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800-114

# Maryland Heights settled Daugherty for \$775,000

*City withheld amount in noted discrimination case for almost 4 months*

**By Angela Riley**  
angela.riley@molawyersmedia.com

An employment lawsuit that set a new standard for summary judgment in discrimination cases was settled for \$775,000.

The city of Maryland Heights released the details of the settlement with former police officer Douglas Daugherty 15 weeks after Missouri Lawyers Media, which publishes this newspaper, made a Sunshine Law request for the settlement amounts.

The city had initially refused to disclose the figure saying that the settlement was confidential and

Daugherty had an expectation of privacy. But state law specifically requires government agencies to release information about what they pay on legal settlements. Such information is required by law to be released within three days.

The parties had settled the case on March 13 and Daugherty dismissed the lawsuit on April 2. The case was scheduled to go to trial on April 27 in St. Louis County Circuit Court.

The city denied any wrongdoing in the settlement. Attorney representing Maryland Heights James Foster, Jr., of McMahon Berger, said the settlement satisfied at least

four different sets of interest. Plaintiff attorney Kevin Dolley, of the Law Offices of Kevin Dolley, said they were ready to go to trial before they settled.

"We had the right client for trial," he said "That makes a big difference for someone to be able to try the case. The [settlement amount] is what it is because I think [the defense] realized that we were able to try the case."

Daugherty sued Maryland Heights in 2003 and alleged that he was wrongfully terminated from his position of police captain on the

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## DAUGHERTY: Court set standard at 'contributing factor'

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basis of age and disability. Daugherty was 59 when he was fired from force in 2002.

Daugherty joined the Maryland Heights Police Department in 1986. That same year, he was hurt on the job by a drunken driver. The injury kept him out of work for nearly a year but he returned to active duty and was promoted to captain in 1999. In 2000, he missed months of work after having back surgery for degenerative spine disease which was caused by his prior accident. His increased use of sick leave and violation of two leave policies were noted in his performance evaluation.

Daugherty was told that he was terminated because he failed to meet physical tasks required of front-line officers. He disputed the claims and argued there was no evidence showing he failed to complete the essential functions of his position as captain which was considered to be supervisory in nature.

St. Louis County Circuit Court Judge Bernhardt C. Drumm Jr. entered a summary judgment on Daugherty's discrimination claims in the city's favor.

The case on appeal established a new standard that a plaintiff must meet to survive summary judgment for discrimination claims.

The Missouri Supreme Court said in *Daugherty* that plaintiffs need only prove that the discrimination was a "contributing factor" in the employee's termination. Before Daugherty, plaintiffs had to prove that the discrimination was a motivating or determining factor.

The court said there were genuine issues of material fact concerning whether his termination was discriminatory. Daugherty presented evidence that the police Chief Thomas O'Connor, who is also his brother-in-law, said in a tape-recorded conversation that the city administrator had wanted to get rid of employees over the age of 55 because their

salaries were too costly to the city.

"[The decision] indicated that the Missouri courts are going to go their own way and interpret the Missouri Human Rights Act sometimes more favorably than Federal Law," said plaintiff attorney Mary Anne Sedey, of Sedey Harper, in a voicemail message left with a reporter.

"It indicated that summary judgment shouldn't be granted very often in these cases. When you're considering summary judgment, all the plaintiff has to show is that there is some evidence that the protected characteristic was a contributing factor in the decision."

But for Foster, the decision had a different impact.

"This case became an anomaly mid-stream when the Missouri Supreme Court suddenly changed the law of employment discrimination in Missouri that had been well established and consistent with the majority of other states as well as the federal courts for decades."

Foster was retained by the city and the city's insurance company Northland Insurance to represent the city. Howard Paperner, city attorney for Maryland Heights said Northland decided to hire outside counsel because the settlement demands involved amounts higher than the city's insurance policy limits. Foster declined to comment on the policy's limits.

Paperner had referred comments regarding the settlement to Foster.

