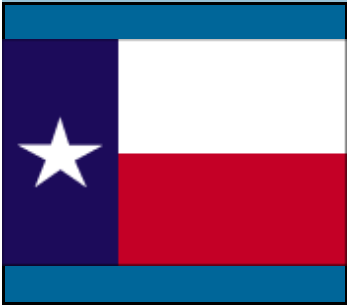


November 2000



TEXAS CIRCULATION  
MANAGEMENT ASSOCIATION

# TCMA Newsletter

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## TCMA Conference Meets in Austin

The first TCMA conference in the new millennium met in Austin, Texas on October 9-11, 2000. The 134 attendees heard from a variety of speakers ranging from the fundamentals of our business to the newest high tech toys to make our jobs easier.

Setting the mood for the conference was an upbeat performance of Using Humor in the Workplace. **Craig Zablocki**, President of Positively Humor, told us we needed to loosen up and laugh in the workplace. Craig, who made a similar presentation at the 1997 Dallas Conference, reminded us to look at four year olds. They are inquisitive and wanting to learn but they do not have any inhibitions . . . they laugh all the time! Craig encouraged his audience to give one hundred percent of our effort in everything we do.

**Steve Jacobs** (Fort Worth Star-Telegram) and **David Dadisman** (Houston Chronicle) gave a Retention Fundamentals presentation. Steve gave an overview of retention principles used at newspapers across America and Dadisman told of specific practices that have been successful at the Houston Chronicle.

The Austin American-

Statesman hosted the President's Dinner at the Lakeway Inn on Lake Travis Tuesday evening. After a scrumptious dinner, our hosts gave the conference attendees a tour of Lake Travis on an old-fashioned stern wheeler.

Wednesday morning started with the Hot Ideas Breakfast followed by a news update by **Bill Johnson** from the Newspaper Association of America.

**Mark Stansbury** from Digital Convergence, gave a presentation of the CueCat, a device that allows a user to scan a bar code in the newspaper and take the user to a Web site for additional information.

**Bob Griner** from the Arizona Republic, demonstrated the Soft Book electronic delivery list that allows carriers to keep their delivery list current every day. The device mounts on the car windshield and lets the carrier "tap" off each delivery made.

The conference finale was the annual Carrier of the Year Awards banquet on Wednesday evening. At the end of the banquet, President **Lorenzo Vigliante** transferred the gavel to incoming President, **John Whaley**. Photos of the conference can be viewed online at [www.texascma.org](http://www.texascma.org)

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### Special points of interest:

*Mark your calendar now!!*

*2001 TCMA Conference  
October 8-10, 2001*

*Beaumont, Texas  
Holiday Inn –Beaumont Plaza*

# Legally Speaking

By L. Michael Zinser, TCMA General Counsel



## No Workers' Comp for Rockford Register Star Carrier

After two years of litigation, a state arbitrator found that a former news carrier for the Rockford Register Star was an independent contractor, not an employee for Illinois workers' compensation purposes.

The contractor filed for workers' comp after claiming to have tripped over an object on a customer's porch while delivering his walking route. The news carrier terminated the contracts for his walking and driving routes several months after his accident.

A year after his accident, a private investigator filmed him playing golf for three straight hours. The videotape showed and the investigator testified that he never displayed one hint of pain, never limped, never sat down to rest, and did not even bother to rent a cart to avoid the "excruciating pain." After viewing the entire tape, the most the arbitrator could say of the contractor's day on the links was, "you're no Tiger Woods."

The contractor had been in the tax consulting and preparation business for nine years and through this experience he had become very familiar with the tax status and forms used by

small business persons. However, he claimed ignorance as to the terms of his contracts and the significance of using the W9 and 1099 forms.

The arbitrator not only found that the Rockford Register Star's witnesses more credible evidence as to the extent of negotiations between the contractor and the Company, he adopted the Company's argument, holding that the "Contractor was obligated to read the contracts and cannot now plead ignorance in order to avoid their effect."

Employing the right of control test, the arbitrator found the following factors significant in determining the carrier's independent contractor status:

Contractor had the discretion to choose when to bag papers and where to place them;

Contractor had the right to determine when to pick up papers for delivery;

Contractor determined the sequence of delivery;

Contractor provided and maintained his own vehicle for deliveries;

Contractor purchased his supplies;

Contractor had the right to solicit subscribers on his route;

Contractor had the right to adjust customer complaints or requests as he saw fit;

Contractor was not subject to monitoring in the field;

Contractor was required to indemnify the Company against damages caused by Contractor;

Contractor exercised discretion not to purchase accident insurance and would have been responsible for the premium payments had he done so;

Contractor was not required to participate in any sales or promotions;

Contractor was not bound to follow a dress code;

Contractor could not display the Company's logo on his vehicle;

Contractor had a right to negotiate for additional delivery areas;

Contractor had the right to have substitutes deliver the route for him.

