

# Mile High Wildlife Photography Club

June 2008 Volume 32, Issue 6



## Orphan Works: copyright legislation Update from NANPA President



Thursday, May 15, the Senate Judiciary Committee unanimously approved its version of proposed orphan works legislation (S.2913). The Senate version of the bill (discussed further below) would be significantly more damaging to the rights of creative artists than the version advanced in the House of Representatives (H.R. 5889).

A broad coalition of libraries, museums, independent filmmakers, commercial arts organizations such as the RIAA (Recording Industry Association of America) and the MPAA (Motion Picture Association of America) and open access groups such as the Electronic Frontier Foundation has been actively supporting orphan works legislation. It is only the creative artists and groups closely allied with them that oppose the legislation. Nevertheless, a group of artists' organizations that includes NANPA but led largely by PPA (Professional Photographers of America), ASMP (American Society of Media Photographers) and PACA (Picture Archive Council of America) have lobbied successfully to bring about important changes in the bills that were originally introduced in 2006.

The current House bill contains numerous safeguards to protect copyright owners from infringers who claim that works were "orphaned".

- Before using an allegedly orphaned work, the user must go through a fairly arduous procedure including filing a notice of use at the Copyright Office. The notice must include a description of the work, a summary of the search conducted, all identifying information found during the search, a certification that a good faith diligent search was performed,

the name of the user and a description of the intended uses. A user who fails to file the notice cannot raise an orphan works defense if the copyright owner claims infringement. The Copyright Office must maintain an archive of notices of use.

- The Copyright Office is required to certify private databases that facilitate the search for pictorial, graphic and sculptural works. The databases must contain name and contact information for author, name of the copyright owner if different, title of work, a copy of the work (for visual images) or a description "sufficient to identify the work," mechanisms that allow search and identification by both text and image, and security measures to protect against unauthorized access or copying. Use of these will almost certainly become part of the good faith diligent search that is required before a user can use an "orphaned" work defense.
- As in the 2006 bill, all that a copyright owner can get by claiming infringement is "reasonable compensation" (as compared with statutory damages and attorney's fees in the case of non-orphan infringement). However, under H.R. 5889 if the user fails to negotiate reasonable compensation in good faith, or fails to make reasonably timely payment of the agreed-upon compensation, the ability to claim orphan works protection is lost.
- Useful articles (such as coffee mugs, key chains, t-shirts, etc.) are not uses that can qualify for orphan works protection.
- For visual works, including photographs, the effective date of the law is delayed until the Copyright Office has certified at least 2 databases that are available to the public, or Jan. 1, 2013 (whichever comes first).

There are still some important defects in the House bill, including the lack of attorney's fees and some form of statutory damages that are effective mechanisms to enable an artist to be fairly compensated for an infringement. However, given the powerful lobbying in favor of the bill combined with the superficially appealing free-use-of-information argument used by the bill's proponents, the Washington insiders whom I talk to believe that some form of orphan works legislation will be enacted and that artists are best off to try to moderate the legislation rather than try to stand in front of the speeding bus.

The recently reported Senate bill is another matter. Unlike the House bill, it does not require that a notice of use be filed before the use is made in order for a user to claim orphan work status with respect to a work; it does not provide that an archive of the notices be maintained by the Copyright Office or an approved third party.

I have already written to my two Senators and asked that they oppose the current Senate bill unless it is amended to conform to the House bill. There is further information below about communicating with members of the Senate.

Rich Halperin  
NANPA President

If you want to voice your views to your U.S. Senators, you can find their addresses, fax numbers and e-mail addresses at <http://www.visi.com/juan/congress/>

If you are opposed to the Senate bill, you might be interested in a letter sent by a NANPA member to that member's Senators:

Hon. [name of Senator]

Re: S.2913 the Shawn Bentley Orphan Works Act of 2008

Dear Senator [name]:

I am one of your constituents, a professional photographer, and a member of the North American Nature Photography Association. It is crucial to my livelihood as a professional photographer that you oppose S.2913 in its current form. The bill's current language would not only allow, but probably encourage, infringement of my copyrighted photographs and strip me of many of the safeguards provided by the Copyright Act, including the right to receive statutory damages and attorneys' fees. If the bill is enacted in its present form, many photographs will easily become "orphaned", depriving me of a significant part of my much needed income. I urge you to oppose this bill unless it is amended to contain at least the minimal protections for photographers that are now in H.R. 5889, the House orphan works bill. Those protections include, among other things, the requirement that a user file a notice of use with the Copyright Office in order to claim orphan work status with respect to a work and an archive of the notices, to be maintained by the Copyright Office or an approved third party.