The Daugherty case is one of the most significant employment law cases in Missouri since the decision in 2003 that gave employees suing for discrimination the right to have a jury trial in state court.

The decision also has impacted later cases. In March, the Supreme Court applied the same standard outlined in *Daugherty* to retaliation claims in *Cynthia Hill v. Ford Motor Company*.

The case is *Douglas Daugherty v. The City of Maryland Heights*, 2103CC-04611-01.



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# Executive session topics remain under question

BY ALLEN EDMONDS AND BRAD SEINER  
*The Star Herald staff*

As evidence continued to mount that the Peculiar Board of Aldermen last week inappropriately discussed an across-the-board salary cut for city staff in secret, Mayor Ernie Jungmeyer on Tuesday said that he had received conflicting legal opinions on the legality of the meeting.

In the same interview, he told *The Star Herald* the board had discussed obtaining a \$100,000 line of credit from an area bank in a "closed work session" during the same July 21 board meeting – an apparent second Sunshine Law violation on the same day.

The sole dissenting vote on the banking issue came from Alderman Jim Antonides, who, when asked separately when discussion on the credit line was held, paused before answering.

"I'm truthfully trying to think," he said. "I thought we came out of executive session and talked about it."

However, video of the meeting obtained this week showed no discussion of the credit line during the public portion of the meeting.

"I've always questioned executive session issues myself," he said. "In fact, the person you need to talk to is the mayor on that."

Jungmeyer said the credit line request was designed "to help our cash flow until we can get the tax receipts and everything in so we can continue to make our normal monthly payments. A lot of our taxes don't come in until January."

The issue "was discussed in our closed work session," the mayor said.

Regarding the executive session pay cut discussion, Antonides said there were "other issues involved in that, too, that I cannot bring up," besides the across-the-board proposal.

"Let's say that (the overall pay cut) was kind of an option out of several options," he said.

*The Star Herald* on Friday published an online story which detailed the July 21 meeting as reported by city administrator Brad Ratliff and raised the issue of a possible Sunshine Law violation.

Ratliff said two days after the meeting, the board had voted unanimously in favor of a 10-percent

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# PECULIAR: Queries surround executive sessions

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across-the-board pay cut for city employees. That account was backed by the city's draft version of the minutes of the meeting, which had been posted on the city Web site.

Those draft minutes have since been removed from the city's Web site.

Neither the pay cut nor the credit line request had been scheduled to be discussed, according to an agenda distributed in the days prior to the July 21 meeting. According to Ratliff, the pay cut was discussed in executive session, which would be an apparent violation of Missouri's Sunshine Law, which governs open meetings and records, according to Jean Maneke, attorney for the Missouri Press Association and a Sunshine Law expert.

Personnel matters regarding a group of employees, including pay cuts, are to be discussed in an open meeting, Maneke said.

"There was a case involving the North Kansas City School District years and years and years ago," Maneke said. "And the courts said if you're talking about groups of employees where you're not talking about individual employees, then you can't do that in closed session. It needs to be done in open session."

Jungmeyer said the board did discuss the overall pay reduction in executive session.

"Maybe, just maybe we should have discussed the 10 percent in open session and then waited to discuss the other (individual job actions), which we ended up not doing anything on."

But he remained unclear Tuesday on the legality of the board's action.

"We have conflicting opinions on that, OK? Our normal attorney says we're all right. A representative from the (Missouri Municipal League) says we weren't. A legal representative from (the Mid-America Regional Council) says we were.

We didn't do it intentionally, by any means," Jungmeyer said.

An exception to the law does allow public boards to discuss individually identifiable employees in private so as not to violate personal privacy.

Following the closed session – the second of the night – aldermen re-entered the public

meeting and voted unanimously for the wage cut, according to Ratliff. That description of events was verified by a video of the meeting, which was requested by *The Star Herald* on Friday and received on Tuesday.

The video showed votes being taken on both the credit line and wage cuts with no public discussion.

