

August 19, 2012

To: MCAM Board of Directors

From: Duke Gomez-Schempp
MCAM Member

Complaint

I am submitting two complaints for the MCAM Board of directors to review and I request that I be given a fair hearing by the Board of MCAM for my grievances.

Item 1.

Membership status

Item 2.

MCAM's lack of commitment to serving the public as a Cable Access Center

On August 12, 2012 I was ordered to rescind my Individual Membership and to pay a non-profit membership by Tony Tilton, MCAM General Manager

I refuse to relinquish my individual membership and be forced to pay a nonprofit membership.

I became a MCAM Member in 2011, paid my individual membership and paid an additional 6 student memberships for volunteers through the MSUM Social Work Department. The students were working with me in a project where we were collaborating with MCAM and The People's Press Project (PPP) was coordinating and offering training on camera operation and media production.

I have continued to utilize one camera from MCAM 4 times a month since May of 2011. I do not use any other equipment or utilize any staff time from the organization. I have produced monthly requests for the check-out and use of 1 camera and tripod on a monthly basis and I have been granted access to this equipment by Tony Tilton and Sarah Palm of MCAM. There are emails documenting every check-out of equipment and favorable responses from MCAM staff. There has never been any communication about membership status or any problems associated with the check-out requests. All equipment was returned in its original order and there were no problems raised by MCAM staff until August 14, 2012.

On August 14, 2012, I received a letter from Tony Tilton dated August 12, 2012, handed to me by a MCAM employee.

The letter states that MCAM sent me an initial letter in February. I have never received the initial letter and I am quite shocked at the content of the one drafted August 12, 2012.

The letter states that I am going to be moved from an individual membership to a nonprofit membership at the cost of \$240 a year. The letter cites that this is based on the fact that I “use MCAM facilities and equipment to a greater degree than the individual membership allows.” Since late 2010 I have been using MCAM equipment to do taping of local government meetings and hosting them online through the People’s Press Project.

I object to the notion that I use MCAM facilities at all. I simply come to MCAM, check out a camera and tripod four (4) times per month and return the equipment according to MCAM check-out policy. I do not use MCAM facilities or any other equipment. The actual hours of use for the camera has been 8 to 10 hours of use per month. That can hardly be construed as use beyond what an individual membership allows. In fact, it’s nominal. Has MCAM recently limited the number of hours equipment can be used by individual members? How can MCAM monitor (or enforce) the number of hours an individual uses a camera while it is in their possession? How and when were members notified of this arbitrary new rule? I looked on your MCAM web page and did not find any such restrictions on the <http://www.moorheadaccess.org/membership> page.

With my limited use of MCAM equipment to do a public good by taping and hosting local governmental meetings, and the absence of using anything else in your facility, I see no need to change the membership. Both your method of giving notice, and your arbitrary decision seem unfair and opportunistic; intended - - once again- - to stop me from taping local government meetings. **Therefore, I refuse to be unfairly and arbitrarily moved to a nonprofit membership and will remain an individual member at the cost of \$12 per year.**

I would venture to guess that I am one of the few members MCAM has left. What limited access people had to “public access” media services in the F-M area, Tony Tilton has restricted even further; limiting access to programming, equipment and training for the entire community. Since Tilton became the General Manager (GM) there, the quality of services and equipment provided by MCAM has steadily declined or become non-existent. Meanwhile, the true intent of arbitrarily jacking up MCAM pricing seems to be a way of financially attacking the work I do through the People’s Press Project. I cannot allow that to happen unchallenged. Therefore, and I will remain an individual member of MCAM at the already agreed upon price.

MCAM should be mindful of the fact that I am using this equipment to provide a service to the community that MCAM, the City of Moorhead, the City of Fargo and public access (from cable franchise monies) should *already* be providing for our communities- - because all those entities combined receive millions from cable franchise agreements to do that work and provide public access programming and stations to our communities. MCAM’s former production coordinator and I worked on a proposal to the city to expand taping of government meetings by training and paying camera operators, myself

included. The proposal went forward and eventually gained thousands of dollars of additional funding *for MCAM to **expand** taping of government meetings*. However, after Tilton became GM, trainings and payment for work already being done were set aside. Although MCAM received the benefit of this additional funding they have done very little additional taping of government meetings and have not increased their outreach to the community for “Public” access.

In May of 2011, shortly after Tilton arbitrarily changed the agreement for camera equipment I had checked-out, Tilton demanded the check-in of the camera equipment at a time when it was impossible for me to return it, even threatening to call the police if I didn't scramble to figure out how to get it to MCAM. As soon as the equipment was checked-in, Tilton notified me that MCAM was downgrading my membership use of camera equipment saying I could no longer use the high quality studio cameras to tape government meetings. Tilton said MCAM was going to sell the high quality camera equipment because it was old and outdated but have instead been using it on a limited basis to film football games. Since then MCAM has only afforded me the use of low end and antiquated video equipment, which is frequently non-functional and makes the video quality for the public less desirable and viewable.

(An audio recording of the equipment return to MCAM General Manager Tony Tilton can be found here: http://thepeoplespressproject.org/?page_id=1440)

The previous production coordinator allowed members (and volunteers like myself who were on hand to help since there was no other staff) to train people on the use of those high quality studio cameras, and to use MCAM facilities to edit and produce public programming and government meetings. One of Tilton's first actions as GM was to end the training program we had in place so no new citizen journalists could become trained camera operators and begin taping more governmental meetings or creating public access or educational programs. Tilton said no one would be able to any MCAM cameras unless they were trained, but no trainings were ever offered until the fall of last year. Training and programming efforts for non-profit organizations like CCRI and the Boy Scouts of America, who were also poised to begin creating local broadcasts, were stopped dead in their tracks by Tilton. As GM, Tilton has hoarded, hidden, or holed-up the equipment of MCAM and has done little to no outreach in this community to give people access to the “free speech” dollars intended for **them** by cable franchise agreements with this city.

