www.rbr.com.

Nickelodeon Says New Generation of Kids are Big Media Consumers



Despite the many alternative devices available to kids today, TV usage is 12% higher than nine years ago.

Post-Millennial generation kids are big consumers of media, according to a new study by Nickelodeon.

Nickelodeon says that media consumption among kids born since 2005 has grown over the past four years to about 35 hours per week, an increase of 2.2 hours since 2009.

Despite the many alternative devices available to kids today, TV usage is 12% higher than nine years ago. TV usage is up 12%. Computer and game consoles account for 27% of kids' daily media consumption. Tablets still represent a relatively small portion of media usage at 8%.

Gaming is the top activity on devices, with 96% of kids saying they use their computers for gaming, 88% saying they use their tablet for gaming and 86% say they do it on their smart phone.

Three-quarters of the kids say they watch short form video on tablets and smart phones. Half say they watch long-form content on these devices, up 23% from last year.

"We're in an important generational moment as the Millennials age up and these younger, post-millennial kids take their place," Ron Geraci, executive VP of research

and planning for Nickelodeon, said in a statement. "As this transition occurs, it's important to identify the new generation's motivators and to understand how these kids engage with the world around them. At Nickelodeon, we are pairing our own original work with reliable third-party data to tell the comprehensive story of today's kids, particularly when it comes to their relationship to tech."

The study also found that key traits for this group include being extremely close to parents and wanting to be seen as smart and funny by peers.

Most kids surveyed said they were smarter than their peers, with 8 in 10 saying they were smarter than most other kids their age.

As always, humor is important to kids, with 74% of post-Millennials describing themselves as funny, and 50% ranking themselves between 10 and 11 on an 11-point scale in which 11 represents being "very funny."

The kids appeared self-assured, with 96% saying they believe they can accomplish anything they want to if they work hard enough, according to the study. ■

Article courtesy of Jon Lafayette from www.broadcastingcable.com.



In this issue, the VAB takes a closer look at three members from this year's Best of the Best Leadership Program class.

Meet the VAB's Best of the Best



Anissa Ansoorian

Where did you grow up/go to school?

I grew up in the beautiful Shenandoah Valley of Virginia. I attended Page County High School, BRCC, GMU.

What was your first job in broadcasting?

2007, Account Executive at WHSV-TV 3 in Harrisonburg, Va.

What is your career goal?

My career goal within the next 2-5 years is to lead a high performing team of account executives for my employer.

What are you most looking forward to learning/taking away from the Best of the Best Leadership program?

I'm looking forward to learning about what makes an effective leader in the broadcasting industry and to learn my areas of strength and growth opportunities so I develop a productive development plan.

What do you like to do in your free time?

During my free time I enjoy spending time with my two amazing children (Ava, 13 and AJ, 9). They are very active kids so I spend a lot of time at baseball, basketball and softball events. In addition, exercise is really important to me — I work out 3 to 5x per week.

If you could have dinner with somebody from the past, present or future who would it be and why?

Coco Channel, the groundbreaking business women, who defied the status quo in the fashion industry is my pick. Her impact on an industry are still present forty years after her death which is a testament to the positive influence she had on people she came in contact with.



Joe Britton

Where did you grow up/go to school?

Born in Plainville Conn. Moved to Greene County, Va. in 1985ish. Graduated, went to Radford University for undergraduate and Graduate School.

What was your first job in broadcasting?

MTV/Viacom Networks

What is your career goal?

I'm living the dream. Really doing what I enjoy at the present time. It encompasses a creative outlet, and opportunity for new experiences daily.

What are you most looking forward to learning/taking away from the Best of the Best Leadership program?

Opportunities to experience things vicariously through out team members and bring some fresh thoughts/perspectives back.

What do you like to do in your free time?

Work out and anything involving entertainment.

If you could have dinner with somebody from the past, present or future who would it be and why?

My mom. It would just be nice to spend one more day with her. RIP May 5th 2010.



Misti Davidson

Where did you grow up/go to school?

Grew up in New Kent County, Virginia and went to VCU.

What was your first job in broadcasting?

Production assistant right here at WTVR CBS 6 where I am now Assistant News Director.

What is your career goal?

To make WTVR the Number 1 Station in Richmond.

What are you most looking forward to learning/taking away from the Best of the Best Leadership program?

I want to learn the best way to empower those in the newsroom to be the best they can be, to do work they can be proud of, while providing the most sought after answers to the questions being asked by our viewers and our community.

What do you like to do in your free time?

I am currently training for my second marathon and raising two hilarious and sweet kids.

If you could have dinner with somebody from the past, present or future who would it be and why?