The 10-percent cut will take effect Aug. 1 and will run through Oct. 1, 2010, according to Ratliff.

"It hasn't gone through yet, but it was a discussion to make ends meet because, you know, revenues continue to drop," Ratliff said last week. "So, since revenues continue to drop, the mayor and the board directed me that starting August through next (fiscal) year, to lower salaries by 10 percent across the board – every employee from myself, down."

Ratliff said the board acted properly in discussing the matter behind closed doors.

"Basically, we discuss personnel issues in executive session," he said. "So, the discussion was the personnel matters, then they came out of executive session and voted publicly to do it.

"Personnel issues can range from termination of employees or problems with employees. It can be more than one employee, the funding of employees. Anything that effects employees is an executive session issue."

At Maneke's suggestion, *The Star Herald* last week notified Cass County Prosecuting Attorney Teresa Hensley of the situation and filed a formal complaint with Attorney General Chris Koster.

According to Section 610.021 of the Missouri State Statutes, closed meetings and closed records are authorized when personnel matters such as "hiring, firing, disciplining or promoting particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Though the board voted specifically to "instruct the city administrator to reduce salaries of all city staff by 10 percent across-the-board," Ratliff said last Thursday that aldermen were still discussing how the cut would be handled, whether "across the board or through furloughs."

Video of the meeting showed Alderman Holly Stark wording her motion exactly as it appeared in the draft motion – with no mention of further consideration. The motion was seconded by Antonides and no discussion occurred prior to the unanimous vote.

But Ratliff said last Thursday the matter was still the subject of further consideration.

"Right now, department heads are getting together with staff to work out what would be the best way to accomplish that. We're appreciative of the board letting the employees try to have some ownership in it."

For the past 2 1/2 years, the city's operating budget has been cut by about 30 percent, according to Ratliff. He said he had told the board and Jungmeyer he had done everything he could to make cuts. That's why it came down to salary cuts.

"At the last budget amendment three months ago, I told the board, 'I've cut everywhere I think I can cut. The only thing left is employees if the revenues continue to deplete,'" he said. "Revenues have continued to deplete, so now they had to make a decision that basically everyone would feel the effect of."

**'NO PROHIBITION AGAINST IT'**

In a telephone interview Friday afternoon, Peculiar city attorney Reid Holbrook strongly denied the allegation that

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aldermen violated provisions of Missouri's Sunshine Law by discussing the across-the-board wage cut for city employees – an opinion not initially shared by the Attorney General's office.

"First of all, we went into executive session to discuss the possibility of layoffs or furloughs for certain, individually identifiable employees," Holbrook said.

While refusing to directly admit that the overall wage cut was discussed in executive session, he said that in his reading of the Sunshine Law, he "could find no prohibition against" entering executive session to discuss allowable topics but moving on to topics that aren't allowed to be discussed in secret.

"I would welcome the opportunity to discuss any of this with your prosecutor or Attorney General," he said.

Holbrook is a founding member of the Overland Park, Kan., law firm Holbrook & Osborn.

*The Star Herald* on July 23 filed a Sunshine Law violation complaint against the city. A viewing of the video on Tuesday of this week revealed that no discussion of wage issues occurred in the open section of the meet-

ing, leaving open the question of when aldermen did discuss the across-the-board cut, if not in executive session.

According to staff attorney Patricia Churchill of Attorney General Chris Koster's office, an initial reading of the board's agenda and minutes indicated that it was possible that inappropriate discussion did occur behind closed doors.

"To the extent that the executive session included general discussion about the overall action (of cutting salaries across the board by 10 percent), that would not be appropriate," Churchill said.

"And it just suggests that when you look at the minutes.

She said her first step would be to draft a letter to the board.

"It will be designed to invite a response from them – at this point, it's just an informal inquiry, a review, of what's occurred."

She said actions that could be taken should her office determine a violation did occur might include ordering a new vote on any issue inappropriately discussed behind closed doors after a public discussion.