The agenda of silence Tilton has developed against the work I am doing for government transparency in this community needs to stop. I have managed to continue taping and providing transparency in government, albeit on a limited basis, despite Tilton's repeated efforts to stop my work. But now I have to speak out. I doubt that anyone in Moorhead or Fargo, including the MCAM board members, will support this ongoing campaign stop the taping of government meetings and Tilton's efforts to stop concerned and engaged citizens who are trying to use the facility (MCAM) that was set up with money historically and traditionally *intended* for the purpose of **public access, government transparency, and educational programming**. Understand that my goal has **never** been to merely use MCAM equipment, but rather to see facilities like MCAM in this region

properly funded, equipped, and used for their intended purposes *so that* the general public has greater transparency and access to information and greater engagement in local government. Your renewed attempts to stop these efforts are prompting me to request the assistance of local, state, and national media justice organizations and of concerned citizens to pressure city officials, government leaders, and MCAM to allow this facility and its equipment to be used in the manner for which it was intended.

Ending the use of MCAM equipment by revoking my membership will not stop this work I am doing. In fact, it may help fuel the need for more public access and transparency by showing the public what MCAM's real mission has become under the general management of Tilton: to limit access of MCAM's equipment; equipment that is a public trust not one man's personal arsenal.

No matter what decision you take, I and other community members will continue this fight for greater access and accountability- - including the accountability within MCAM and its use of the public's money. We **will** find equipment that the public can use to tape, broadcast, and archive government meetings with or without the help of MCAM, and even despite your current efforts to stop us. I am reaching out to individuals throughout the community to request equipment and funding to the People's Press Project so that we can continue to provide the community with greater government transparency and accountability.

Supporting Attachments

Attachment 1.

Emails from Tony Tilton demanding equipment return.

May 2011--Tony Tilton demanded that PPP return all equipment to MCAM. PPP was still doing trainings and sent Tilton an inventory of the three cameras we were using. Mr. Tilton demanded that the equipment be returned or he would call the police. We returned all equipment and were told that the cameras we were using would no longer be available for public use because MCAM was going to sell them.

Attachment 2.

Audio recording of returning equipment to Ton Tilton in May of 2011.

PPP leaders Cindy Gomez-Schempp and Duke Gomez-Schempp return equipment to MCAM after Tony Tilton, MCAM General Manager demands that all equipment be returned to MCAM and PPP will be restricted from further use of the equipment. Audio file on FMPPP website (mp3). http://thepeoplespressproject.org/?page_id=1440

Attachment 3.

Proposal to MCAM 1-26-11

In January 2011, PPP submitted a proposal to MCAM to contract service to expand the coverage of governmental meetings. The proposal included outreach, training and expansion of MCAM services. The past production manager was very supportive of the proposal, however the proposal was denied by Les Bakke and a few months later the city

granted an increase in funding for MCAM to expand the coverage of local governmental meetings in Moorhead.

Attachment 4.

Emails Requesting Equipment and responses from MCAM.

In late may 2011, an older model video camera was offered for our use. The camera had audio problems and we were offered a same vintage camera to use and we have been using the same camera monthly since May 2011. A new check-out policy was instituted with a 48 hour return time and we have complied with the check-out policy since May of 2011. PPP has complied with check out and check in policies and there were never any comments from MCAM staff on membership status, violation of contract or condition of equipment.

Attachment 5.

Responses from Tony Tilton regarding August 12, 2012 letter

After writing a response to Tony Tilton and posting the response on the FMPPP.org website, Tony Tilton published his responses on the comment sections of the web page.

Attachment 6.

Emails to Les Bakke and responses

I contacted les Bakke as Chair of MCAM and his responses were undiplomatic, accusatory and would not respond to my questions or forward me the names of MCAM board members so I could reach the other members of the board.

Attachment 7.

Cable One franchise Agreement Cable Access section 2.7

Attachments

Attachment 1.

Emails from Tony Tilton demanding equipment return.

5-6-2011

Tony Tilton

Hi Duke,

We will need to get all of our gear back to MCAM as soon as possible as I have to do a complete inventory before we can proceed with any additional projects. Please contact me to determine a time and let me know of any meetings you have coming up as I will have to find a work around for that.

Thanks,
Tony

My response is:

I appreciate that you are assessing the equipment inventory of MCAM and look forward to the increased use of cable access equipment by more community members. As we covered in our meeting last week, PPP is engaged in media projects that enhance the use and need of the cable access studios in both Fargo and Moorhead. Equipment checked out from MCAM has not only been instrumental in making these projects effective and innovative but also in helping MCAM live up to their Organizational Purpose and Mission to "...encourage local participation in this public access channel and its programming,"

Since the equipment is in currently in use for the rest of the week and next week, I am sending you the detailed information listed on all the equipment PPP and the High Plains Reader have checked out right now to do our student projects and news reports. I'm assuming you just need the information and don't need to physically have the equipment in hand in order to catalogue what is already checked out. This way, our work and reporting of government meetings will not be interrupted. This is the information you can use for MCAM's inventory:

Kodak Zi6 Pocket Video Camera HD (Black)
serial number KCZKA839D1277
2 Rechargeable batteries plus Kodak mini wall charger

Kodak Zi8 Pocket Video Camera (Black)
Model E15
Wall charger with USB cord

Sony DV Cam DSR 390
Sony Viewfinder Model Number DXF 801
Sony Electronic Viewfinder Model Number DFX-51
Hand controls for tripod, focus and zoom
Manfrotto Tripod Serial Number 516O07221
Camera bag

The Sony DV cam DSR 390 is used weekly to record Cass County Commission meetings as well as Fargo School Board meeting. PPP and HPR use this camera every week for camera operator training and recording of governmental meetings; and will continue to do so for the remainder of 2011.

The Sony DV cam 390 and accessories is receiving continued use, weekly until mid July and then will be used Mondays and Tuesdays of every week for the remainder of 2011. Due to our filming and training schedules, the camera's cannot be physically returned, but inventory info has been provided instead.