*Editor's Note: L. Michael Zinser represented the Rockford Register Star in this case.*

## Come to Houston in 2002!

During the Tuesday lunch at the 2000 annual conference, the Houston Chronicle made a bid to host the 2002 TCMA Conference in Houston. **Paul Jauma** arranged for **Dottie Bossley** from the Greater Houston Convention and Visitor's Bureau to show a short video about Houston. A motion was made to hold the conference in Houston in 2002 and the vote was unanimous. We will see you in Houston—in 2002!

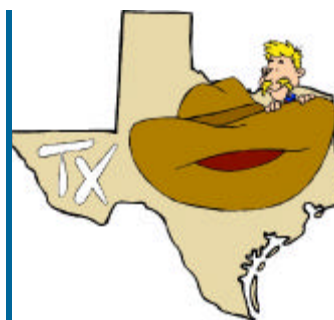
## Our Newest Members!

Melvin Lonon	Baytown Sun
Timothy Solt	Conroe Courier
Jeff Hechler	Schermerhorn Brothers
Sal Terzo	Tele-Sales Systems, Inc.
Dan Jardine	MJ Systems, Inc.
Paul Sloan	PDS
Jim Hardesty	William M Mercer, Inc.
Rune Pearson	R S Pearson Company, Ltd.
Mark Roggen	Roggen Management Consultants
Robert Keenan	The Keenan Group
Mike Tieman	Daily Sentinel
David Linzel	S & G Plastics, Inc.
Gregg Carson	Houston Chronicle
Robert Gage	Houston Chronicle
Sherri Allen	Waco Tribune-Herald
Karen Allen	Waco Tribune-Herald
Fred Golt	Restart Room
Larry Whittington	Houston Chronicle
Jerry Davis	Texarkana Gazette
John Sheppard	Jones Boys Sales Promotion
Cec Girling	Advantex Marketing
Robert Levrier	The Monitor
Ralph Morgan	Cannon Equipment Company
Robert Arrowsmith	DFW Community Newspapers
Craig Yost	Houston Chronicle

## Hot Idea Breakfast Winners

James Smith and Jo Linda Bishop hosted the annual Hot Ideas Breakfast. The following prizes were awarded to the winners for presenting a hot idea:

<b>Jim Fagan</b>	Free Spring Seminar Registration
<b>John Hensley</b>	Free Spring Seminar Registration
<b>Bobby Perry</b>	Free Spring Seminar Registration
<b>Chastity Rogers</b>	Umbrella
<b>Jim Feagan</b>	Umbrella
<b>Mark Conley</b>	Umbrella



## Texas Roundup!

### Membership Dues Increased

The TCMA Board of Directors has set the membership dues for 2001 for Regular and Associate Members at \$50.00 per calendar year. The increase is necessary to maintain a quality association you have come to expect. If you have received a newsletter, visited the Web site or attended a TCMA seminar or TCMA conference in the last year or two, you have noticed how the association has improved!

According to our by-laws, renewal notices for 2001 are to be mailed in November for the succeeding year. As part of a partnership renewal effort, the Newspaper Association of America has asked the circulation sectionals to compete for increasing membership in the state and national association. TCMA accepted the challenge and details of the partnership renewal program will be included in your renewal packet.

We are always looking for new members and if you are doing business with a vendor who is not a TCMA member, sign them up! Applications are on the Web site or call me or your Regional Director and we will see that they receive an invitation and application!

### TCMA Regional Directors

#### (Open) (South)

<b>Jack Light (North)</b>	<b>(806) 345 3421</b>
<b>Tyler Patton (West)</b>	<b>(915) 333 7722</b>
<b>Sylvia Gonzales (Central)</b>	<b>(512) 445 3753</b>
<b>Bobby Perry (East)</b>	<b>(903) 794 3311</b>

## *TCMA Golf Tournament Winners*

### **First Place Team:**

Mike Swanson - Houston Chronicle  
Rod McFarland - Dallas Morning News  
Craig Yost - Houston Chronicle  
Dan Jardine - MJ Systems, Inc.