"That wouldn't change the body's decision necessarily, but at least the discussion would have been held in the open."

She said any discussion of action effecting the group of employees, rather than individually identifiable employees, would be inappropriate behind closed doors, regardless of how the conversation started.

In response to Holbrook's point that a direct prohibition of such secondary discussion does not exist, Churchill was clear.

"It's explicitly stated in the law that exceptions are construed narrowly and the law is interpreted broadly to favor openness.

"The exception is explicitly for personal information."

She also expressed concern regarding the vote directing Ratliff to begin investigating options for establishing a \$100,000 line of credit.

Holbrook said he could not recall on Friday when in the meeting the discussion on the credit line took place.

However, Jungmeyer said Tuesday that discussion was held during the "closed work session" prior to the board's regular meeting on July 21.

"Certainly that deals with financial issues, so we would be concerned about that," she said.

Nothing in the state's Sunshine Law would appear to allow that discussion to be held in secret.

Moreover, the city's agenda for that evening stated that the work session would be closed to discuss "personnel issues." Any discussion in that session

besides allowable personnel issues would appear to be a violation of state law.

#### CITY RESPONDS TO ALLEGATION

Late Friday afternoon, Ratliff e-mailed the newspaper a response from the city, insisting that the board had handled the discussion legally.

"The City believes it has committed no violation and issues the following clarification.

"On Tuesday the board of aldermen and senior staff of the city went into a closed session pursuant to RSMO 610.021 (3) for one hour to discuss a revenue shortfall and potential solutions to prevent a reduction in city services," the release said.

"One of the solutions considered was a reduction in force. Five individual employees were discussed and whether their employment should be termi-

nated. Missouri law expressly authorizes the Peculiar Board of Aldermen to go into closed session to discuss specific employees in order to protect their privacy. Since this was a work session, no vote was taken."

In that release, there was no mention of the credit line discussion that Jungmeyer said this week had occurred during that session.

The release then described a second closed session that took place later in the evening, during the board's business meeting.

"The board of aldermen, following its regular meeting on Tuesday, again went into a closed session for two reasons. One of the reasons was to discuss litigation strategy with the city attorney as authorized by RSMO 610.021(1). A second topic in this closed session was again the discussion of individual personnel and whether their termination as employees was in the city's interest to deal with budgeting issues. Again, Missouri law, RSMO 610.021(3) authorizes a closed session. No vote was taken."



## Ratliff says questioned discussions were brief in nature

Peculiar city administrator Brad Ratliff on Wednesday, reiterated his position that any inappropriate discussions in closed session July 21 were brief in nature.

"The whole purpose of the executive session was for me to discuss actual people and laying them off," Ratliff said. "As you can tell, the board didn't act that favorably to it."

Someone then spoke up, wanting to look for other possibilities.

"I think someone said, 'I would rather make a cut across the board than lay these people off,'" Ratliff said.

They also mentioned a \$100,000 line of credit for shortfalls in the budget. Both topics are not allowed in executive session and city at-

torney Reid Holbrook tried to warn the board, according to Ratliff.

"When they brought up those questions, the attorney said, 'Well, that's a decision you need to make in an open forum,'" Ratliff said.

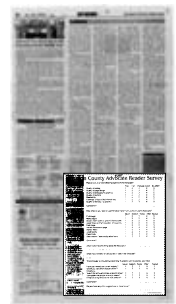
However brief the discussion on the two topics were, Sunshine Law prohibits it. Video of the July 21 meeting showed no discussion in the open segment of either topic before a motion was made and vote was taken.

"I'm just being honest with you, we didn't have a whole lot of conversation about those issues," Ratliff said. "The majority of the conversation was about those employees, those individual employees that I named."

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## 150 Jackson County Advocate Reader Survey

**Your opinion is very important to us!** Please help us make our newspaper the best it can be by giving us your thoughts and input.