Since these cameras had not been used for the past 3 years, MCAM partnered with PPP to give greater use to the public access equipment that had previously been lying idle. Further, through the outreach created by PPP, the community would have another avenue to receive training and actually use the cameras to create their own programming for public access. Therefore, MCAM agreed to check out the Sony DV Cam 390 and accessories for the duration of PPP's media justice project. The agreement makes PPP (and myself as the lead organizer) responsible for the equipment based on PPP's paid membership with MCAM. The MCAM Operating Rules and Procedures gives this arrangement of MCAM's equipment "First Priority" use by PPP.

Therefore, the two Kodak video cams with chargers can be returned to MCAM by Friday May 13, 2011, if you physically need those two cameras. However, we are hoping those can be returned to us soon thereafter as they are also in continuous use by new journalists learning how to market, create media, and do many other media projects. Please get back to me and let me know if we can have 2 other video cams in the meantime while you inventory the other two. Otherwise, if you can use the inventory info and let us hold on to these that will allow us to keep working uninterrupted.

Sincerely,

Duke Schempp
Organizer, The People's Press Project

The People's Press Project^{5/5/11}

to Tony

Tony:

I understand if you need to have the physical equipment in hand to inventory. And, I did say that the "next two weeks" would be good to make necessary arrangements to inventory MCAM's equipment. However, we met a week ago, and we had not heard from you to make any arrangements. The next few days very are busy for me. I will be out of town on Monday in the Twin Cities and Tuesday we have a School Board meeting to record. Any arrangements to inventory the equipment we have would have to be arranged after that meeting takes place since tomorrow is our last work day at PPP and HPR and we have a full schedule already.

But, I still don't have a response as to what equipment we will be traded for in order to continue recording the government meetings we are currently covering as well as the trainings we are doing with both the large camera, as well as the smaller ones. Will we be provided replacements in the meantime? You stated that you need to have the larger cameras in studio "especially as we are in the

process of acquiring new ones". Could you clarify what that means? While you are "acquiring" new cameras, which cameras will be available for continued creation of public access programming for public use? When we spoke you said that our work would not be interrupted with the new ideas you have for revamping MCAM. In fact, when we spoke you said you would be (1) doing an inventory; (2) purchasing new equipment to INCREASE the public access to franchise fee funded public equipment. Does this new email information mean that you are now planning on selling all of MCAM's equipment at once, even before you've purchased any new equipment to lend the public? That was not what you discussed in our meeting originally.

Bottom line is that as long as we're given adequate replacement equipment to keep fulfilling the mission of public access programming (i.e., to keep making governmental meetings available to the public, trainings to the public so they can create their own programming, etc) we are happy to get the equipment inventoried. As I have stated, I never received a call from you to schedule that inventory meeting over the last week. Also, now that Richard is no longer manning the station, the new office hours have been dramatically cut and are only inconvenient to those working during daytime hours. The urgency of the request for PPP to return the equipment "IMMEDIATELY" in your email response to my questions seems a bit extreme given that we were not contacted to schedule anything for a week, and MCAM doesn't have flexible office hours during which the public can return or check out equipment anymore.

Therefore, we can make arrangements to do the inventory of the equipment we have checked out as soon as our schedule permits (which as I have indicated will have to be next week when I'm back in town after Monday) and after you have indicated to me how we will be equipped in the meantime to continue to broadcast the government meetings and trainings we are currently undertaking - - and for which we had received express permission previously by MCAM.

Finally I'd like to mention that although the cameras are MCAM's "property" as you pointed out, the money used to purchase this equipment came from monies allocated by the City of Moorhead through the franchise agreement with the cable companies. In fact, the investments made by the city to MCAM and the studio space are large. It's my understanding that MCAM is still repaying a loan borrowed from the city to build the studio that you were talking about dismantling. The city has a responsibility to the public - - which they take very seriously - - when spending money allocated for the public; such as in this case.

The cable companies are paying the PUBLIC for the right of way use through the money allocated for Public Access programming. The franchise agreement, a contract, clearly states the requirements and responsibilities of the "designee" - - in this case the City of Moorhead - - (and MCAM by virtue of the assignment of PEG duties given over by the designee to the non-profit MCAM) to the public. As a non-profit with members, which we (PPP) are one, we can have clear

expectation of our public access station (MCAM) and our public access services. Those duties extend to whoever the city has assigned the duties of the designee, and in the case where the designee is violating the franchise agreement, the city manager and city council will need to be notified.

We at PPP, and HPR, have been working to bring public access station use information as well as governmental meetings to the public. The work PPP and HPR have undertaken is required of the public access station (MCAM) (or the designee) and specifically listed as part of the requirements of the franchise agreement which the city is required to honor, and which - - up until PPP's project to begin covering more governmental meetings - - had been sorely lacking in both Fargo and Moorhead because of the lack of staff and resources at the PEG facilities available in both cities. When we met with you, we made it very clear that our interest in working with MCAM has always centered on fulfilling the mission of public access of governmental meetings and PEG station use. You assured us that MCAM would partner with PPP to continue that work; uninterrupted.

So, what I need to know is this: Will PPP (through it's membership to MCAM) be allowed to continue to use public access equipment to providing uninterrupted governmental meetings on public access to the communities of Fargo-Moorehead?. If not (and by "NOT" I mean that we will be without the equipment we need to continue the coverage of meetings and trainings for as long as it takes you to sell and acquire new equipment) then I suggest we plan a meeting to discuss this matter further with the Mike Reddinger, the city council members, and your board so we can figure out a solution that works best for all of us. And one that ensures that the public receives the public access services that the money from the city - - which are currently being used to fund MCAM- - is used in the way that is not in violation of the franchise agreement.

Thanks for your understanding Tony. I look forward to your response.

Duke Schempp
PPP Organizer

Tony Tilton tony@moorheadaccess.tv 5/6/11

to me

Duke,
I need our equipment back today. I do not have your number and will be happy to call but I need to deal with our new equipment TODAY. This equipment is supposed to be checked in and out for no longer than 48 hours-that is in our policies. We have many other issues to address and I will work with you to resolve them but before anything else occurs, I must have ALL our equipment

back. I will address your need for some gear on Tuesday but I had asked you earlier specifically what day you needed gear and you did not respond. What you did respond with is cause for concern of our board.

Here are the facts. MCAM is NOT part of the city but I will be happy to have Mike Redlinger address that with you. The City has already offered the police to assist in recovery of our property. MCAM is NOT part of Fargo. People's Press does nothing in Moorhead- a direct violation of one of our foremost policies. You have kept the gear far too long and have indeed expressed some kind of intent of not returning it. PPP will be completely sanctioned by MCAM if this occurs and the police will be informed immediately along with our attorney. If you look at our policies you will also notice we CHARGE for the use of our gear beyond a 48 hour period and we will back charge PPP for the rental of our property along with any damages.

PPP has NO RIGHT to attempt to dictate terms to MCAM in any way. This response from you is extremely troubling and leads us into the territory of trust. If you wish to continue to use our assets-at whatever level WE deem appropriate-then get that gear to me this afternoon between 1pm and 4pm. You will jeopardize our equipment swap (which, by the way, is OUR business and none of PPP's) and this will result in legal action being taken.

I do not like to come on so strong but you have indicated some measure of not complying with our most basic policies. This will not be tolerated.

MCAM's gear is paid for BY MCAM as MCAM is CONTRACTED to do services for Moorhead. It is completely incorrect to infer some other arrangement and frankly IS NOT YOUR BUSINESS OR CONCERN. The gear is MCAM property-PERIOD.

MCAM is GAINING access in more ways than previously done-we are renovating and expanding, NOT disassembling. That studio function was long torn apart before I came on board. Your actions might actually JEOPARDIZE our expansion and thus the access you so desire. MCAM will not allow this to happen.

PPP is NOT the primary business at MCAM. I told you-we are bound BY LAW to not discriminate or place any group above another. If PPP behaves in a responsible manner in regards to the use of our gear-which is also a basic tenet of our policies that YOU signed onto-then PPP will have no issues with gear from us. However, ANY attempt to claim any form of ownership, misuse of our gear or our policies or disregard of such will result in serious repercussions. This is PLAINLY in our policies and PPP is not exempt from ANY of it.

Duke, I will not accept anything other than contrition at this point. If our gear is not here this afternoon, I will contact the city who will act for us in retrieving our

property. This will also negate all future use of any MCAM assets by PPP or anyone affiliated with them. This is clearly in our policies and as I informed you before-we also reserved the right to change our policies so any arguments you wish to pursue regarding some arrangement you claim in the past is NULL and VOID. If you wish to have a future arrangement with MCAM, then show good faith and get our gear-ALL our gear-back immediately.

I will be at MCAM at 1pm until 4:30pm. I expect to check in our gear before 4pm. Our board president is waiting to hear from me and if I call with anything less than good news, he will begin a chain of repercussions you will not want to be at the tail end of. There is no negotiating this, Duke. We will talk AFTER we have we have our gear back and I can make all the future arrangements I need for MCAM's gear issues.

Attachment 2.

Audio recording of returning equipment to Ton Tilton in May of 2011.

PPP leaders Cindy Gomez-Schempp and Duke Gomez-Schempp return equipment to MCAM after Tony Tilton, MCAM General Manager demands that all equipment be returned to MCAM and PPP will be restricted from further use of the equipment. Audio file on FMPPP website (mp3).

http://thepeoplespressproject.org/?page_id=1440

Attachment 3.

Proposal to MCAM 1-26-11

**From the People's Press Project
Duke Schempp, Organizer**

To: MCAM

General Manager

Les Bakke

les@moorheadaccess.tv

Production Coordinator

Richard Vaudrin

richard@moorheadaccess.tv

MCAM Proposal

The People's Press Project (PPP) is interested in contracting with MCAM to adequately staff the coverage of Moorhead governmental meetings. The City of Moorhead has

recently requested and approved video coverage of several additional governmental meetings. The PPP wishes to partner with MCAM to help address their staffing shortage. PPP would meet with MCAM and develop a Memorandum of Understanding (MOU) that would spell out funding obligations, scheduling, camera operator fees, training and mentoring fees. The MOU document will also highlight the benefits and gains associated with the partnership between MCAM and The People's Press Project.

PPP proposes a meeting to (1) discuss the finer details of the association between MCAM and PPP; (2) write up a schedule and commit to dates and times for taping and (3) to schedule orientations to become trained and briefed on all aspects of MCAM production.

Background

The People's Press Project was created in April, 2010 to address this community's lack of media justice organizations in this Fargo-Moorhead region. Since PPP began its work, it's major focus has been on creating greater accessibility to media; providing media justice trainings; and developing media opportunities for students and new journalists. In addition to providing new media opportunities for students, PPP's work has spurred new participation in local government by communities frequently disenfranchised in Moorhead (i.e., people of color, people in poverty, elderly, disabled). The PPP emerged from the *High Plains Reader*, an independent weekly news and entertainment paper printed in Fargo, North Dakota and distributed, free of charge, across the Red River Valley region of North Dakota and Minnesota. The HPR, which has always operated as a training ground for new journalists, is in its 17th year of publication and has a weekly local distribution of 30,000 papers and many more online readers as well. By partnering with the newspaper, the PPP is able to provide hands-on training in the production of a real media product.

PPP is in the process of filing for 501-c-3, to be completed March of this year. The organization is currently incorporated as a non-profit in Minnesota and North Dakota and has partnered with the Minneapolis based Main Street Project as a training resource and Fiscal Agent.

This fall, PPP began training students, journalists and community members in the field of Media Justice. The first leg of this project developed trainings in podcasting, videocasting, social networking and community driven journalism. PPP conducted a local Media Analysis and discovered a lack of accessibility's to many of the local governmental meetings. This is because many of our governmental agencies do not have full video or audio coverage available for the public to view. So, although governmental meetings are required by law to be "public" to provide transparency and accountability, many of our meetings are "public" in name alone.

PPP is addressing this problem. We are partnering with MSUM's Social work students through their SW 450 Service Learning project; teaching them the skills needed to provide full coverage of local governmental meetings. So far, this work has resulted in the regular and ongoing coverage of Fargo School Board meetings and Cass County Commission meetings. In addition to making these “public” meetings finally available to the public; the coverage is creating transparency and greater accountability of our appointed and elected officials. The community is more aware of policy issues, changes, and needs. But, some of the most exciting result has been the three following:

1. The increased participation in local government by the policy makers themselves - Elected and appointed officials are aware that the public expects to see them hard at work at these meetings. Therefore, they are more likely to show up for meetings and keep their audience in mind, and their nose to the grindstone.
2. The increased participation in local government by community members - Community members previously had to rely on spotty reporting by TV or print to learn of decisions made in local meetings. Now, they can verify information, and take action on issues affecting them. They also rely on the accountability created by an official “record”.
3. The increased participation in local government by the mainstream press - Due to ongoing cuts in staff, local media has not been able to report on local governmental meetings. Since regular coverage has begun by the PPP, many media sources are providing more solid reporting of these meetings. Further, it appears that they may be relying heavily on the video provided by PPP to research stories and make reporting more simple for all local journalists.

The work engaged in by PPP is providing people in the community greater access to media and empower them to voice issues important to them. We train people on use of new media technologies as well as teach them to create and define media rather than merely be its consumers of media. Over time, these changes in infrastructure and knowledge base will have cumulative effects in the community and eventually help to shift issues of access in media, as well as in systemic racism and economic injustice.

By providing mentoring, tools and community organizing training focused on media justice, PPP will create direct access to independent media in our communities. This project will be shifting the status quo in media access of the “haves” versus the “have not’s”. PPP strives to change the media structures that has - - up until now -- created unequal privilege by giving voice and visibility to some community members and issues while continuing to marginalize, mischaracterize, or ignore others.

The PPP's vision of social change is based on the power of media to affect policy; provide opportunities for Community Organizing; inform the public and engage them in democracy; and transform community discussions. PPP believes that it is a human right for members of a community to share equally in their ability to access media and be equally represented in it; that accessing media is crucial to movement building; and equal access to communication is necessary to achieve that change.

Partnership with MCAM

The People's Press Project appreciates the ability to work with MCAM on increasing access and the development of independent Media in the Fargo-Moorhead Community. PPP has benefited greatly by this strong relationship with MCAM and the access to equipment, editing studio and training that MCAM provides to the community. This collaborative relationship has helped PPP move quickly into achieving its media access goals and in establishing itself as the leading Media Justice Organization in this region.

For the past three months, PPP has consistently filmed the Fargo School Board and Cass County Commission meetings and placing the entire meetings, unabridged, online for public viewing on Youtube, FaceBook and Vimeo.com. PPP has capitalized on its partnership with the High Plains Reader to distinguish itself through coverage in the Reader, prominence in stories consisting of PPP produced embedded videos and audio podcasts. The PPP has also recently started to receive in-kind ad space and *Best Bets* prominence on our coverage of meetings in recent HPR issues. The PPP is developing a weekly report on governmental meeting highlights and news to appear weekly in the HPR.

PPP has engaged students and community members in filming and editing public meetings and continues to generate Press and recognition for the work. Our current goal is to work with MCAM to film Moorhead governmental meetings, while still maintaining the schedule of filming the Fargo groups. The Fargo School Board meets the 2nd and 4th Tuesday of the month from 5:30 PM to 9:00 PM and the Cass County Commission meets the 1st and 3rd Mondays from 3:30 to 5:00 PM.

To see PPP's Video coverage, visit PPP's Fargo School Board Channel at:

<http://vimeo.com/channels/144298>

For Cass County Commission Meetings, visit: <http://vimeo.com/channels/148786>

Funding Request

We propose that MCAM and PPP enter into an agreement to become collaborative partners in the expanded coverage of Moorhead governmental meetings. The details of

payment, scheduling, training and responsibilities of each partner can be worked out in a meeting in February of 2011.

Contact me at your earliest convenience for further discussion and details.

Sincerely,

Duke Schempp
Organizer, The People's Press Project
ppp@hpr1.com - 218-789-1487

Attachment 4.
Emails Requesting Equipment and responses from MCAM.

November equipment checkout for PPP

The People's Press Project 11/1/11
to Tony, sarah

I would like to request a camera check out for the following days in November

Pick-up Monday, November 7.
Will return equipment on Wed, Nov 9th

Pick-up Monday, November 21.
Will return equipment on Wed, Nov 23rd.

Thanks,

Duke Gomez-Schempp

Sarah Palm 11/1/11

Duke, Our office is actually closed on Wednesday, November 23rd. Would you be...

The People's Press Project 11/1/11

I have a school board meeting to film on the 22nd. Could I return the equipme...

Sarah Palm

11/2/11

Duke, Tony says that he can come in on the 23rd at 1:00 if you could return i...

The People's Press Project 11/2/11

to Sarah, Tony

Yes, Sounds good.

I can be there at 1:00 on the 23 and return the equipment.

Thanks,

Duke

The People's Press Project 11/27/11

to Tony, Sarah

Sarah and Tony,

I would like to request a camera check out for the following days in December

Pick-up Monday, December 5.

Will return equipment on Wed, December 7

Pick-up Monday, December 12.

Will return equipment on Wed, December 14.

Thanks,

Duke Gomez-Schempp

Sarah Palm 11/28/11

to me

Sounds good Duke! We'll get you on the calendar!

he People's Press Project Jan 31

to Sarah, Tony

Hello,

The People's Press Project would like to request camera equipment to check out during February.

The following dates:

Monday, February 6
Cass County Commission

Tuesday, February 14
Fargo Board of Education

Tuesday, February 21
Cass County Commission

Tuesday, February 28
Fargo Board of Education

Thanks you,

Duke Gomez-Schempp

Sarah Palm sarah@moorheadaccess.tv [via](mailto:sarah@moorheadaccess.tv) hpr1.com Jan 31

to People's

Duke,

That should be fine! Thanks!