Without hesitation, I would have loved to dine with Nora Ephron. She not only worked as a White House intern under JFK, she is a hilariously brilliant writer (best known for When Harry Met Sally and Sleepless in Seattle). She also started out as a journalist who was married to Carl Bernstein for a brief time and was one of the very few people who knew the identity of Deep Throat long before Mark Felt revealed himself to the world. Can you imagine the stories she would tell?

Watch for additional Best of the Best class members in upcoming issues of the newsletter.



Best of the Best Holds First Session

The second year of the Best of the Best Leadership Program kicked off on Wednesday, November 13th. The 2014 class assembled in Charlottesville for a "Leading with Style" session facilitated by Wrisë Booker of Reid Dugger Consulting Group. Prior to the session, each class member completed a DiSC assessment survey to determine their respective management style. The day-long session consisted of an overview of each of the four styles, and various group discussions and activities designed to enhance relationships between individuals with both similar and conflicting styles. Next, the Best of the Best class will meet at the NAB State Leadership Conference for the advocacy portion of the program.

If you have any questions regarding the VAB Best of the Best Leadership Program, please contact Jonathan Williams at (804) 643-4433 or jonathan.williams@easterassociates.com. ■

Ignoring a Reasonable Accommodation Request Under ADA Can Be Costly

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

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For example, if an employee tells his/her supervisor, "I am having trouble getting to work at my scheduled starting time because of medical treatments I am undergoing", the employee is requesting a reasonable accommodation to the employer.



The Equal Employment Opportunity Commission ("EEOC") is vested with the responsibility of enforcing numerous employment discrimination laws, such as Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, the Age Discrimination in Employment Act of 1967 ("ADEA"), as amended, etc. While the EEOC certainly enforces those federal statutes, the EEOC is placing a considerable amount of its resources and personnel on the enforcement of the Americans with Disabilities Act ("ADA"), as amended.

Because of the significant changes to the definition of "disability" under the ADA that resulted from the ADA Amendments Act of 2008 ("ADAAA"), it is much easier now for an individual seeking protection under the ADA to establish that she or he has a disability within the meaning of the statute. According to the regulations issued by the EEOC after the ADAAA was enacted, the term "substantially limits" is to be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms to the ADAAA. With one exception ("ordinary eyeglasses or contact lenses"), the determination of whether an impairment substantially limits a major life activity, according to the EEOC regulations, "shall be" made without regard to the ameliorative effects of mitigating measures, such as medication or hearing aids.

The EEOC regulations also make it easier for individuals to establish coverage under the "regarded as" part of the definition of "disability." Under the ADAAA, the focus for establishing coverage under the "regarded as" prong is on how a person has been treated because of a physical or mental impairment, rather than on what an employer may have believed about the nature of the person's impairment.

As a result of the ADAAA and the implementing EEOC regulations, the enhanced focus of the EEOC is on the employers' actions with respect to their obligation to provide reasonable accommodation. Reasonable accommodation is a modification or an adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of nondisabled employees. The ADAAA requires an employer to provide reasonable accommodations to qualified individuals with disabilities, "unless to do so would cause undue hardship."

In requesting an accommodation, the individual or his/her representative must let the employer know that she/he needs an adjustment or change

at work for a reason related to a medical condition. However, in making the request, the individual or his/her representative need not mention the ADAAA or ADA or use the phrase “reasonable accommodation” in order to give rise to the employer’s obligation. For example, if an employee tells his/her supervisor, “I am having trouble getting to work at my scheduled starting time because of medical treatments I am undergoing”, the employee is requesting a reasonable accommodation to the employer. When such a request is made, the employer and the requesting employee must then engage in an “interactive dialogue” in order to identify the appropriate reasonable accommodation.

Some recent lawsuits filed by the EEOC illustrate the consequences when an employer did not provide a reasonable accommodation. In one case, a large retailer of toys and juvenile products was sued by the EEOC for failing to provide a reasonable accommodation to an applicant. The applicant applied for a position and the employer was advised by the applicant’s mother that her daughter was deaf and that an interpreter was needed during the interview. In response to this request, the employer refused to provide the interpreter and told the applicant’s mother that the applicant would have to provide her own interpreter. The applicant’s mother then acted as the interpreter for the interview. When the applicant was not hired, an employment discrimination charge was filed and then the lawsuit was later brought by the EEOC. The retailer settled the lawsuit and was required to pay \$35,000, provide training to managers, post a notice of the settlement and other equitable relief.