Please fill out the form at right, and mail it to us at:

**Jackson County Advocate**  
 P.O. Box 620  
 Grandview, MO 64030

Or, drop it by our office (there is a slot in the door to use after business hours) at:

**1102A Main St**  
 Grandview, MO (just west of Grandview City Hall)

To say thank you for giving us your thoughts, of those surveys returned with your name and a contact number by noon on Thursday, August 13, we will randomly select two to receive a \$15 gift certificate to a local restaurant!

**FIRST NAME** \_\_\_\_\_

**PHONE #** \_\_\_\_\_  
(Only to contact you if selected in the drawing)

Please rate us on the following aspects of the newspaper:

	Poor	Fair	Average	Good	Excellent
Quality of writing	1	2	3	4	5
Quality of page design	1	2	3	4	5
Quality of photographs/graphics	1	2	3	4	5
Quality of printing	1	2	3	4	5
Readability	1	2	3	4	5
Coverage of topics that interest you	1	2	3	4	5
Quality of delivery / availability	1	2	3	4	5

Comments? \_\_\_\_\_

How often do you read or use the following items in Jackson County Advocate?

	Never	Seldom	Some	Often	Always
Front page	1	2	3	4	5
News pages	1	2	3	4	5
Around Town (events, police & fire blotters)	1	2	3	4	5
Good Times (comics, puzzles, crosswords)	1	2	3	4	5
Faith page	1	2	3	4	5
Homes Association page	1	2	3	4	5
School News	1	2	3	4	5
Local Sports	1	2	3	4	5
Classifieds	1	2	3	4	5
Use coupons / specials by advertisers	1	2	3	4	5

Comments? \_\_\_\_\_

What is your favorite thing about the Advocate? \_\_\_\_\_

What improvements would you like to see in the Advocate? \_\_\_\_\_

The Advocate is considering expanding its website, and would like your input:

	Never	Seldom	Some	Often	Always
Have you viewed our current website?	1	2	3	4	5
Would you view the Advocate online?	1	2	3	4	5
Would you... Search for archived articles online for a fee?	1	2	3	4	5
View additional photos of events online?	1	2	3	4	5
Read breaking news on the JCA website?	1	2	3	4	5

Comments? \_\_\_\_\_

Do you have any other suggestions or ideas for us? \_\_\_\_\_



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**NPG's Bradley to <sup>800</sup>serve on board**

Gov. Jay Nixon has announced several appointments to state boards and commissions, including two appointments to the University of Missouri Board of Curators, which oversees the operation of the four-campus University of Missouri system. The governor appointed David R. Bradley of St. Joseph to the board.

Bradley is the president of the News-Press & Gazette Co., which publishes Sun News' five weekly community newspapers in the Northland, the daily St. Joseph News-Press and other newspapers in Missouri and Kansas. He has worked in the newspaper business in positions from reporter to assistant managing editor to company president. Bradley has served on the board of directors for UMB Financial Corp. since 1985, is a past president of the Missouri Press Association and the Northwest Missouri Press Association, a past chairman of the St. Joseph Chamber of Commerce, and a past president of the Albrecht-Kemper Museum of Art. He has been appointed for a term ending Jan. 1, 2015.

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## Mail center move?

**U**.S. Senator Dick Durbin has secured an important victory in efforts to prevent the U.S. Postal Service from closing or reducing operations at the processing and distribution annex in Quincy, IL.



The Senate Appropriations Committee has approved legislation including a provision sponsored by Durbin that would halt such a move.

The legislation must be approved by Congress and signed by President Obama, but the panel's endorsement of the consolidation ban is, of itself, a powerful deterrent.

The proposed consolidation of sorting operation in Springfield at the expense of the Quincy facility is more than a Quincy issue. It would affect all postal patrons with 623 ZIP code prefixes in Western Illinois and everyone in the 634 and 635 ZIP codes in Northeast Missouri. These 121 communities generate an average of 40,000 pieces of first-class mail per day.