### **Second Place Team:**

Greg Johnston - Austin American-Statesman  
Johnny Walker - Austin American-Statesman

### **Individual Winners:**

Closest to the pin - Ricky Cunningham - RAK Systems  
Longest drive - Dan Jardine - MJ Systems, Inc  
Putting contest - Jack McDowell - Fort Worth Star-Telegram

Texas Circulation  
Management Association  
TCMA Newsletter  
November 2000

James Smith  
Secretary, TCMA  
Houston Chronicle  
801 Texas Avenue, Suite 219  
Houston TX 77002  
713 220 7644  
713 354 3099 fax

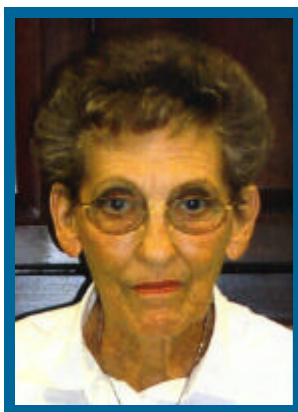
tcma@texascma.org  
www.texascma.org

## *Carrier of the Year Winners*



**Marjorie Bentz**

**Under 200  
Category**



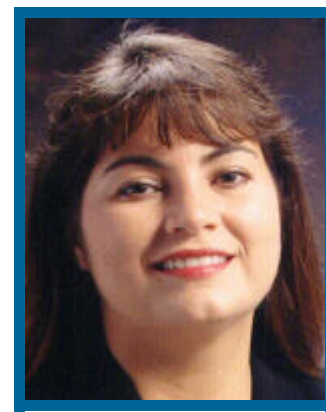
**Marjorie Miller**

**Over 200  
Category**



**Carroll Pittman**

**Single Copy  
Category**



**Norma Wilson**

**District Manager/  
Contractor**

The recipients of the 2000 Texas Circulation Management Association's Carrier of the Year Award were honored at a banquet at the 2000 TCMA Conference in Austin, Texas. Each winner was presented a commendation from the Texas' Governor's Office and a check from TCMA for \$300.00.

## TCMA Web Site—Your Best Source for the Latest TCMA News

Are you a regular visitor to the TCMA Web site? If you are, then you know you can keep up with the latest news about the TCMA association. The News-flash bar on the home page is the link to the latest news about your association. The link currently takes you to a photo display of activities of the recent conference in Austin. You can also see the winners of the Carrier of the Year Award and the finalists for this year's competition.

Also on the Web site, is an



electronic phone book complete with e-mail addresses. Have you changed your phone number or e-mail address? There is a link on the Membership page where you can submit any changes to your membership record.

A new feature of the website

is a vendor's link page. Several associate members have submitted their link to their own web site.

You can also view and print previous issues of your newsletter and keep up-to-date on future conferences and seminars.

Is something missing from the Web site you would like to see? Send your suggestions to the webmaster by using the link on the home page of the TCMA Web site located at [www.texascoma.org](http://www.texascoma.org).

## Looking for New Members

The TCMA Membership is 290 members strong. That includes 180 newspaper professionals from sixty-five Texas newspapers. Our Associate (Vendor) membership includes sixty-nine members. But there is plenty of room for growth in our Texas Association. Do you engage in business with a vendor that is not supporting your Texas

Association? Do you know newspaper professionals that should

be a member of TCMA? Personally give them a Membership Application (available from the Web site) and encourage them to join TCMA. You may be the

*They will join if  
you ask them!*

ONLY one who can reach these non-members. They will join if YOU JUST ASK THEM. We all benefit from new members as it increases our membership base and brings more knowledge and information into the association.

## Advertising Opportunities

Would you like to reach newspaper professionals with your message? The Texas Circulation Management Association (TCMA) has several opportunities to help you. In addition to our yearly Buyer's Guide, you can advertise in the quarterly newsletter, on our Web site, and

by placing flyers in the newsletter. Here are our current advertising rates:

<b>Business Card Ad</b>	<b>\$25.00</b>
per issue	
<b>Newsletter Inserts</b>	<b>\$75.00</b>
per issue	

**Web site link**            **\$50.00**  
per calendar year

For more information, check out [www.texascoma.org](http://www.texascoma.org) and click on the Vendors' link or call James Smith at 713 220 7644.