-Sarah

Duke Gomez-Schempp duke@fmppp.org Mar 27

to Tony, Sarah

I would like to request equipment check-outs for April.

Monday April 2 Tuesday, April 10 Monday, April 16 Tuesday, April 24

Thank you,

Duke Gomez-Schempp

tony@moorheadaccess.tv [via bounce.secureserver.net](mailto:via@bounce.secureserver.net) Mar 28

to Duke

That should all work. Thanks!

Duke Gomez-Schempp duke@fmppp.org Apr 29

to Tony, Sarah

The PPP would like to request equipment check out for the following dates in May:

Monday May 7th Tuesday May 8th Monday, May 21 Tuesday, May 22

The meetings this month fall on Mondays and Tuesdays of the same week.

Would I be able to check out equipment on Monday and return on Thursday?

let me know if that works.

Tony,

As for the Moorhead school board, I will wait and see what MCAM does and stay out of the way of your process and negotiation.

However I would still like to visit about your process and perhaps play a supportive role and giving you support.

Perhaps we can meet later in the week to discuss some ideas.

let me know,

Thanks,
Duke

Tony Tilton tony@moorheadaccess.tv [via](#) bounce.secureserver.net Apr 30
to Duke

Sounds good on all aspects! Thursday would work for a chat or next week when you pick up gear... Sarah will be gone this Friday, May 4 thru next week so you'll have to plan on after 1:30 pm for pickup May 7 and no problem bringing back til Thursday (also after 1:30 pm).
Thanks!

Duke Gomez-Schempp duke@fmppp.org May 30
to Tony, Sarah

The PPP would like to request equipment check out for the following dates in June:

Monday June 4th Tuesday June 12th Monday, June 18th Tuesday, June 26th

Thank You.

Tony Tilton tony@moorheadaccess.tv [via](#) bounce.secureserver.net May 31
to Duke

Sounds good.

PPP Request for equipment for July

Inbox x

Duke Gomez-Schempp duke@fmppp.org Jun 26

to Tony, Sarah

The PPP would like to request equipment check out for the following dates in July: Monday, July 2nd Monday, July 16th Tuesday, July 17th

Note on July 16th I will also need the camera for Tuesday the 17th. On that week I would like to check out the Camera Monday and return it Thursday if possible. Let me know if that works

Thank You.

Duke Gomez-Schempp

The People's Press Project

Sarah Palm Jun 27

Duke, We won't be open on July 4th, so we'd need to do an equipment return on...

Duke Gomez-Schempp Jun 27

Tuesday the 3rd would work out for me. I can do the return then. Thanks, Duke

Sarah Palm sarah@moorheadaccess.tv [via](mailto:sarah@moorheadaccess.tv) bounce.secureserver.net Jun 28

to Duke

Okay, perfect. The equipment take out on Monday the 16th can be returned that Thursday. Thanks for asking!

Equipment checkout request for August

Inbox x

Duke Gomez-Schempp duke@fmppp.org Aug 1

to Tony, Sarah

The PPP would like to request equipment check out for the following dates in August:

Let me know what times are to pick up and drop off.

Monday, August 6 Tuesday, August 14 Monday, August 20 Tuesday, August 28

Thank You.

Duke Gomez-Schempp

The People's Press Project

[701-367-0403](tel:701-367-0403)

Tony Tilton tony@moorheadaccess.tv [via bounce.secureserver.net](mailto:via@bounce.secureserver.net) Aug 2

to Duke

Sounds good! If you could, plan on coming in around 130pm, until we get Nate's schedule worked out. thanks!

Attachment 5.

Responses from Tony Tilton regarding August 12, 2012 letter

After writing a response to Tony Tilton and posting the response on the FMPPP.org website, Tony Tilton published his responses on the comment sections of the web page.

• Tony Tilton

August 14, 2012 at 7:17 pm (UTC -5)

Reply

Duke,

I just read this missive. It is so full of lies I cannot begin and the personal attacks you throw are ridiculous. You do not even HAVE an individual membership with us, you never renewed it! We had a training program at MCAM that people took advantage of- you are seriously underqualified to train anyone-and we had it open to anyone who wanted access to it. We begin new training in September. MCAM has in no way restricted you and our equipment is OUR PROPERTY. We are a separate non-profit, NOT a government entity. You have a beef with franchise agreements and have a major axe to grind. We will not be party to your personal agenda.

As I told you before and even showed you, the MCAM policies were there for years

before I took over and you admitted to as much when you had not returned our property for OVER A YEAR! You admitted that “no one pays attention to that” meaning our policies. The board is 100% behind making sure that no one individual or group monopolizes our property. We are under NO obligation to send out \$10,000 cameras (that were NEVER intended to be used outside of the studio) to someone who does not know what a simple record tab is, or to ANYONE for that matter. The policies you think I changed were in fact the same ones that MCAM had on the books but that you-and others-ignored. No longer. You cannot go to a library and take whatever you want and return it a year later then argue that you should not be charged for it! PPP will return our gear Thursday and you will receive a letter detailing this. Remember, you AGREED to become an organizational member and that was in front on witnesses. This is ridiculous Duke. Your invective is so over the top and blanketed with lies as to be completely laughable. But this is apparently nothing new, according to dozens of others around the metro who have detailed the same treatment when you do not get what you deem to be the right way. Sorry Duke, but in the real world people have to hold up to their end of a bargain and if you have a problem with it, tossing ff a potentially libelous missive is not the way to go about it.

1.

duke

August 16, 2012 at 12:47 am (UTC -5)

[Reply](#)

The camera equipment MCAM was so concerned about was returned Wednesday, August 15 at 12:10 PM. The MCAM Employee checked the equipment in and and deemed the return acceptable and in the same condition as it was checked out.

Here is a video record of the Equipment Return to MCAM:

•

Tony Tilton

August 14, 2012 at 7:02 pm (UTC -5) [Link to this comment](#)

[Reply](#)

Duke, I did not bother to read this entire missive. I sent that statement, which has been part of MCAM’s policies for years before I was even there, back in February. I gave you another copy as I hadn’t heard from you. You already agreed to become a organizational member when we spoke about this last year. You had been paying as an individual

member before-something you have not done yet this year, by the way. You indicated no problem with that at that time. There are several other non-profits who are also organizational members who gladly pay the fee, which is used for basic maintenance and replacement-something you should know, as we've had equipment used by you come back in a non-working state.

To be clear, I treat PPP exactly the same as any group who wishes to submit programming to us. I have NO agenda, unlike apparently you. I will speak to John Strand about this issue and the board will revisit the use of MCAM property by groups who cannot abide by the simple contract that they (and YOU) signed.

PPP received a large grant-or so I was informed. Why not purchase your own \$500 camera?

MCAM exists to provide EVERYONE access, not just a few. PPP is not held in any higher – or lower -esteem than any other group. We provide services to all manner of non-profits of all ideological bent. We air what is sent to us. We play no favorites.

Apparently PPP thinks it should be treated differently than everyone else. You have said as much to me in the past. This is illegal, according to federal law, and will not be allowed.

Remember, one major part of our member agreement is that material produced with MCAM gear is available to MCAM to run and that is for MOORHEAD content. To date, PPP has supplied MCAM with 1 video of a cultural event from last year. This does not represent our agreement in any way, shape or form. PPP serves this community in a variety of ways and MCAM has supported it. I resent being accused of anything less or for another agenda when the simple fact is that you promised to become an organizational member and now apparently have reneged on that.

PPP has until the return of our equipment on Thursday to consider this. If we have not received some kind of understanding (which, again, you not only agreed to-you SIGNED a contract to abide by our policies!) by the time we receive our equipment, MCAM will be forced to place PPP on probation. If for some reason we have not received our equipment by the close of our office hours (clearly stated on the door 12 noon-4pm) then MCAM will have to deal with the apparent loss of our property in another manner.

Again, I will talk to John Strand about this and see what he thinks. Last time I had to speak with him he assured me there would be no further issues with PPP. Considering the history of abuse towards MCAM policy and outright hostility to our basic policies-which again were part of our organization YEARS before I arrived on the scene-that was shown before I am not surprised but am saddened. As my years worth of emails and genial working relationship I am saddened at your propensity to go nuclear. If that's what you want I can abide but it is not what I tried to work out with you. I hope you can rethink your approach Duke. This is the last time I will deal with this issue.

Tony

Attachment 6.
Emails to Les Bakke and responses

Duke Gomez-Schempp duke@fmppp.org Aug 16 (2 days ago)

to lesbakke

You wrote:

Thank you for returning our equipment, Duke. I read this e-mail account about twice per week, that is why I didn't respond earlier. We will be discussing the situation between your organization and MCAM at our next board meeting. We are in the process of scheduling it now. If you would like to use the e-mail address I check daily, please use lesbakke@gmail.com

Thank you for your response Les,

Will I be able to attend your board meeting and give my input?

Mr Tilton has made many false claims and have published them on the PPP website. I believe that if i were not able to give testimony, facts, documentation and copies recordings of conversations and copies of emails, that your board will not have all of the information in front of them to make a sound decision about this issue,

Let me know when your next board is being held and weather you will allow me to give testimony.

Sincerely,

Duke Gomez-Schempp
The People's Press Project

Duke Gomez-Schempp duke@fmppp.org Aug 16 (2 days ago)

to lesbakke

Dear Mr. Bakke,

It is very important that I be invited to your MCAM board meeting. The issue is much larger that a membership status between myself and MCAM. This is an issue of a

community based media program being dismantled and hobbled by your general manager and with your board's blessing.

We have been monitoring MCAM since Tony Tilton took over the general manager position last spring.

Our effort has been to analyze cable access in our region and we see MCAM dismantling its presence and not fulfilling a mission to provide services steadily since Tilton took charge,

We are pressuring the City, which is the holder of the Franchise Agreement money, to hold MCAM to a higher standard and to ensure the community these funds and services are spent wisely and effectively. Your track record is dismal and has been steadily declining.

We have initiated a Change.org petition that is being sent to the Moorhead City Manager and Tony Tilton. I will add your name as a recipient of the petition since you are the board chair of MCAM.

We have also gained the attention of national media organizations and will be doing a podcast interview with the Malkia Cyril, Executive Director of the Center for Media Justice. That organization and many others are supporting us in putting attention to the lack of public access through MCAM.

I request that you send me a board list with emails so they can also be informed of what our community wants and deserves from our local public access station.

Sincerely,

Duke Gomez-Schempp
The People's Press Project.

Les Bakke lesbakke@gmail.com Aug 16 (2 days ago)

to Duke

Mr Schempp,

I really wish that you would use the opportunity to meet with the board before threatening all sorts of other action. Threats only harden stances and remove opportunity for dialogue, discussion and agreements.

The board is the entity to whom our general manager reports and it is the board that determines policy in accordance with the provisions of the City of Moorhead franchise

agreements. The Mayor of Moorhead appoints a council member as a voting member of our board.

We have tentatively scheduled a board meeting of MCAM for Wednesday, August 22 at 5:30, location to be determined. At that time I will conduct a meeting in accordance with Robert's Rules of Order and following the practice of the Moorhead City Council regarding people speaking before our board. Any person may attend our meeting and will be given the opportunity to express himself or herself to any of our agenda topics.

With Moorhead City Council, this is done under "citizens to be heard" near the beginning of each meeting and at the time a topic is discussed. The council has a time limit for citizens to be heard and we will use one also. I will make sure that anyone speaking before our board is heard but reserve the right to limit the amount of time used.

I will notify you of the location of our meeting as soon as it has been determined.

If you want to send me comments prior to the meeting, I will distribute them to our committee.

Duke Gomez-Schempp duke@fmppp.org Aug 16 (2 days ago)

to Les

Dear Les:

I never made *any* threats in my email to you. I simply informed you of two years worth of work and findings which we have been documenting through capture of emails, and recordings made of your operations manager, as well as tracking monies given to the city and the services offered through MCAM. The PPP has documented the use of equipment to the public, and changes (downgrades) in that use since Tilton's hire. Informing you of the information we have is not "threatening", it is merely that, informing.