Many people from throughout the region have written to the USPS to protest the proposal. They know that transporting mail 108 miles to Springfield and then bringing it back 108 miles will delay mail deliveries. Those delays pose more than an inconvenience — they could have a crippling impact on many businesses that rely on timely delivery and receipt of mail.

Such delays would create an additional and unnecessary burden for employers already facing the challenges of a weak economy.

It also defies logic to expect

an older sorting station in Springfield to operate as well as the Quincy facility that operates out of a building that was constructed in 2000, has new sorting equipment and easy access to major transportation routes.

It is important to recognize that the employees at the center comprise a highly efficient, well-trained workforce. It makes no sense to disrupt what already is a well-functioning operation.

That is particularly true since there would be no cost savings. The 60 to 70 jobs, by contract, would not be eliminated but merely transferred elsewhere.

Those positions and the payroll associated with them should be retained in Quincy.

Mayor John Spring, the Quincy City Council, numerous local governments, business groups, labor unions and other organizations in the region have voiced their opposition to the closure or relocation of Quincy's sorting facility.

Durbin in particular is commended for his leadership in helping derail this ill-advised proposal.

The battle will not be won, even though success seems all but assured, until the legislation is approved. For that reason, opponents are still encouraged to make their views known by writing to:

Loretta Tolliver  
Customer Affairs Manager  
1720 Market St. Rm 1015  
St. Louis, MO 63155-9631

Dan Steinbeck, publisher of the *Press News-Journal* in Canton, MO, writes the following:

Missouri newspapers located in the 634 and 635 zip code areas may be affected if the Quincy, IL postal sorting center is closed! Those newspapers are urged to act!

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Friends,

While we hope it is good news that Illinois U.S. Senator Dick Durbin recently introduced legislation to keep the postal sorting facility in Quincy, IL, we must remember this is just legislation introduced. Convincing the rest of the Senate and the U.S. House to pass this is necessary.

Jim Elliott of Elliott Publishing in Illinois, who helped set up the July 9th meeting with newspapers and press associations of our respective states, and I both feel we should continue the plan to do what we can to keep the facility open in Quincy. We suggest:

- Write the St. Louis office to give our newspapers' input at: Customer Affairs Manager, 1720 Market Street, Room 1015, St. Louis, MO 63155-9631.

- Contact our federal legislators to keep them abreast of the situation.

- Seek resolutions from city councils and county commissions in our coverage areas, requesting the Quincy facility stay open as a sectional sorting center.

- Contact banks, pharmacies, utilities, and others for whom time-sensitive mail is critical and where delayed mail could be problematic, to get them to become friends on board.

Doug Crews

Missouri Press Association

If you fall under any of these categories, we would encourage you to write to Loretta Tolliver voicing your opposition to moving the mail distribution center from Quincy to Springfield, IL. It will most probably slow down delivery of your mail going both ways - in and out, and it for sure won't help delivery of our newspapers, statements, and on and on. Please do it today.

**R W W**

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**22 Doctors in NCMO improves  
Doctor/Patient communication**

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In the past, health care was like a one-way street; the doctor talked and the patient listened. But today, studies show that the quality of health care is better when doctors and patients have more of a partnership. Without good communication between the two parties quality health care cannot be achieved.

A recent study published in an American Public Health Association journal showed that good doctor-patient communication makes a difference not only in patient satisfaction but in patient outcomes. This means patients get better faster and they are happier with their experience with the health care system.

"In my experience it is not the quantity of time that is most important, rather it is the quality of time spent with each patient," said David A. Fleming, M.D., Governor of the Missouri Chapter of the American College of Physicians and professor of Clinical Medicine at the University of Missouri School of Medicine. "It is the effectiveness of communication, as reflected by patient understanding, and fostered through compassionate caring, that is really what counts in building trust with our patients."

In North Central Missouri there are 22 doctors serving a population of 32,000. That works out to about one doctor for every 1,500 people. With this kind of ratio, it's easy to see the difficulty for doctor's to spend enough time with patients.