# *Conference Promotional Display Winners*

## Category Single Copy Sales

Under 75,000 Circulation

<b>First Place</b>	<b>Bryan Eagle</b>	<b>McDonald's Promotion</b>
<b>Second Place</b>	<b>Odessa American</b>	<b>Petro Express Coupons</b>
<b>Third Place</b>	<b>Lubbock Avalanche-Journal</b>	<b>Texas Tech Football</b>
<b>Honorable Mention</b>	<b>Bryan Eagle</b>	<b>Aggie Bonfire</b>

## Category Retention Promotion

Under 75,000 Circulation

<b>First Place</b>	<b>Odessa American</b>	<b>SW Conference Football</b>
<b>Second Place</b>	<b>Lubbock Avalanche-Journal</b>	<b>Rowdy Rag</b>

## Category Newspaper in Education

Under 75,000 Circulation

<b>First Place</b>	<b>Lubbock Avalanche-Journal</b>	<b>NIE Ads/Materials</b>
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## Category Promotions

Under 75,000 Circulation

<b>First Place</b>	<b>Bryan Eagle</b>	<b>One Day Sale</b>
<b>Second Place</b>	<b>Lubbock Avalanche-Journal</b>	<b>West Texas Shootout</b>
<b>Third Place</b>	<b>Longview News</b>	<b>Football Fan Pack</b>
<b>Honorable Mention</b>	<b>Odessa American</b>	<b>Direct Mail Campaign</b>

## Category Recruitment/Training

Under 75,000 Circulation

<b>First Place</b>	<b>Odessa American</b>	<b>Ad with Live Carriers</b>
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## *Need an extra Buyer's Guide?*

If you would like an additional 2000 TCMA Buyer's Guide, the association has a limited supply available. These are handy resources to keep by your phone when you need to contact a TCMA supporting vendor for supplies. Send \$5.00 to cover postage to **James Smith, 801 Texas, Suite 219, Houston, TX 77002.**

# ***Conference Promotional Display Winners***

## **Category Single Copy Sales**

Over 75,000 Circulation

<b>First Place</b>	<b>Austin American-Statesman</b>	<b>Hotel Program</b>
<b>Second Place</b>	<b>Fort Worth Star-Telegram</b>	<b>IHOP Program</b>

## **Category Retention Promotion**

Over 75,000 Circulation

Tie for First Place

<b>First Place</b>	<b>Dallas Morning News</b>	<b>Retention Loyalty Program</b>
<b>First Place</b>	<b>Austin American-Statesman</b>	<b>Retention Loyalty Program</b>

## **Category Newspaper in Education**

Over 75,000 Circulation

<b>First Place</b>	<b>Fort Worth Star-Telegram</b>	<b>Write What's Right</b>
<b>Second Place</b>	<b>Austin American-Statesman</b>	<b>Career Planning</b>
<b>Third Place</b>	<b>Austin American-Statesman</b>	<b>Career Planning</b>

## **Category Promotions**

Over 75,000 Circulation

<b>First Place</b>	<b>Houston Chronicle</b>	<b>Sampling Program</b>
<b>Second Place</b>	<b>Houston Chronicle</b>	<b>Millennium Program</b>
<b>Third Place</b>	<b>Austin American-Statesman</b>	<b>E-mail Pilot Project</b>
<b>Honorable Mention</b>	<b>Houston Chronicle</b>	<b>Bellaire Event</b>
<b>Honorable Mention</b>	<b>Austin American-Statesman</b>	<b>Direct Mail Initiatives</b>

## **Category Recruitment/Training**

Over 75,000 Circulation

<b>First Place</b>	<b>Houston Chronicle</b>	<b>Recruitment Ad</b>
<b>Second Place</b>	<b>Austin American-Statesman</b>	<b>Training Program</b>

# TCMA Board of Directors

Lorenzo Vigliante	Chairman	Bryan Eagle
John Whaley	President	Lubbock Avalanche-Journal
Jo Linda Bishop	President-Elect	Palestine Herald-Press
Paul Jauma	First Vice President	Houston Chronicle
Lane Aten	Second Vice President	Valley Morning Star
(Open)	Regional Director (South)	
Sylvia Gonzales	Regional Director (Central)	Austin American-Statesman
Jack Light	Regional Director (North)	Amarillo Globe-News
Bobby Perry	Regional Director (East)	Texarkana Gazette
Tyler Patton	Regional Director (West)	Odessa American
Wayne Brune	Associate Director	Tex-Trude
David Novitski	Associate Director	M-Perial Group
James Smith	Secretary/Treasurer	Houston Chronicle
Lorenzo Vigliante	NAA Federation Director	Bryan Eagle

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