

# Every Picture Is Worth at Least \$125

Y

ES, I AM WEARING A RIDICULOUS MUSTACHE WHILE staring at Troy Aikman as if I have just asked him to spend the weekend with me curled up on the couch, watching bad reality TV. What can I say?

It was an ironic mustache grown only to spice up a driver's license photo. Aikman and I were at a cocktail reception. The picture was taken before I was ready.

Anyway, point is, the picture of me and Aikman wound up on a website called Queerty, which is like The Huffington Post, except much gayer. The photo accompanied a story about Aikman's saying he wasn't so sure Skip Bayless wasn't gay—Bayless being the sports-writer who wrote a book years ago in which he intimated that Aikman might be gay. So the whole thing was totally gay.

Except that I own that photograph. That's serious. So I tracked down the CEO of Queerty's parent company, a man named Scott Gatz in San Francisco. Here's our email exchange [with my commentary in brackets]:

THURSDAY, SEPTEMBER 1, 2011 at 12:44 PM

Scott, earlier today, your Queerty site ran an image that I own. I informed the site's operators that I expect to be paid for that. They quickly removed the image and replaced it with another. Clearly they got my email—but they have not yet responded to my request for payment.

Attached you'll find an invoice. I appreciate your prompt attention to this matter. Otherwise, lawyers get involved. [Pretty badass, right?]

My apologies for the threat. [insincere] It's not the way I prefer to do business. [Yes, it is.]

THURSDAY, SEPTEMBER 1, 2011 at 6:08 PM

Tim, my editor let me know about the error the writer had made and that it had been corrected as soon as it was pointed out (seems in less than a few hours).

And thank you for saying you don't prefer to threaten as a way of doing business. As an editor of a magazine online, I'm sure you get your share of threats and know that it's hard to have a rational discussion with someone who leads with a threat. [Do I ever. That's why I led with the threat. I wanted to see what it felt like.] [It was fun.]

Since this was a mistake on the writer's part that was promptly fixed, and since we are a small (money-losing) operation, I would hope we could come to a reasonable outcome here. Is there something we could provide for the inconvenience this mistake caused? [Like peanut brittle?]

Let me know your thoughts. [Much as I like peanut brittle, I like pecan brittle even better. Best of all, though, I like money.]

Scott, thanks for your speedy response. The following description of your company comes from a press release that you issued in April: "GayCities—the largest community-driven LGBT city guide and travel site in the world ..." Doesn't sound small to me at all. In fact, given the size of your firm and its online reach, \$500 is probably too low. [I had asked for that sum because it seemed way too high—yet believable.]

Your company used my intellectual property, and I'd like to be compensated. You have my invoice. [I was proud of that.]

FRIDAY, SEPTEMBER 2, 2011 at 10:19 AM

Tim, I can assure you that we are a small company. While we may attract the largest audience in gay travel, our company is indeed small and not yet profitable.

I'm sorry that you aren't willing to recognize that our writer made an error that was quickly removed upon notice (within hours). After the holiday weekend, I'll discuss this with our counsel and then get back to you from there.

THURSDAY, SEPTEMBER 8, 2011 at 4:41 PM

[after a long Labor Day weekend] Scott, have you forgotten about me? Tuesday was two days ago. How did your counsel counsel you?

FRIDAY, SEPTEMBER 9, 2011 at 4:00 PM

Tim, I'm sorry for my delay. I got a nasty bug and have been out of the office. [Not buying it.]

I'd love to close this error out with you and allow us both to move on. When we do hire photographers or license photos for use from Getty, etc., we pay up to \$125 depending on the number of photos and the allowed use. We have never paid even \$125 for a single image before, but due to the nature of the photo [Meaning it makes me look gay?] and its initial erroneous use [word choice] and my desire to put this behind us, we can pay our full maximum fee of \$125 for use of that image. I hope that this can work for you, and, if so, I can get a check cut for you on Tuesday. Looking forward to your response.

MONDAY, SEPTEMBER 12, 2011 at 11:49 AM

Scott, we've both spent too much time on this. \$125 is fine. Please send it to the below address.

True to his word, Scott Gatz sent me that check. In an effort to gig me, he made it payable to *D Magazine* rather than to Tim Rogers, Esq., as per my invoice. No matter. The money still found its way into my bank account. Ultimately, though, the joke was on me. The man who owns this magazine read this page before it went to print, muttered something about "glass houses," and told me to return the money. Did you know that \$125 in quarters weighs 6.25 pounds? **D**

Write to [timr@dmagazine.com](mailto:timr@dmagazine.com).

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