

Submitter: Marc Caplan
On Behalf Of: CMG Oregon
Committee: Senate Committee On Rules
Measure, Appointment or Topic: SB437

TESTIMONY OF MARC CAPLAN
CMG Oregon
March 19, 2025
Re: SB 437

My name is Marc Caplan, and I am the Public Notice Manager for CMG Oregon. I have been in the newspaper business for 48 years, and the entire time I have worked in the public and legal notice sector.

I am testifying today against Senate Bill 437.

Public and legal notices are a critical source of information for citizens. They allow views into a variety of court-related actions, government activities, and private sector business.

Experts in the area of public notice concur there are key elements that establish the validity and legitimacy of notices. First, notices must be published by an independent and neutral entity, such as a qualified newspaper of general circulation, as defined by the ORS. There must be an arms-length business relationship between the newspaper and the advertiser, and the newspaper must be legitimate and established, with at least half of its subscribers paid. This is essential in validating the newspaper.

Additionally, all published notices must be safely and securely archived, and easily accessible by the public, following publication. Well established newspaper companies and associations such as the Oregon Newspaper Publishers Association, have spent enormous sums of money and hours in developing secure, accessible sites, that are easy for the public to use in searching for notices, while simultaneously being extremely well protected from hackers.

Finally, notices must be verifiable through issuance of signed, notarized affidavits of publication, which document a notice was published on a specific date or dates, in a qualified newspaper and that the notice was published in compliance with applicable codes or regulations.

Well-established newspapers have long-term relationships with attorneys, law firms, judges, municipalities, school districts and private business customers, and are best-suited for handling public and legal notice publishing.

In many cases, newspaper companies employ staff with extensive knowledge and expertise in all facets of notice handling. This ensures compliance with city, county and state regulations, and the validity of such notices.

The original stated basis for publishing notices, with origins well more than a century ago, is simply, "The public must know." Notices protect citizens from decisions being rendered and laws, rules or findings being implemented without the public having knowledge or providing input.

Notices appearing randomly on unregulated, largely unsecured sites with relatively few requirements to ensure accuracy, honesty, reliability, security, accessibility and archivability, will destroy and ultimately, put an end to a critical, legitimate service industry and a trusted source of news and notices for community members throughout Oregon.

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