Thank you for your attention to this important matter. I hope that you will protect my legitimate interests and prevent the enactment of this bill until it is amended to balance fairly the interests of all parties.

Respectfully yours,  
[full name]

**CHECK OUT THESE LINKS FOR MORE INFORMATION  
ABOUT ORPHAN WORKS AND YOUR RIGHTS**

<http://orphanworks.blogspot.com/>  
<http://www.copyright.gov/orphan/>  
<http://www.publicknowledge.org/issues/ow>

<http://www.asmp.org/news/spec2006/orphanworks.php>  
<http://capwiz.com/illustratorspartnership/home/>  
<http://youtube.com/watch?v=CqBZd0cP5Yc>

## At The Last Meeting...



MHWPC member Ron Eberhart gave a very informative presentation on pano techniques, creating panoramas through a multiple image stitching process. <http://www.roneberhart.com>

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### Club Purchases

- Upgrade to Photoshop CS3
- Remote control for presentations
- Cordless microphone
- Polo Shirts
- Ribbons - for competition winners

### Title Changes

The position of Webmaster has been changed to an Officer position.

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## NEW COMPETITION SCHEDULE BEGINS IN AUGUST 2008

### Wildlife and Open

January  
March  
May  
July  
September  
November

### Scenic & Hand-of-Man Wildlife

February  
April  
June  
August  
October

**December** – holiday party - no competition

**July will be the LAST slide/print competition**

## Newsletter Editor Change



Imagine a montage of all the facial expressions following Frank Weston's announcement that he would be relinquishing the Newsletter Editor position. Most likely those expressions would not vary too much from face

to face – silence and bewilderment, "What are we to do!?!"

Under Weston's editorship the MHWPC newsletter has been consistently thoughtful in both content and creativity. He has generated unwavering interest in each monthly issue through the selection and authorship of cover page articles that educate and inform us as well as encourage our growth as a community through the inclusion of regular columns such as Alix Gallivan's "Getting To Know You".

Frank, your creativity and dedication has been profoundly appreciated. On behalf of the Members of MHWPC thank you for creating another high standard so common a theme within our club. We look forward to viewing your many projects, including your book, and welcome any future informative articles for our newsletter.

– Tammy Hammond

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**Tammy Hammond** has volunteered to be the MHWPC Newsletter Editor. Please send your articles and input to [newsletter@mhwpc.org](mailto:newsletter@mhwpc.org).

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## Public Relations

There is a Mile High Wildlife Photo Club ad in InfoArapahoe Community Guide on page 31. The Guide is published by Arapahoe Public Library District and is a FREE ad for the club! Fred Sterns saw a notice on the library web site and requested to place the ad for MHWPC.

## Competition Participation

Beginning in June the MHWPC competitions will be split into two groups: 1) Regular and 2) Masters.

The purpose of this split is to increase competition participation by members who may otherwise be discouraged from submitting their images due to an imbalance of skill level. The ensuing Masters group is comprised of professional photographers and veteran club members whose prior competition entries have demonstrated consistency of high quality images.

The current Masters group includes:

Reb Babcock	Rick Harner
Russ Burden	Cathy Illg
Donna Carr	Gordon Illg
Patrick Devereaux	Chris Loffredo
Ron Eberhart	Bruce Norman
Sam Fletcher	Fi Rust
Jan Forseth	Charlie Summers
James Hager	Rita Summers

This initial masters group was selected by the MHWPC Board/Officers after reviewing the current membership list and competition results for the past year.

Points will be awarded for each competition: 4pts - first place; 3pts - second place; 2pts - third place; 1pt - honorable mention. The top three point earners each year will be considered for promotion to the master group.

## Order Your Club Polo Shirt

Contact Rita Summers at 303-840-3355, or [ritasummers@hotmail.com](mailto:ritasummers@hotmail.com), to place an order for your club polo shirt. The shirts are available **FREE** for 2007 active members who have also paid their dues for 2008. If you joined the club in 2008 the polo shirts are available for \$10.00.