In another lawsuit, a major national general construction contractor agreed to pay \$125,000 to settle a lawsuit filed against it by the EEOC. According to the EEOC, an employee sustained a leg fracture that required surgery. When the employee was released to return to work, the employee requested an accommodation of a wheelchair ramp to enter the office and to be allowed to use crutches and a walker while at work. The employer refused the requests and terminated the requesting employee within days of the employee making the request.

When a power grid employer was recently sued by the EEOC because the employer had refused to grant an employee’s request for a leave of absence, the employer argued that providing the requested accommodation represented an undue hardship because the employee’s position was a critical one that could not be kept va-

cant during a leave of absence. While an employer can minimize its liability for refusing to provide a reasonable accommodation by showing that the requested accommodation would impose an undue hardship on the company, the company in this case was not able to make the required showing. Specifically, the facts showed that, after the company terminated the employee who requested the leave of absence, the company waited a month after the employee’s anticipated return-to-work date from the leave to fill the position and then allowed the new employee to delay her own start date by another three months. The prolonged delay in filling the “critical” position seriously undercut the employer’s undue hardship defense. The employer eventually settled the lawsuit for \$90,000.

A decision of a bank to settle a lawsuit brought by the EEOC demonstrates the point that an employer’s obligation to provide a reasonable accommodation is not extinguished when the employer provides one accommodation. In this case, the EEOC alleged that the bank terminated disabled employees at the end of their medical leaves of absence rather than offering accommodations which would have allowed the employees to return to work. According to the EEOC, the other accommodations that the employer could have offered were either additional leave or transfers to different positions. To resolve the lawsuit, the bank agreed to pay \$400,000 to fourteen former employees.

Because front-line supervisors are often the supervisory personnel who first receive an employee’s accommodation request, it is important that those supervisory personnel are properly trained on the employer’s responsibilities under the ADAAA, including the obligation to provide reasonable accommodation unless it would cause an undue hardship. The front-line supervisors should be instructed that all accommodation requests must be brought to the attention of Human Resources and that any decision to reject or refuse an accommodation request must be made in consultation with Human Resources. ■

Article courtesy of John G. Kruchko and Kathleen A. Talty, Kruchko & Fries.

Have News for the VAB Newsletter?

Send your news and announcements along with any photos to Marci Malinowski at marci.malinowski@easterassociates.com.

How to Submit to the VAB Job Bank

Jobs that are printed in the newsletter are pulled directly from the online Job Bank. To include your listing:

- ▶ Go to **www.vabonline.com**. Login with your user name and password.
- ▶ Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

Meteorologist

Richmond, VA

NBC12 Richmond's No. 1 news organization has an immediate opening for a dynamic Meteorologist to join its weather team. Successful candidate must be solid forecaster and concise communicator who can tell a compelling weather story. Experience required. AMS Seal preferred. Apply online at <https://careers-raycommmedia.icims.com>. Please include link to demo reel. Drug Screen required. No phone calls please. EOE M/F/D/V.

Associate Producer

Roanoke, VA

WDBJ7, Your Hometown News Leader, is searching for an entry level Associate Producer to join our news department. Responsibilities: The Associate Producer helps in producing content for newscasts and web by researching and writing stories and filling in as producer of a show or fill in for other positions such as assignment editor. We are seeking someone with a bachelor's degree in a related field. Interested candidates please visit the following web site: <http://www.schurz.com/careers/career-opportunities/?fuseaction=mExternal.showJob&RID=1658>.

Managing Web Editor FT

Lynchburg, VA

Managing Web Editor will oversee WSET.com and be responsible for ensuring that high quality content is published in an accurate and timely manner. The Managing Web Editor is responsible for developing all aspects of WSET-TV's online presence. In addition to news gathering, writing, creating graphics, editing and proofreading site content, the Managing Web Editor will also work with WSET-TV's social media sites, live streaming, video, mobile platforms, and apps and work with

the News, Programming, Marketing/Promotions and Sales departments on various projects. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Valid Virginia Driver's license within 30 days of employment with acceptable driving record. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at www.wset.com. No phone calls please! EEO/M/F.

Digital Account Executive

Richmond, VA

The primary responsibility of the Digital AE role is to achieve monthly revenue goals through sales of digital resources. This is a key role for the Summit Media organization due to the rapid growth and opportunity for digital advertising in the market place. 2 years+ with a successful track record in B2B sales roles and 2years+ in marketing or advertising industry. General understanding of digital marketing topics. Bachelors degree. Compensation: Salary plus Commission based on experience. To Apply email or Call David Koye at david.koye@summitmediacorp.com or 804-327-0859.