We are also informing you that we wish to be heard as citizens and concerned community members, that we are gathering signatures from the community and nationwide. And finally, I informed you that we are gaining the support of many national media justice organizations who join us in the fight to restore the rights of free speech through the services of MCAM for the entire community. These are not actions we are "threatening" to take, we are taking them.

Your response, however is very alarming, and I'm glad it's in writing.

You say that my email is viewed as a threat. And, your retaliation is that "threats only *harden stances* and *remove opportunity for dialogue, discussion and agreements*", adding immediately that you will reserve the right to limit the amount of time we speak at the board meeting. Should I assume your decision here is already made?

Also, I'd like to ask: Is this typically how you deal with community input and information? How can the public address you and tell you about the activities we have undertaken to improve public access without you feeling "threatened"? Criticism of MCAM and desire for its improvement for the whole of our community is not a threat. It is a catalyst for change that we hope the board will embrace.

Even though you've already threatened that you have a hardened stance at the perceived threat of my communication, I still intend to address the board and will send additional information to you to present to them before that date for your review.

Please send me the MCAM Board and email list so I can know who is on your board and that there is an opportunity to communicate with other MCAM board members.

I look forward to your response.

Les Bakke lesbakke@gmail.com Aug 16 (2 days ago)

to Duke

Mr Schempp,

You will be given the opportunity to speak before the MCAM board next week, using the same guidelines the City of Moorhead does. I will not get into an exchange of e-mail messages with you. We will use the board meeting for discussion with me and board members. Any material you wish to be distributed to the board should be sent to me with enough time for the board members to review the material. Would Monday by 5:30 pm be acceptable? That gives you several days to develop your statement and will give my board two days to review it.



Duke Gomez-Schempp duke@fmppp.org Aug 16 (2 days ago)

to Les

Thank you for your response,

I will email you my material by the 5:30 Monday time as you indicated and I will take my 3 minute opportunity to speak to the board of MCAM.

As for giving me an opportunity to speak before your board, why have you not sent me a list of your board members? It is important that I know who I will be speaking to.

According to your 2010 - Form 990 the following were listed as board members. Is this list current? I do know that Nancy Otto is no longer the Council Liaison. Are there other

changes?

LES BAKKE RESIDENT

2300 4TH AVE S , MOORHEAD , MN 56560 2.00 0. 0. 0.

MATT OLIEN IRECTOR

2300 4TH AVE S , MOORHEAD , MN 56560 2.00 0. 0. 0.

NANCY OTTO ECRETARY

2300 4TH AVE S , MOORHEAD , MN 56560 2.00 0. 0. 0.

THOMAS BRANDAU IRECTOR

2300 4TH AVE S MOORHEAD , MN 56560 2.00 0. 0. 0.

DARON SELVIG DIRECTOR

2300 4TH AVE S MOORHEAD , MN 56560 2.00 0. 0. 0.

SANDY FERRIS DIRECTOR

2300 4TH AVE S MOORHEAD , MN 56560 2.00 0. 0. 0.

CHAD EKREN DIRECTOR

2300 4TH AVE S MOORHEAD , MN 56560

As to the reluctance to "get into an exchange of emails" with me, that is an unfortunate position to take when dealing with the public, especially when you initiated the exchange with threats and then decided to end the discussion. Since you nor any other board members are listed publicly on the MCAM page or anywhere else. How do you expect MCAM members or anyone from the general public to address concerns about MCAM? This shows a huge lack of transparency and this will also be noted in my materials to the rest of the MCAM board, as well as when broadcasting information to the public about your activities.

I hope that the list of board members can be made public so that members can communicate their concerns to you and others. I look forward to your response.

Les Bakke lesbakke@gmail.com Aug 17 (1 day ago)

to Duke

Mr Schempp,

The list of board members is current with one exception. The City Council representative is now Mark Hintermeyer, appointed by the Mayor earlier this year. Our meeting location has not yet been determined. I hope to have it confirmed later today. I will notify you as soon as I have it confirmed.

Attachment 7. Cable One franchise Agreement Cable Access section 2.7

2.7. Production Studio and Equipment. Grantee shall make available a studio facility for public, educational and governmental access program production, either within the City of Moorhead or Fargo, North Dakota, for the nonexclusive use by Moorhead residents.

Grantee shall not charge for on-site or remote use of the access equipment, nor shall Grantee charge for use of the studio facility for program production of one hour or less for non-commercial use.

In addition, Grantee shall provide the City \$25,000 within 60 days of the date of this agreement to be used by the City or its designee to purchase equipment or studio facilities to be used for local access programming within the City. The City will provide Grantee a list of items purchased and the price so that Grantee can monitor that the funds are all appropriated for the purpose set forth above.

2.8. Remote Locations. Grantee agrees to provide wiring so as to allow return audio and video signals to a point for rebroadcast on the network from the following facilities:

1. Moorhead City Hall.
2. Moorhead Sports Center.
3. Moorhead Youth Hockey Arena.
4. Emergency Operation Center at the Law Enforcement Center.
5. Moorhead Public Library.
6. Heritage Hjemkomst Interpretive Center.
7. Moorhead High School.
8. Townsite Center.
9. Clay County Courthouse.
10. Concordia College Fieldhouse.
11. Concordia College Centrum.

12. MSU Alex Nemzek Fieldhouse.
13. MSU Performing Arts Building.
14. Moorhead Vo-Tech.
15. Future Downtown Conference Center.

Grantee will provide the City, or its designee, with two new portable transmission modulators. At least five of the first seven sites shall be installed by December 31, 1999, with the remaining sites to be installed by the latter of ninety (90) days from written request for such services by the City Manager, or July 1, 2000. Provided, the 90-day period may be extended until thirty (30) days after installation is feasible, taking into consideration weather conditions. The sites to be served pursuant to Section 1-12-5.C.2 of the Franchise Ordinance shall be installed by December 31, 1999, unless a written extension is granted by the City Manager.