To secure your color choice of dark hunter green, denim heather or oxford gray, place your order with Rita as soon as possible.

These shirts are being offered in recognition of our 2007 Natures Best Camera Club Award.

## MHWPC FIELD TRIPS



### Black Hills Wild Horse Sanctuary

On May 3<sup>rd</sup> club members captured shots of mares and foals running through spring snow during the morning shoot, by afternoon the snow melted away to images of wild horses grazing among the sanctuary's serene landscapes.

If you are interested in participating or are able to lead one of these trips, please contact Chuck Winter, 303-972-2538, [cwinter@mii-rmcc.com](mailto:cwinter@mii-rmcc.com).

### Mount Evans or Burrowing Owls, Rocky Mtn Arsenal

June 7

### Wildflowers

Jul 18-20

### American Basin, Lake City

### Wildflowers

Jul 25-26

### Yankee Boy Basin, Ouray

### Maroon Bells

Sep 19-21

### Rocky Mountain National Park

Sep 26-28

### Bosque del Apache NWR

Nov 27-30

### Rocky Mountain National Park

Dec 20

Big Horn Sheep Rut

# May Competition Results

Judge: Patrick Devereaux

## Wildlife



**1<sup>st</sup> Place**  
*Great Egret Family*  
Fi Rust

- 2<sup>nd</sup> *Sally Lightfoot Crab* Chris Loffredo
- 3<sup>rd</sup> *Gentoo Penguin* Rita Summers
- HM *Crazy Like A Fox* Cathy Sheeter
- HM *Bull Elephant* Rick Harner
- HM *Great Blue Heron* Fi Rust

## Open



**1<sup>st</sup> Place**  
*Rose*  
Bruce Norman

- 2<sup>nd</sup> *Running Tommies* Rick Harner

## Scenic



**1<sup>st</sup> Place**  
*Canyonlands*  
Eric Moore

- 2<sup>nd</sup> *Iceberg Spire* Rita Summers
- 3<sup>rd</sup> *Aspen Leave Medley* Cathy Sheeter
- HM *Cloudwisps* Fred Sterns

## Wildlife – HoM



**1<sup>st</sup> Place**  
*Buzzard's Stare*  
Bob Cross

- 2<sup>nd</sup> *Red Flamingo* Cathy Sheeter
- 3<sup>rd</sup> *Turkey Vulture* Charlie Summers
- HM *Medicine Horse* Reb Babcock

## Getting to Know You...

### Dick York



#### 1. What drew you to nature/wildlife photography? When?

Actually, this club did. When we first moved to Denver my wife Sue and I met a Mile High Wildlife member, Charlotte Pettybone, and heard all about this

new club. So we attended a meeting, liked what we saw and joined in 1983. Having belonged to a photo club with a membership of over 300 photographers shooting all kinds of subjects, it was intriguing to see so many images of elk, goats, bears and other large animals, as well as wild flowers and great landscapes. So we started to go on field trips and vacation at places with wildlife and scenic photo opportunities. We caught the bug.

#### 2. What piece of camera gear is next on your wish list?

Probably the successor to the Canon 5D, which would have a full frame chip. I've used Canon digital cameras for over five years and use a couple of SLR bodies and a number of Canon lenses and other accessories. I like "best image" quality since I do my own large prints for competitions and exhibitions.

#### 3. What is your favorite photo shoot story?

It was on my first trip to Yellowstone. I came upon a half dozen white swans, lined up left to right, basking in the setting sun on a shoal of the Madison River. The background bushes were in shadow and the sunbeams were spilling over, partly backlighting the swans. It blew me away when some of them started spreading out and flapping their backlit wings. With my heart pounding I couldn't shoot fast enough.

#### 4. How did you create your most memorable photograph?

My most memorable wildlife slide was one of the swans with the backlit outstretched wings and spraying water. Unfortunately, it somehow got lost as an entry in an exhibition. Another one was a night shot of the St. Louis arch from the Illinois side. The arch was all lit up, and so was the downtown, all reflecting in the black water of the Mississippi river. Since this was a slide shot made with a fairly long exposure there was a reciprocity effect that produced some stunning color effects. I also used a star filter to enhance the visual impact. It actually won the best of show in the PSA Mississippi Valley International Salon. Unfortunately, that too was lost when the car it was in that was taking the exhibition to a New York show got broken into at night. Since it was a super slide, taken with a medium format camera, it was the only slide that they didn't make a copy of.