Doctors see many patients in one day, and the amount of time you and the doctor have together is limited. According to a study published in the

New England Journal of Medicine, the average duration of a doctor visit is 16.3 minutes. This makes it vital for patients to choose a primary care physician they can talk to and who will listen to them.

"Patients often see 'routine follow-up' as too expensive and save their healthcare dollars for episodic and acute concerns, like catastrophic care. They save their money for their child's acute ear infections but lack the understanding that parental smoking in the home and car puts their child at increased risk for ear infections," said Sandra Clarkson, administrator of the Chariton County Health Center. "We are seeing more and more people who are insured for healthcare, confused, frustrated and angry with the complexity and cost of health care.

This issue must be addressed by all health care providers and educators."

There are steps everyone can take before going in for a doctor visit.

Make a list of your concerns and bring it with you. It's easy to forget something while you're in the examination room.

Talk to your doctor about any changes in the way you feel since your last visit? Any new aches or pains? Have you lost or gained weight? Are you concerned about side effects of a medicine you're taking? Have you been feeling sad or just generally "not right?" Bring these concerns up first, even if the doctor doesn't ask. Don't wait until the end of the appointment.

Don't forget to bring all your medicines with you, along with any other vitamins or supplements you take.





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Be concise (keep to the point) when telling the doctor about your concerns.

Make sure you understand everything your doctor says. Doctors sometimes use medical terms such as aneurysm, hypertension, or infarction. If you don't know the meaning of a word, ask! If the doctor makes you feel rushed and won't take time to explain things, tell him or her. You could say something like "I know you have many patients to see, but I'd feel much better if we could talk about this a little more."

If you don't have a doctor, or are interested in finding a new one, here are some useful web sites for you.

American Medical Association: [www.ama-assn.org](http://www.ama-assn.org) (click on "Doctor Finder")

Doctors who participate in Medicare: [www.medicare.gov](http://www.medicare.gov) (click on "Search Tools" then "Find a Doctor").

WebMD list of doctors: [www.webmd.com](http://www.webmd.com) (click on "Find a Doctor" for a list of eligible doctors in your plan)

About I-SHD: Informing Smart Health Decisions is a new health news service funded by Health Literacy Missouri and based in the Missouri School of Journalism. Its goal is to provide locally relevant health information to media outlets throughout the state and beyond.

About Health Literacy Missouri: Health Literacy Missouri is made up of three groups - University of Missouri, St. Louis collaborative and Missouri State University - as funded by Missouri Foundation for Health. The mission of the HLM is to develop a framework to improve health literacy in the state and to participate in a coordinating council to develop statewide strategies.

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**Mo. Gov.'s Office Denies Seeing E. Coli Report**

JEFFERSON CITY, Mo. (AP) — Missouri Gov. Jay Nixon's office said Wednesday that it was unaware of a report on dangerously high levels of E. coli in the Lake of the Ozarks until days before its release, despite a newspaper report that a state official sought a copy weeks earlier before a meeting in the governor's office.

E-mails obtained by the Springfield News-Leader indicate that Joe Bindbeutel, the former deputy director and general counsel for the Department of Natural Resources, sought the agency's E. coli report on June 3, one day before a meeting with an executive for a utilities trade group and an aide to Gov. Jay Nixon.

The department has come under fire for revelations that it withheld the report for a month. A Senate environmental committee has said it will investigate, and Attorney General Chris Koster is looking at whether state open-records laws were violated.

Nixon spokesman Jack Cardetti told The Associated Press on Wednesday that the June 4 meeting focused on energy issues because Bindbeutel was a possible nominee for the Public Service Commission, which regulates utilities. Kristy Manning, the governor's deputy director of legislative affairs, also attended.

Cardetti said neither E. coli nor the Lake of the Ozarks was discussed and that Bindbeutel did not leave a copy of the report.