Chief Engineer

Fredericksburg, VA

Star Radio Group, a division of The Free Lance-Star Publishing Co., is seeking a Chief Engineer for our Fredericksburg market which includes WFLS, WVBX, WWUZ, WNTX AM and fredFM. The successful candidate must have at least five years experience working with a group of radio stations that include multiple tower sites. This individual will need to have IT knowledge, working knowledge of AM and FM transmitters, STL systems, studio equipment, digital

studios and experience with tower leases. Proficiency with Wide Orbit or similar systems is preferred. Candidates must possess a valid Virginia driver's license, reliable vehicle and a good driving record. This full-time position includes a comprehensive benefits package. Qualified candidates may apply online at fredericksburg.com/jobs. EOE.

Anchor/Reporter FT - Weekends

Lynchburg, VA

The Anchor/Reporter position will be primarily responsible for anchoring news programs, assisting with the production of the program as determined by the show's Producer(s), setting up, producing, and reporting segments for news programs, and participating in the community activities and promotion efforts of the station. This individual will also participate in the public affairs activities of the station and must be a good communicator, work well with others, and be able to take direction from management regarding job performance and on-air appearance. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Valid Virginia Driver's license within 30 days of employment. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at www.wset.com. No phone calls please! EEO/M/F.

Reporter/Photojournalist

Harrisonburg, VA

WHSV-TV is accepting resumes for a full-time REPORTER/PHOTOJOURNALIST after one of our reporters just jumped 150+ markets. This position is primarily responsible for gathering and reporting news, as well as shooting and editing video. The successful candidate will be

comfortable on camera, have strong journalistic skills in writing, interviewing, and ethical decision-making. You will be responsible for working sources, enterprising story ideas, and follow-ups. A Broadcast Communications / Journalism degree or equivalent work experience is needed. A good driving record is also required. E-mail resume, cover letter, and link to reel to: knorred@whsv.com You may also mail your materials to: WHSV-TV 3, Attn: Kay Norred, News Director, 50 North Main St., Harrisonburg, VA 22802. WHSV is a drug free workplace. EOE / E-Verify participant.

Digital Journalist Roanoke, VA

The Digital Journalist is responsible for gathering all of the necessary information to tell the story of a news event. In addition, the Digital Journalist will be required to present the news story on-air from the station or from a remote location. Ability to use a personal computer; on-air presentation skills; ability to complete all aspects of a news story from the gathering and shooting information to the on-air presentation; ability to work with minimal supervision; ability to work as part of a team; strong organizational skills; ability to communicate effectively both orally and in writing (primary language is English) Bachelor's level degree in Journalism. Minimum of one-three years' experience as a Reporter, Digital Journalist or Multimedia Journalist; Apply online at www.mediageneral.com/careers Video reels and resumes should be mailed to WLSL 10, ATTN: News Director, 401 3rd Street, SW, Roanoke, VA 24011. EOE. M/F/D/V Pre-employment background and drug screenings required.

Commercial Producer Roanoke, VA

The Commercial Producer is responsible for producing and editing all long form videos as well as sales and commercial production. Employee is also responsible for commercial video shooting and script writing as well as managing station reporting of production billing. Non-Linear Editing, 3D Animation a plus, Commercial Video Shooting, Copy Writing, Shoot and Edit in HD format with HD camera and

DSLR video equipment. High School diploma or equivalent; experience is more valuable than degree; Minimum two years of commercial video editing experience in a broadcast television station, video production house or advertising agency; Apply online at www.mediageneral.com/careers Video reels and resumes should be mailed to WLSL 10, ATTN: Local Sales Manager, 401 3rd Street, SW, Roanoke, VA 24011. EOE. M/F/D/V Pre-employment background and drug screenings required.

Videographer Charlottesville, VA

WVIR-TV NBC 29 is looking for serious photojournalists who have great technical skills, work ethic, attitude and drive to be part of our award-winning News team. Excellent company with great benefits and work place environment. Rush resume, non-returnable DVD and NBC application, available for download at <http://www.nbc29.com/inside29/html/jobs.html>, to: HR Manager 503 E Market St Charlottesville, VA 22902 Or e-mail to Hrmanager@nbc29.com Applications not accompanied by application forms will not be considered. No phone calls please. EOE.

National Sales Manager Charlottesville, VA

WVIR-TV NBC29/CW29/nbc29.com, the top-rated media combo in the Charlottesville DMA, is seeking an experienced advertising sales professional to sell and service National and direct agency accounts. The successful candidate will have excellent planning, organizational, interpersonal, analytical, and communications skills. Demonstrated knowledge of ratings and software systems required. New business development and sales of new media, including internet and mobile are essential. Outstanding compensation and benefits package. Please send resume with employment history, references, and NBC29 application, available for download at <http://www.nbc29.com/inside29/html/jobs.html> to: HR Manager WVIR-TV 503 East Market Street Charlottesville, VA 22902 or HRmgr@nbc29.com. EOE.