#### 5. What's the first thing you tell newcomers or interested folks about the Camera Club?

I tell them MHWPC is the only club of this kind in Colorado. It's unique from all the other clubs because it's based strictly on wildlife and other nature subjects, not to mention all the great photographers to learn from. It has a very strong focus, no pun intended. As a former club president I obviously have a soft spot for the club and promote it where I can.

#### 6. What do you do when you're not behind the camera (i.e., occupation or other avocations)?

I work with computers and people a lot. I worked for some of the largest automation equipment manufacturers in Chicago, St. Louis, Grand Rapids, Cincinnati, and, until recently, as VP of sales and marketing in Denver for one of those companies. I struck out on my own about the time that I joined the club. My company engineers and installs material handling and conveying automation systems for large manufacturers and distribution centers nationally. I get to do my

own industrial photography for our advertising. My website is [www.CHSconvey.com](http://www.CHSconvey.com) that explains it more. It's a unique business to be located in Colorado, a state that's not exactly a Mecca for automation. But we love living here. (Ed. note: York is also a founding member of the Focus, and Denver Digital photo clubs.)

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## Chuck Summers



### 1. What drew you to nature/wildlife photography? When?

I took some classes in high school and then put the camera down for almost 30 years. Then the company I

was at decided to have a camera club meeting, so I started with point and shoot and was not happy so I bought a Canon Rebel just two years ago. Appreciation of nature comes from my family, of course. Got really good built-in mentors for my endeavors. Like my folks, I like shooting animals much more so than scenics; to capture that one shot that works is so much fun.

### 2. What piece of camera gear is next on your wish list?

The 300 F1.8 Canon lens, just to be able to get closer to animals - closer without getting closer as it were. It's a small lens, but I'd like a 2x teleconverter to go with it effectively giving me a 960 mm lens.

### 3. What's your favorite photo shoot story?

One was setting up on a hummingbird nest. Some friends found a nest in a tree on their property and we carefully set up these big slave lights, maybe two feet from the nest. They didn't affect the mother hummer at all, and we were only

a few feet from nest. It was spectacular seeing her feeding the babies and how tiny they were, no bigger than tip of a small finger. I probably worked on that for a week, every morning for one or two hours. The hummingbird would only come in once every five or ten minutes, so we spent a lot of time waiting, just sitting in lounge chairs until we heard the hummer coming back.

### 4. How did you create your most memorable photograph?

My parents have blue bird nest boxes on their property and we had set up a blind near them and set up our lights that let us capture shots of them at 1/10,000th second. I spent about twenty hours in this blind, only to get half a bluebird in the picture most of the time. Then, once I just got that beautiful shot of the bluebird with the grasshopper in his mouth.

### 5. Other than your camera, what piece of equipment would you return home to get if you'd forgotten it (i.e., your most important piece of field equipment)?

Depends on what I've gone out to shoot. One piece of equipment that I find essential is my monopod. So often up in the mountains when you're chasing sheep or goats or whatever, you need the long lens, and the monopod provides just the right mobility and nice stable platform.

### 6. What do you do when you're not behind the camera (i.e., occupation or other avocations)?

I'm a single father of two children. But, as an occupation I test instrumentation that goes into the cockpits of commercial airplanes. I'm working on the instrumentation for the 787 right now. I came into this from computer side not the avionics side.

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## Nick Burden



### 1. What drew you to nature/wildlife photography? When?

I think I was about eleven years old when I got really interested. I got into

it because of my dad, I wanted to try one of his cameras, you know, the “I wanna be like Dad and be like him” and I wound up falling in love with it.

### 2. What piece of camera gear is next on your wish list?

Right now I shoot Dad’s D200 when I shoot with him. When I’m off on my own my actual camera is his old D100. Truly, honestly, since I’m getting into aerial photography, a paraglider is next on the list. That’s probably one of your over-the-top answers –pun intended.