"He came straight to the meeting and left. It was his only meeting (with the governor's office) that day and at no time did the Lake of the Ozarks come up," Cardetti said.



Enterprise  
Courier  
Charleston, MO  
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CHARLESTON, MISSOURI

## Local Papers to reduce paper size

The Enterprise-Courier and the East Prairie Eagle will be reducing their paper size starting next week.

Our printer, Cape Central Publishing, has had to change the paper size due to outrageous paper and ink costs.

Many newspapers in this area have already reduced their paper size.

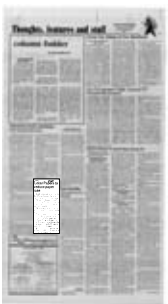
To keep our rates the same, for the time being, we have elected to go to the smaller paper width.

The width will change from 11.625 inches to 10 inches and the newspaper will be half folded instead of quarter folded.

We appreciate all our loyal and dedicated readers and hope this isn't an inconvenience.



East Prairie  
Eagle  
East Prairie, MO  
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<sup>500</sup>  
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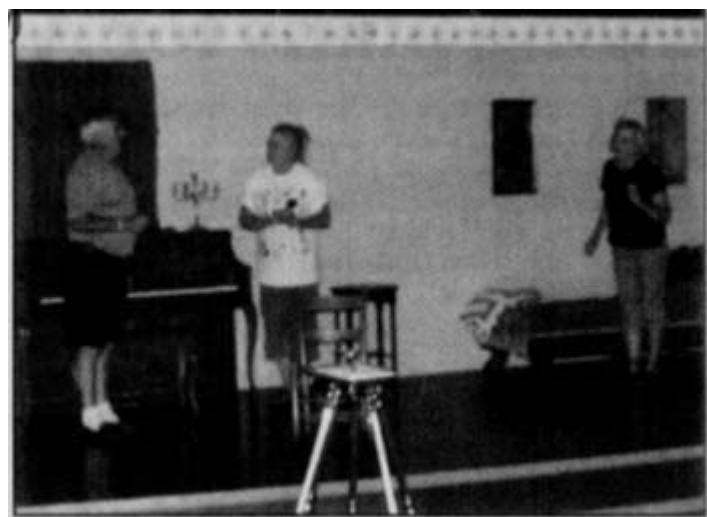
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Press News  
Journal  
Canton, MO  
Circ. 2950  
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**JUST PRACTICING** - The cast of the Canton Festival Theatre continue rehearsing as they prepare for the upcoming play on Saturday and Sunday. The play will be performed in Canton.

900  
**Canton Festival Theatre  
to present comedy this  
weekend at Playhouse**

Canton Festival Theatre will present "You're Never Too Old" at the Lewis Street Playhouse in Canton, at 7 p.m. Saturday, August 1, and 3 p.m. Sunday, Aug. 2. Tickets are available in advance or at the door.

"You're Never Too Old" is a two act comedy written by Canton native David Steinbeck. The play follows opportunist Robert Dudley Dewithers and his son as they meet two spinster sisters who serve as marks in their get-rich-quick scheme. The sisters, Orphelia and Amanda, decide to shake up their routine and take a chance on the traveling pair. Robert Dudley and his son vow not to mention marriage; but after a few dates, they may just change their minds!

The play is directed by

Carol Mathieson and the cast includes Jerry Davis as Robert Dudley Dewithers, Jim Ellison as Darrell Dewithers, Diane Brown as Orphelia Perkins, Patti Meldrum as Amanda Perkins and Susie Job as Annabelle Newton.

The late David Steinbeck penned a collection of short plays that were often performed by the Canton Festival Theatre. Publisher of the Canton Press-News Journal for 37 years, Steinbeck was inducted into the Missouri Press Association Newspaper Hall of Fame posthumously in 2008.

Lewis Street Playhouse is a project of the Canton Area Arts Council. For more information and a schedule of upcoming events, visit [www.showmecanton.com](http://www.showmecanton.com) and click on Lewis Street Playhouse.