Advertising Account Executive Culpeper / Orange / Louisa

Piedmont Communications, Inc. (WJMA-FM/WOJL-SAMFM/ WCVA-AM/ WVCV-AM) is looking for a creative person to excel in the fast-paced and challenging business of radio marketing and sales. This full-time position is not a start-up opportunity, rather it includes responsibility for a key client list with excellent current earnings and solid potential for even higher earnings. A comprehensive benefits package is included. Qualified candidates must have some sales or business experience and own means of transportation for visiting clients. Please send cover letter, resume with work history to: Elizabeth Duncan at salesmanager@wjmaf.com, or P.O. Box 271, Orange, VA 22960. EOE.

Executive Producer Richmond, VA

Creative Services Director – Are you ready to be our clients' hero by helping grow their business? WUPV/ CW Richmond seeks extraordinary, hands-on, creative individual to join our team. Successful candidate must be hard-working, creative, possess good client skills, ability to manage talent, working knowledge of Avid, familiarity with all aspects of commercial production. Strong organizational and communication skills and ability to multi-task with tight deadlines simultaneously and with minimal supervision a must. Responsibilities include CW promotional commercials and contesting, station promotions, updating web content, social media and digital content, commercial production for clients and promo fill of logs. Good driving record and drug screen required. Apply online <https://careers-raycommmedia.icims.com/jobs/1519/creative-services-director/job>. Include cover letter, salary requirements, resume and a link to your demo reel.

For a complete list of career opportunities, please visit www.vabonline.com/careers.



LEGALREVIEW

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

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False Alert Signals in Advertising Draws Enforcement Activity

Emergency Alert System (EAS) sound-alikes in advertisements have recently drawn the attention of the Commission's Enforcement Bureau.

The FCC's rules prohibit the broadcast of false, deceptive, or simulated alert signals in any circumstances other than in an actual national, state, or local area emergency or an authorized test of the EAS.

In early November, the FCC issued several releases addressing false alert signals, including an Enforcement Advisory and substantial fines against broadcasters.

In the first instance of enforcement, the FCC entered into a consent decree with a broadcast station that aired a spot for a local sports apparel retailer. The advertisement contained an auditory signal that resembled the EAS attention signal. In response to a complaint from a listener, the FCC investigated and determined the broadcast was a violation of the rules. The station entered into a consent decree requiring a rigorous compliance plan, including emergency and disaster preparedness public service announcements, and a \$39,000 "voluntary contribution."

In the second case, the FCC issued a Notice of Apparent Liability (the "Notice") against a major cable network for producing a promotional spot for a comedian's appearance on a late night talk show on the network. According to the Notice, although the spot did not include any portion of an actual EAS code, it did include prerecorded sounds that simulated the alert signal. The FCC found that the sequence of sounds in the promo spot were substantially similar to EAS alert signals—"such that an average listener would reasonably mistake the sounds for an actual EAS attention signal." Based on the nature of the violation, the nationwide scope of the network's audience reach, and the network's

ability to pay, the FCC found the network liable for a \$29,000 fine.

The Commission's recent Enforcement Advisory cautions broadcasters against the misuse and simulation of EAS alert signals and observes that the FCC is continuing to investigate other cases. According to the Enforcement Advisory, a "simulation" includes not only recordings of actual EAS codes or attention signals, but also sounds that mimic or are substantially similar to them, such that an average listener could reasonably mistake the sounds for an actual EAS alert. By contrast, general alarms or other loud noises, including bells, claxons, and sirens are not considered "simulations" of EAS alert signals and are not prohibited. Unfortunately, at the margins it may be difficult to distinguish between permissible and impermissible sounds.

The rules against false alert signals apply to a station that transmits the signals or sounds even if that station did not create or produce the prohibited programming. In other words, broadcasters will be liable for airing advertisements with false EAS alerts even if they did not produce the spot. The Enforcement Advisory also warns that broadcasters could in some circumstances be liable for violations of other laws and Commission rules, such as the Commission's rules against the broadcast of hoaxes. A copy of the Enforcement Advisory is available at the following URL: http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1106/DA-13-2123A1.pdf.

The Enforcement Advisory signals the FCC's intention to continue investigations and enforcement against violations. Broadcast stations may wish to consider new or improved protocols for review of advertising spots and other programming for false alert signals and sound-alikes. Please contact your communications counsel if you have any questions about the EAS rules. ■