### 3. What’s your favorite photo shoot story?

It’s an awesome story that probably everybody’s heard. We were in Monument Valley, Mystery Valley I think. We went out there with our Navaho guide, Tom, and he offered to take us to the top of the ridge. A couple of us – well, me, Patrick Devereaux, and Marv, volunteered to go up there. Dad said he’d been there so he went elsewhere. When we got up to the top there was this reflecting pool, well, a dip in the rocks that had filled with water. We were all freaking out taking pictures. We came back down and tried to tell him about the ridge, and he was like “no big deal - been there” and then we told him about the reflecting pool and the light left his eyes. You see, with wildlife, he gets a lot of those moments, and I don’t.

### 4. How did you create your most memorable photograph?

Oh, that was Allen Creek in Yellowstone. We were going to shoot a sunrise, and when we

came around this bend the creek was in fog and the trees were silhouetted. The fog was coming up off water and the sun coming up was lighting the fog, it was orange all around. We’d gone out with short lenses and suddenly we were running back and forth getting big lenses. It was an unbelievable ten minutes.

### 5. Other than your camera, what piece of equipment would you return home to get if you’d forgotten it (i.e., your most important piece of field equipment)?

I’ve forgotten jackets and stuff, but I guess it depends what I’m shooting. If it’s wildlife, it would be the long lenses and a tripod; if I’m shooting scenics, I’d go back if I forgot my quick release plate.

### 6. What do you do when you’re not behind the camera (i.e., occupation or other avocations)?

School, mostly. I do a lot of kiteboarding - power kiting, and I’m building a go-cart. I’m also looking into doing some kite aerial photography.

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## Of Interest...

Gordon and Cathy Illg, and Russ Burden, along with Craig Lewis and Pat Hayes, will be presenting *The Alpine World of the Colorado Rockies*, a NANPA Regional Event on Mount Evans, June 12 - 15. Visit the following website for all the details:

[http://www.resourcenter.net/Scripts/4Disapi3.dll/4DCGI/events/161.html?Action=Conference\\_Detail&ConfID\\_W=161?](http://www.resourcenter.net/Scripts/4Disapi3.dll/4DCGI/events/161.html?Action=Conference_Detail&ConfID_W=161?)

## Upcoming Programs

### June:

Charlie Summers will present a program on Antarctica

### July:

“One-on-One Round Robin” training class on four digital topics



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## Hospitality for June Meeting

A big thank you from all of us!

Snacks: Betsy Lamb

Drinks: Alix Gallivan

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## From the Webmaster

The MHWPC Website: [www.mhwpc.org](http://www.mhwpc.org)

Would you like to receive email notices when competition image submission windows open? Would you like to receive email notices about upcoming meetings? Do you have a photography-related website and want a link to it in order to drive traffic to it? Have you moved or changed email accounts lately? Would you like to post a picture of yourself to be included in the online Membership Directory?

If you answered yes to any of the above, login to your MHWPC website account and go to your Manage Account page. The "Login" button is tucked away in the extreme upper right corner of each page, and after you login, a "Manage Account" link will appear at the very top of the page.

On the Manage Account page, you can update your contact information, control the amount of contact information that is shown to other club members, add a picture of yourself, edit your email preferences (to receive notices or not), and add a link to your photo-related website.

If you and your family member(s) have different contact information, like individual phone numbers or email addresses, you can add this information by adding an additional family member in the "Other Family Members" section of your Manage Account page. All members of the family share the same account (membership status) and physical address, and each member can have his or her own name, phone number, and email address.

In order to prevent spam filters from intercepting emails from the system, add "system@mhwpc.org" to your list of approved email addresses. Emails that are sent through email lists retain the "from" and "reply-to" information of the original sender.

If you have any questions, or suggestions for how to improve the website, contact the webmaster ([webmaster@mhwpc.org](mailto:webmaster@mhwpc.org)).

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## Library News from the Lamb's

Hi y'all,

The library has plenty of good books, some DVD's and videos to help you sharpen up your photographic



skills. We have some books on Wildflower hot spots in Colorado. Come and check us out. If you have any items out please call me or turn them in at the meeting. We are looking forward to your input. If you have any items you'd like to see us add to our collection please let Joe or Betsy Lamb know.

Contact Joe and Betsy at 303-841-2565 or [jnblamb@comcast.net](mailto:jnblamb@comcast.net).

Enjoy your summer shoots!

