

STOCKARD: Clerk

and master wants

no doubt about

legal ads

MURFREESBORO — Uncertainty about public notices and legal ads in the Murfreesboro Post led some court offices to abandon it. But Rutherford County general government continues to buy space in the free publication.

The Rutherford County Commission's Budget, Finance & Investment Committee voted May 29 to publish the proposed fiscal 2012-13 county budget in the Post based on a bid price of \$1,260 compared to \$3,326 from The Daily News Journal, according to County Finance Director Lisa Nolen.

"That's how we've been doing it the last three years (for budget publication)," Nolen said. The full commission does not vote on the matter, she added.

The decision came a day before Chancellor Robert Corlew ruled that a small meeting notice buried in the Post did not provide adequate notice for the May 2010 meeting when the Regional Planning Commission approved a site plan for the Islamic Center of Murfreesboro.

County government offices began moving notices and legal ads to the Post about six years ago when the newspaper opened and sought their business. But no vote was taken then by the full County Commission, according to Rick Spence, of the County Clerk's Office, which is responsible for maintaining commission meeting minutes.

The matter was handled administratively after County Mayor Ernest Burgess won election. Some county ads still go in The DNJ when timing is a problem, but typically they go in the Post.

The Rutherford County Planning

Department started running public notices in the Post in either 2007 or 2008 when staff brought the proposal to the Regional Planning Commission and took it through the budget process for a vote, according to Planning Director Doug Demosi.

“It was a situation where we thought we’d get better placement and a better product for a little less money,” Demosi said.

That decision is proving to be more expensive than expected.

The county has spent more than \$188,000 defending itself in the mosque suit, and the figure will keep going up. County planners and county commissioners voted two weeks ago to appeal, even though Corlew’s decision noted that the meeting could be readvertised in other publications and another vote held.

Corlew’s decision pointed out that the Post was not delivered in the Veals Road area

off Bradyville Pike where the mosque is being constructed. He added that it wasn't placed on the county's TV channel or its website, either.

With an eye toward that more than a year ago, the county's court system switched back to The Daily News Journal, almost as soon as Corlew allowed the plaintiffs an opening to file a challenge.

Clerk and Master John Bratcher posted this notice in the Chancery Court Clerk's office: "Given the uncertainty as to whether the Murfreesboro Post is a newspaper of general circulation in Rutherford County, the Clerk and Master of Chancery Court will no long use that newspaper to publish legal notices effective March 1, 2011."

Bratcher said he initially opted to allow ads and notices in the Post because its rates were cheaper and the office was in said.

But he later received information that its circulation was about half of that, and when Corlew allowed mosque opponents to challenge the validity of the public notice published in the Post, Bratcher made the decision to go only with The DNJ.

“I just didn’t feel comfortable anymore that it would be notice, that (the Post) would be a newspaper of general circulation,” said Bratcher, who is appointed by the chancellor.

Attorneys with the Post and Rutherford Reader sent him letters arguing that their clients were newspapers of general circulation. But he told them he disagreed.

“I was just afraid there was a chance it wouldn’t be considered that way, and who knows how this case will turn out?” he said.

The Circuit Court Clerk’s office also stopped using the Post more than two years ago, mainly because of questions about its circulation, according to Ella

Sharber at the clerk's office.

The County Clerk's Office, meanwhile, offers attorneys the option to advertise probate matters in either The DNJ or the Post, according to Spence.

Early in the Post's existence, former Publisher Mike Pirtle went to several county offices with the opinion from the attorney general and solicited their legal ads.

The first county ad to run in the Post was a Circuit Court advertisement for the grand jury in December 2006 and others followed.

County Mayor Burgess declined to talk about the matter Monday because of the pending legal matter. But he previously told The DNJ that the switch was made after he took office in September 2006.

"It was a substantially cheaper venue and

other entities had been using it,” he said.

Since the Post had an AG’s opinion, he said he opted to make the change. (The city of Murfreesboro runs its ads in the Post.)

While there is some question about whether many readers look at legal ads or public notices, Bratcher believes the matter is one of “due process,” and unless someone shows him a state statute or court case that proves otherwise, he’s going to stick with his decision.

In fact, state law requires election commission notices to be run in The DNJ “I don’t think anyone questions whether The Daily News Journal is a newspaper of general circulation, so why lose sleep over it?” he said.