

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
 Terrell McSweeney**

In the Matter of)	
)	
)	Docket No. C-
OREGON LITHOPRINT, INC.,)	
a corporation.)	

DECISION AND ORDER

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of Oregon Lithoprint, Inc. (“Respondent”), and Respondent having been furnished thereafter with a copy of the draft Complaint that the Bureau of Competition proposed to present to the Commission for its consideration, and which, if issued by the Commission, would charge Respondent with violations of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and

Respondent, its attorneys, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”) containing an admission by Respondent of all the jurisdictional facts set forth in the draft Complaint, a statement that the signing of said Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission’s Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that Respondent had violated the said Act, and that a Complaint should issue stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby issues its Complaint, makes the following jurisdictional findings, and issues the following Decision and Order (“Order”):

1. Respondent Oregon Lithoprint, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of Oregon with its principal place of business at 611 NE 3rd Street, McMinnville, Oregon 97128.
2. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and over Respondent, and the proceeding is in the public interest.

ORDER

I.

IT IS HEREBY ORDERED that, as used in this Order, the following definitions shall apply:

- A. “Respondent” means Oregon Lithoprint, Inc., its directors, officers, employees, agents, representatives, successors, and assigns; and the joint ventures, subsidiaries, partnerships, divisions, groups, and affiliates controlled by Oregon Lithoprint, Inc., including the News-Register Publishing Co., and the respective directors, officers, employees, agents, representatives, successors, and assigns of each.
- B. “Commission” means the Federal Trade Commission.
- C. “Communicating” means transmitting, exchanging, transferring, or disseminating information by or through any means, and includes all communications, whether written or oral, and all discussions, meetings, telephone communications, and email.
- D. “Competing Newspaper” means any Newspaper that is distributed on a more than *de minimis* basis in Yamhill County or at least one other county in which Respondent distributes a Newspaper on a more than *de minimis* basis. For clarity, a Newspaper is distributed in any county in which physical copies of the Newspaper are offered for sale, delivered to subscribers, or circulated to readers.
- E. “Competitor” means any Person who owns, publishes, or distributes a Competing Newspaper.
- F. “Foreclosure Notice” means any notice of the foreclosure of real property required by Oregon law to be placed for publication in a qualifying Newspaper.
- G. “Legal Notice” means any notice required by Oregon law to be placed for publication in a qualifying Newspaper and includes Foreclosure Notices.
- H. “Newspaper” means a publication that meets the definition of Newspaper under Oregon Revised Statute 193.010, or its successor.
- I. “Person” includes Respondent and means natural persons and artificial persons, including, but not limited to, corporations, partnerships, and unincorporated entities.
- J. “Relating to” or “related to” means in whole or in part, addressing, analyzing, concerning, constituting, containing, commenting on, describing, discussing, embodying,

explaining, identifying, referring to, reflecting, reporting on, stating, dealing with, or in any way pertaining to.

II.

IT IS FURTHER ORDERED that in connection with the publication of any Legal Notice in or affecting commerce, as “commerce” is defined by the Federal Trade Commission Act, Respondent shall cease and desist from, either directly or indirectly, or through any corporate or other device:

- A. Entering into, attempting to enter into, or participating in any express or implied agreement or understanding, between or among Respondent and one or more Competitors:
 - 1. To refuse to publish a Legal Notice; or
 - 2. To allocate or divide the market(s) for publishing Legal Notices by types of customers, transactions, types of notices, geographic area, or any other means.
- B. Communicating with any Competitor, either publicly or privately, that such Competitor:
 - 1. Should advise customers to place Foreclosure Notices in the local Newspaper with the widest circulation in the zip code or other geographic area where the property is located; or
 - 2. Should refuse to publish Foreclosure Notices for properties located in a zip code or other geographic area where the Competitor has a smaller distribution than Respondent.
- C. Nothing in the Order shall prohibit Respondent from:
 - 1. Communicating with any governmental body regarding the interpretation of statutes and rules related to Legal Notices or the promulgation of new statutes or rules relating to Legal Notices;
 - 2. Promoting, planning, or participating in any effort by the Oregon Newspaper Publishers Association to communicate with or lobby any governmental body regarding the interpretation of statutes and rules related to Legal Notices or the promulgation of new statutes or rules relating to Legal Notices; and
 - 3. If acting alone, disseminating information regarding Legal Notices through signage, broadly distributed direct mail, or media widely available to the public, including websites, Newspapers, television, and social media.

III.

IT IS FURTHER ORDERED that for five (5) years after the Commission issues this Order:

- A. Respondent will appoint a compliance officer who is responsible for promoting compliance with the terms of this Order. The compliance officer must be an employee, officer or antitrust counsel of Respondent.
- B. Respondent will distribute a copy of this Order to Respondent's officers and directors, and any employee with responsibilities related to Legal Notices:
 - 1. Within thirty (30) days after the Commission issues the Order; and
 - 2. At least once a year thereafter.

IV.

IT IS FURTHER ORDERED that

- A. Respondent will file a verified written report to the Commission ("compliance report"):
 - 1. Thirty (30) days after the date this Order is issued; and
 - 2. One (1) year after the date this Order is issued, and annually for the next four (4) years on the anniversary of that date, and
 - 3. At such other times as the Commission may require.
- B. In each compliance report, Respondent shall describe the manner and form in which Respondent intends to comply, is complying, and has complied with this Order, including by:
 - 1. Providing the name and title of the compliance officer appointed under Paragraph III.A;
 - 2. Describing how Respondent complied with Paragraph III.B., including the date Respondent distributed copies of the Order and the name and title of each person who was provided a copy of the Order; and
 - 3. Providing summary of activities that fall within Paragraph II.C of the Order that were undertaken since submission of the most recent prior compliance report.

V.

IT IS FURTHER ORDERED that Respondent shall notify the Commission at least thirty (30) days prior to:

- A. Any proposed dissolution of Oregon Lithoprint, Inc.;

- B. Any proposed acquisition of, or merger or consolidation involving, Oregon Lithoprint, Inc.; or
- C. Any other change in Respondent, including assignment or the creation, sale, or dissolution of subsidiaries, including any Newspapers or the News-Register Publishing Co., if such change may affect compliance obligations arising out of this Order.

VI.

IT IS FURTHER ORDERED that, for purposes of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and five (5) days' notice to Respondent, made to its principal place of business as identified in this Order, Respondent shall, without restraint or interference, permit any duly authorized representative of the Commission:

- A. Access, during business office hours of the Respondent and in the presence of counsel, to all facilities and access to inspect and copy all business and other records and all documentary material and electronically stored information as defined in Section 2.7(a)(1) and (2) of the Commission's Rules, 16 C.F.R. § 2.7(a)(1) (2), in the possession or under the control of the Respondent related to compliance with this Order, which copying services shall be provided by the Respondent at the request of the authorized representative of the Commission and at the expense of the Respondent; and
- B. To interview officers, directors, or employees of the Respondent, who may have counsel present, regarding such matters.

VII.

IT IS FURTHER ORDERED that this Order shall terminate ten (10) years from the date it is issued.

By the Commission.

Donald S. Clark
Secretary

SEAL

ISSUED: