

'Unsolicited advertisement' fax law causes panic

By Tom Betz
The Goodland Star-News
 Businesses are panicking about a "new" federal law prohibiting the sending of "unsolicited advertisements" using fax machines, but for most business, the impact shouldn't be too serious.

The Federal Communications Commission has revised its rule implementing a 1991 law, but the new rules don't affect normal business use of the fax machine. They do affect anyone sending unsolicited advertising matter by fax; from now on, advertisers will need written

permission to send someone a fax. One businessman said he did not know he was going to be able to fax his customers or even send information to his suppliers with the new requirement for prior written approval of advertising faxes. However, the rule does not apply to ordinary business faxes, only to advertising.

Unless there is a last minute stay, the new federal rule goes into effect on Monday. It tightens the regulations on the type of promotional faxes that can be sent out. In changing its rules, the commission was responding to a portion of the new No-Call-List law that was passed in March and goes into effect in October.

"Our decision today (July 3) is the most sweeping consumer protection measure ever adopted by the commission," said Michael L. Powell, Federal Communications Commission chairman. "No longer will consumers be forced to endure unwanted telephone calls and faxes. Under the Telephone Consumer Protection Act and our revised rules, consumers are empowered to choose."

The Telephone Consumer Protection Act was passed by Congress in 1991, making it illegal to send "unsolicited advertisements" using fax machines. This law was aimed at the growing number of junk faxes which were being sent to businesses and citizens without their approval or acceptance.

For over 10 years, it has been against federal law to send advertisements by fax unless there has been a prior "established business relationship." This meant if you were a member of a trade association, they could send you promotional faxes about goods and services they had available without having to have your written prior approval. It meant that companies you did business with on a regular basis could send you "unsolicited faxes" because of the ongoing relationship.

Under the 1991 law, it is possible to take a company to court for sending out junk faxes. In a recent case, a man in Maryland sued Sears for sending unsolicited faxes and the court awarded \$569 in damages and court costs.

The new fax rule was issued on July 3, after six months of public comment, and published in the federal register on July 25. Industry trade associations and direct marketing firms are asking the commission to delay the implementation and do a further review.

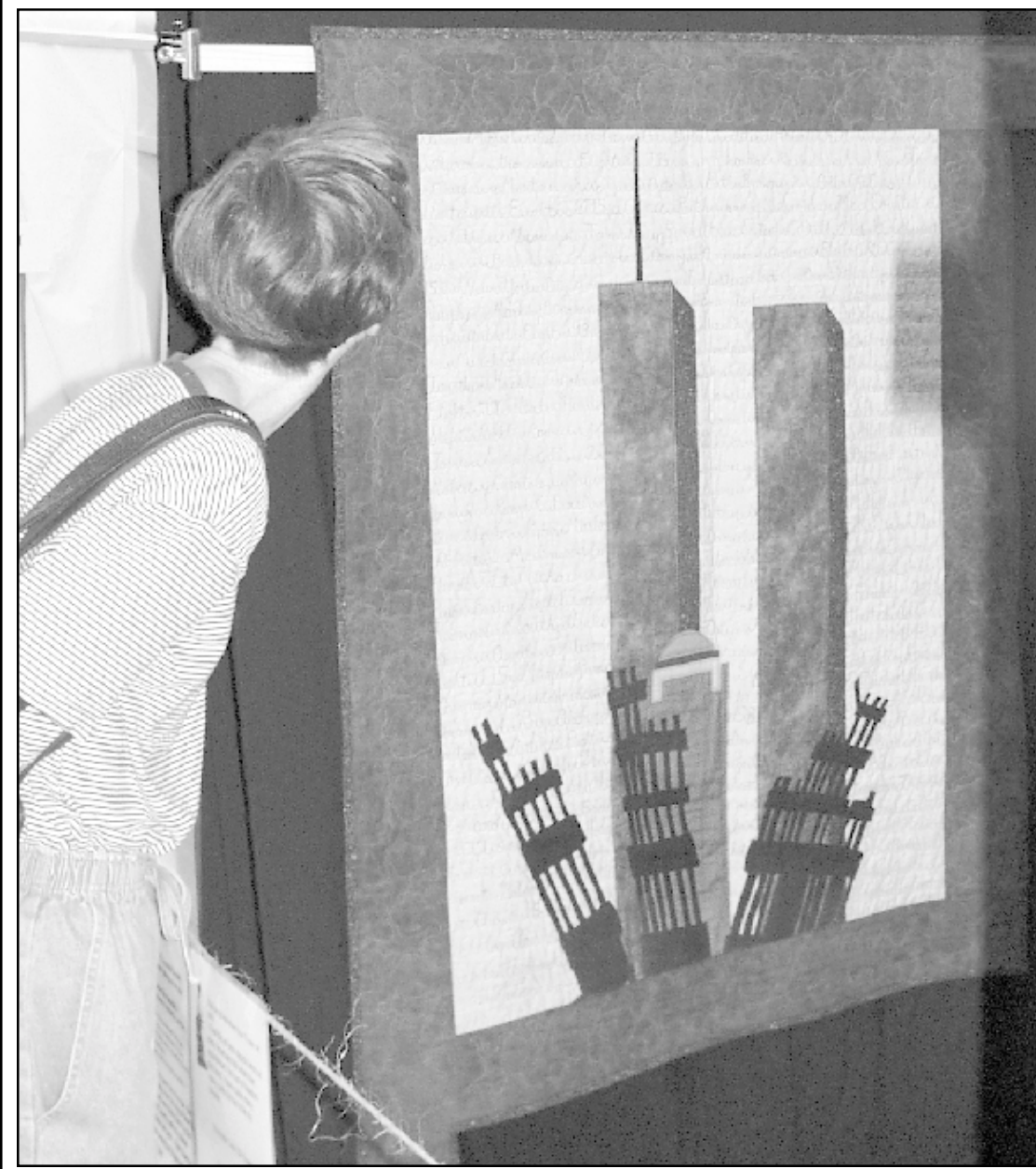
On March 11, the Do-Not-Call Act was signed into law, authorizing the Federal Trade Commission to collect fees from telemarketers