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### Digital Corner: Photoshop Tips

#### Create a Rule-of-Thirds Grid

Menu bar **Photoshop > Preferences > Guides, Grids...** > in **Gridline every** box enter **33.3** > choose **percent** from drop down menu > in **Subdivisions** box enter **1** > click **OK**

show and hide grid using shortcut

⌘ ' [Mac] **Ctrl** ' [Win]

## Workshops and Seminars

Russ Burden's Photography Tours:  
Visit [www.russburdenphotography.com](http://www.russburdenphotography.com). Contact  
Russ at 303 791-9997, [rburden@ecentral.com](mailto:rburden@ecentral.com)

Destinations include:

- June 6 - 12, 2008 - Tetons and Yellowstone Natl. Parks in Spring
- Sept. 24-Oct. 3, 2008 - Tetons and Yellowstone Natl. Parks in Fall - 10 days
- Oct. 21 - 26, 2008 - Hunts Mesa - Aerial perspective of Monument Valley and Capital Reef NP for red rocks and fall color.
- Nov. 2 - 8, 2008 - Bryce Canyon and Zion National Parks
- Dec. 10 - 16, 2008 - Bosque Del Apache / White Sands Natl. Mon.

Cathy & Gordon Illg – Workshops:  
Adventure Photography 303 237-7086  
[gordon@advenphoto.com](mailto:gordon@advenphoto.com)  
[www.advenphoto.com](http://www.advenphoto.com)

- Wildlife Babies, June 16-19
- Alaska Coastal Grizzlies, June 26 – July 3
- Rocky Mtn Wildflowers, July 20-25
- South Dakota Badlands, September 14-19
- Costa Rica, November 10-19

We are offering our NANPA discount to all club members also – \$50.00 discount on less than 5 day tours and \$75.00 discount on all other domestic tours.

James Hager Photography - Small Group Photo Safaris  
[www.JamesHagerPhoto.com](http://www.JamesHagerPhoto.com)  
[James@JamesHagerPhoto.com](mailto:James@JamesHagerPhoto.com)

- Bats in Aug 2008: shoot bats in flight in a controlled setting, Arizona, Aug 30- Sept 3
- Kenya in Oct 2008: Classic safari to Saburu and Masai Mara National Reserves, 16 days, Oct 16-31
- Winter Wildlife in Jan 2009: wildlife models in winter (wolf, Siberian tiger, snow leopard, mountain lion, lynx ...), Montana, Jan 25-29

## Mile High Wildlife Photography Club

**President:** Chris Loffredo  
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**Vice-President:** Matt Schaefer  
[mattscha@aol.com](mailto:mattscha@aol.com) 303-972-9882  
**Secretary/Treasurer:** Patrick Devereaux  
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**Webmaster:** James Hager  
<http://www.mhwpc.org> [webmaster@mhwpc.org](mailto:webmaster@mhwpc.org)

### TEAM LEADERS

**Monthly Programs:** Chuck Winter  
[cwinter@mii-rmcc.com](mailto:cwinter@mii-rmcc.com) 303-972-2538  
**Membership:** Rita Summers  
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**Special Programs/Field Trips:**  
Chuck Winter  
[cwinter@mii-rmcc.com](mailto:cwinter@mii-rmcc.com) 303-972-2538  
**Competition:** Russ Burden  
**Competition Scoring:** Chris Loffredo  
**Competition Entries/Judging Coordinator:**  
Fred Stearns 303 400-0385  
**Snacks/Greeters:** Nancy Stocker 303-759-4056  
**Publicity:** Buzz Soard 303-779-9933  
**Library:** Betsy Lamb 303-841-2565

### BOARD of DIRECTORS

Rita Summers \* Russ Burden  
Chuck Winter \* Fi Rust \* Frank Weston

### June Meeting

Wednesday June 11  
7:00 p.m. – 10:00 p.m.  
at

**THE WILDLIFE EXPERIENCE**  
10035 South Peoria

**TWE Exhibit 2008 – The Decisive Moment**  
will be open to the public June 12<sup>th</sup>

Club viewing of the exhibit at the June meeting

Competition: Digital All Categories  
Submittal Deadline June 4, 2008

**July will be the LAST slide/print competition**

May Attendance: n/a  
Braggin' Rights: n/a