Tri-City News Retains County's Newspaper of Record Designation...

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itor.

Harlan Enterprise's management maintained that the records were provided by a former employee whose employment was terminated in the spring of 2025.

The *Tri-City News* did not authorize that employee to remove, retain or disclose its subscriber information to another publication.

In his written statement to Fiscal Court members, Whitaker emphasized that subscriber lists represent valuable business records developed through years of relationships with readers.

"Subscriber lists are business records developed and maintained through years of relationships with readers and customers, and represent proprietary information in our business," the statement explained.

The newspaper also questioned how an undated list, obtained from a former employee who had not worked for the publication since 2025, could be used to challenge circulation figures reported in the fall of 2026.

Subscriber records continually change as readers renew subscriptions, move, pass away or become new customers.

"The suggestion that an unidentified number of names on an undated or outdated list might no longer represent active subscribers is not evidence of a newspapers current circulation," Whitaker wrote.

The *Tri-City News* has referred the circumstances surrounding the acquisition and use of the subscriber information to its attorneys for review of possible civil and criminal remedies.

Rental allegations also disputed

The documentation provided to the Fiscal Court also addressed questions raised at the September meeting concerning the *Tri-City News'* office arrangements and rental payment history.

In May 2025, following a reduction in staff, the newspaper moved its Cumberland operations from an office rented from former magistrate David Kennedy and entered into a working arrangement with Raven Rock Café in downtown Cumberland.

That partnership provides office space as well as a convenient location for customers to purchase subscriptions, submit news and advertising, make payments and conduct other newspaper business.

At the time, Raven Rock Café was operated by Caleb Jaco. The arrangement continued when April Woods subsequently became the proprietor. The *Tri-City News* submitted statements from its former and current landlords documenting its rental history and disputing suggestions that it had failed to meet its obligations.

Kennedy also confirmed that rent owed to him had been paid in full.

The newspaper maintained that the allegations concerning its rental history were unfounded and unrelated to the official circulation records used to establish its qualifications for publishing legal notices.

Postal Service records provide accountability

During his remarks Tuesday, Whitaker explained the extensive procedures required to prepare, document and pay for the newspaper's weekly mailings through the United States Postal Service.

He noted that the newspaper uses USPS electronic mailing systems and receives notifications concerning undeliverable addresses, for which additional fees are assessed.

"If we mail to an undeliverable address, not only do we pay to send it, but have to pay the post office an additional $1.00 to let us know that they did not deliver it," Whitaker told the court.

"We have every reason to keep those records current."

Whitaker said the newspaper paid upwards to $20,000 in postage for Harlan County during the past year.

He also explained that the newspaper uses sample-copy mailings and other marketing efforts to introduce its publication to potential readers throughout the county.

Kentucky law does not require every recipient of a newspaper to be a paid subscriber. KRS 424.120 establishes requirements for bona fide circulation, including that at least 50 percent of the newspaper's distribution be paid for.

Whitaker said the *Tri-City News* understands those requirements and stands behind its published circulation figures.

Evarts mailing brought new subscribers and helped miners

During the September meeting, questions were also raised about a newspaper mailing campaign conducted in Evarts more than a year earlier.

Whitaker explained that a Virginia attorney representing coal miners suffering from black lung disease had purchased a four-week mailing campaign that placed the *Tri-City News* in every mailing address in the Evarts community.

The campaign was designed to reach miners and their families who might benefit from information about available legal representation and potential compensation.

Whitaker said the effort resulted in approximately 40 new newspaper subscribers.

More importantly, he told magistrates that the attorney had recently reported that 10 miners whose claims he filed had received their first round of court decisions and might be moving closer to receiving black lung benefits.

"We don't claim that our newspaper was responsible for those outcomes, but we're certainly proud to have helped get information into the hands of people who might need it," Whitaker said.

He also announced plans for another community-wide mailing in Evarts in connection with a fall promotion supporting local businesses and the newspaper's annual subscription drive.

"That's what a community newspaper should do — help businesses reach customers, provide useful information to residents, and continually work to grow its readership," he said.

Nearly a century of service to Harlan County

Beyond the circulation figures and business documentation, Whitaker reminded the Fiscal Court of the *Tri-City News'* longstanding relationship with the communities it serves.

Established in 1928, the newspaper has chronicled nearly a century of Harlan County history, including the accomplishments, struggles, celebrations and tragedies of generations of local families.

Unlike the *Harlan Enterprise,* which is owned by a corporate newspaper organization, the *Tri-City News* is locally owned and operated by the Whitaker family through Superior Printing & Publishing, Inc.

"Tina and I have spent our lives in this region. We've raised our family here, built our business here, and invested our time and resources in the future of these communities," Whitaker told magistrates.

"When a local business succeeds, when new jobs come to our mountains, when our schools excel or when our communities overcome economic challenges, those successes matter to us personally."

Whitaker also noted that the newspaper provides thousands of dollars annually in free or reduced-rate advertising to local schools, churches, nonprofit organizations and community events.

The newspaper has also supported educational and artistic opportunities for young people, including a photography scholarship awarded this year that helped inspire additional scholarship opportunities.

"We do these things because this is our home," Whitaker said.

He acknowledged that local ownership and community involvement do not replace the legal requirements governing the publication of public notices.

"We ask for nothing more than a fair application of those requirements, based on reliable documentation and established facts, not baseless accusations," he said.

Fiscal Court retains *Tri-City News*

Following the presentations at Tuesday's meeting, the Fiscal Court again designated the *Tri-City News* as Harlan County's newspaper of record.

The decision allows the newspaper to continue publishing the county government's legal advertisements and public notices, a responsibility it has fulfilled for many years.

For the Whitaker family, the decision represented more than the continuation of a business relationship.

It also followed weeks of work gathering documentation to answer public allegations concerning a newspaper that has served Harlan County since 1928.

Whitaker said the newspaper had no desire to engage in a public dispute with a competing publication but believed it was necessary to correct the record when its integrity was questioned before a governmental body.

"We know our circulation, we understand our postal responsibilities, and we stand behind our published figures," he told the court.

"The *Tri-City News* has been a partner to Harlan County for nearly a century. We take seriously our responsibility to keep the public informed, and we intend to continue doing everything we can to serve the people of our county."

★ VOTE EARLY! ★

HARLAN COUNTY • GENERAL ELECTION

THURSDAY, OCTOBER 29
6:00 AM – 6:00 PM

FRIDAY, OCTOBER 30
6:00 AM – 6:00 PM

SATURDAY, OCTOBER 31
9:00 AM – 2:00 PM

ALL EARLY VOTING AT THE HARLAN CIVIC CENTER

HAND-TO-EYE AUDIT
THURSDAY, NOVEMBER 5 • 10:00 AM

Harlan County Courthouse • Fiscal Courtroom

Pursuant to KRS 117.383(8), the Harlan County Board of Elections will conduct a hand-to-eye audit to validate vote tabulation. Votes in one randomly selected race, tabulated by one randomly selected scanner, will be audited. The Secretary of State will select the race and scanner on November 5 and notify the county that day.

THE PUBLIC MAY OBSERVE THE AUDIT