for the implementation and enforcement of a do-not-call registry. The Do-Not-Call Act required the Federal Communications Commission to issue a final rule in its telephone consumer protection proceeding within 180 days, and to consult and coordinate with the trade commission to "maximize consistency."

In the discussion of the new rule the commission said, "We now reverse our prior conclusion that an established business relationship provides companies with the necessary express permission to send faxes to their customers. As of the effective date of these rules, the existing business relationship will no longer be sufficient to show that an individual or business has given their express permission to receive unsolicited facsimile advertisements."

The rule says a facsimile advertisement is not "unsolicited" if the recipient has granted the sender prior express permission as evidenced by a signed, written statement that includes the fax number to which any advertisements may be sent and indicates the recipient's consent to receive such facsimile advertisements.

Reliving Sept. 11 through quilts



Jean Holste of Humboldt, Iowa, daughter-in-law of Velma Holste of Goodland, looked at the quilt, "Ghost Tower," by Linda Reinagle Friday at the Carnegie Arts Center. The "American Spirit Quilt Collection" has been traveling around the country and was sponsored in Goodland by the Prairie Piecemakers. Over 200 people viewed the exhibit and donated \$200 to the Piecemakers.

Photo by Sharon Corcoran/The Goodland Star-News

matters of record

Goodland Police

The following crimes were reported by the Goodland Police Department:

Western State Bank reported forgery of a \$20 bill that was cashed at 815 Center on July 11. The case is still pending.

A bench warrant was issued for Marshall W. Carson for failure to comply July 11. Carson was arrested at 311 East 12.

Elizabeth A. Perez reported criminal damage to a 1991 Chevy July 11 at 108 Aspen Road. The car suffered paint scratching worth \$501. The case is still pending.

Marie C. Sandoval reported criminal damage to a 1998 Mazda July 11 at 108 Aspen Road. The car suffered paint scratching worth \$501. The case is still pending.

A bench warrant was issued for

failure to appear for Charolette T. Morris on July 10. Morris was charged in Municipal Court.

Aaron Thompson reported criminal damage on July 10 at 108 Aspen Road for his 1994 Pontiac the car suffered paint scratching and license plate damage worth \$520. The case is still pending.

Emanuel B. Young and Matthew L. Rivera reported a theft at 910 West 10th of a Playstation game player, DVD movie player and video games July 9 for the amount of \$800. The case is still pending.

Betsy Boyington of Castle Rock, Co. suffered criminal damage for window damage in the amount of \$100 near the Alco Building at 1121 Main Street July 05. The case is still pending.

Jesse C. Maupin reported a \$253.34 check forgery from 2160 Commerce Road on Aug. 13. The case is still pending.

Marshall A. Thomas, Denny L. Windell, Ruben Garcia II and Iris Scheopner reported burglary and theft from 613 West 9th on Aug. 5. Two items reported stolen were a shotgun and VCR total worth \$790.

Thomas M. West reported a stereo taken from a vehicle worth \$200 from 2160 Commerce Rd. Aug. 12.

Benjamin D. Haydock reported a burglary and theft of a checkbook from a vehicle from 402 East 17th on Aug. 11.

Nichole D. Gallentine reported a burglary and theft of a purse and wallet and cash taken from a vehicle from 402 East 17th on Aug. 11.

public notice

In the Matter of the Estate of Clara James a/k/a Clara F. James, Deceased
 Case No. 03P30

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been, filed in this Court by Ronnie G. Maifeld, the personal representative appointed under the "Last Will and Testament of Clara James," deceased, dated, August 14, 1991, praying that: the foreign will of Clara James, deceased" dated August 14, 1991 be admitted to probate and record in this Court; no administration of the Estate is necessary the will be construed, and the following Kansas real estate owned by the decedent:

The West Half (W/2) of Section Seven (7) and the Northwest Quarter (NW/4) of Section Eighteen (18), Township Six (6) South, Range Forty-one (41), West of the 6th P.M., Sherman County, Kansas

Section Thirteen (13) and the East Half (E/2) of Section Fourteen (14), Township Six (6) South Range Forty-two (42), West of the 6th P.M., Sherman County, Kansas,

be assigned in accordance with the terms of the Will.


You are required to file your written defenses thereto on or before September 2, 2003 at 10:00 a.m. in the district court, Goodland, Sherman County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be, entered in due course upon the petition.

Ronnie G. Maifeld
 Petitioner

Zuspan & Zuspan, P.A.
 1015 Center P. O. Box 968
 Goodland, Kansas 67735-0968

Phone 785-899- 6555
 Attorneys for Petitioner

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LIGHT THE WAY TO A CURE

Keep the fire of hope burning by purchasing a luminaria candle in memory of someone lost to cancer, in honor of someone still fighting, or in special recognition of someone who has beaten this dreaded disease.

Relay for Life of Sherman County Friday & Saturday - Aug. 22 & 23 7 p.m. to 7 a.m. at The Sherman County Fairgrounds

Complete this form and send it along with your donation to:
 Sherida Shoff, 1222 Broadway, Goodland, Kan. 67735

Name _____
 Address _____
 City _____ State _____ Zip _____
 Daytime Phone (_____) _____

**Please join us for the luminaria ceremony at 9 p.m.
 \$10.00 per luminaria please!**


In honor of In memory of

 In honor of In memory of


Total Enclosed _____

Make checks payable to: The American Cancer Society


Your New Home!




New Lowered Price...324 W. 13th ... Newly remodeled 5 bedroom, 2 bath home with double car detached garage. New kitchen, bath, floor coverings, light fixtures, central heat and air, roof plus lots more! Was \$64,500... **Now \$57,000.** Motivated seller...let's talk! Please call Donna Moore to see this home.





803 Cherry...Brick ranch...Large living room/dining room, eat-in kitchen, two bedrooms, 2 baths, attached garage, underground sprinklers, central heat & air. **\$79,500.** Please give Donna a call to take a look.



611 Sherman ... You've got to take a look inside...mint condition...3 bedroom, 2 bath home with open floor plan, screened in porch with hot tub, detached garage...**\$65,000**...please let Donna show you this home.



902 East 8th...Big corner lot...with lots of room for expansion...This home has a large living room, eat-in kitchen, two bedrooms, and bath on main floor. The basement has two more bedrooms, bath and large storage area. There's a fenced yard, garage plus lots more! **\$54,500.** Please call Donna to view this home.

Cynthia Butts, 899-3944; Donna Moore 899-6159.
RICHARDSON'S HOMESTEAD REALTY, INC.
 **1023 Main • Goodland, KS 67735** 
785-899-2328 or 1-800-974-2426
ORE-MAIL US AT: homested@goodland.ixks.com
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