**Cats host Lyman** in first round of state FB playoffs

Take a look behind the scenes of a football game

See the 2010 General Election special section for candidate interviews in this edition of the Independent Record

# Thermopolis Hot Springs Independent Record

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## Complaint alleges 'practicing medicine without a license' at detention center

by Cindy Glasson

Another complaint was filed against the Hot Springs County Sheriff's Office, more specifically, the county jail, on Thursday – citing negligence in administering medications to incarcerated individuals.

The complaint, filed by Daniel Evans with county attorney Jerry Williams, states no medical supervision is being used when giving prescriptions, including class A narcotics, to inmates, constituting, "practicing medicine without a license," a high misdemeanor offense.

According to the Controlled Substance Act, class A narcotics are opiates, primarily used for therapeutic pain relief. Common medications in this class include Darvon, Hydrocodone and Morphine.

Evans' complaint says there is "no line item for medical care in the sheriff's budget presented to the county commissioners.'

According to sheriff Lou Falgoust, there is no medical line item in the department's budget, however, that is a different budget from the jail

Deputy Daniel Pebbles, former jail supervisor, said there is a medical line item of \$5,000 annually in the jail's budget.

"By state statute 18-6-303, the commissioners are responsible for paying for medical care for the inmates," Pebbles said.

Evans' complaint also states, "Red Rock Family Practice used to provide jail supervision and has no current contract to provide this service."

According to Pebbles, there was an agreement, not an official contract, with Red Rock to provide services on site.

"About every two weeks we would have sick

call," Pebbles said. "We were charged \$15 per inmate and they would see anywhere from three to five inmates per visit. They were generally at the jail no longer than 15-30 minutes.

Red Rock provided a suggested contract to the jail some time ago that increased the charges for seeing the inmates from \$15 to their regular office visit rate.

#### County health option

Pebbles said he had talked with county health nurse Bree Gerber regarding the possibility of using her services for inmate care.

'It makes sense," Pebbles said. "We have a county entity that can provide what we need at a lower cost, so why not use them? One example would be an inmate needing a hepatitis test. As it stands now, we would need to take them over to Red Rock, pay for an office visit and pay for the test.

"If we worked through public health instead, all we would be paying for is the test. That is a huge cost savings for the county."

Williams said no agreement has been reached on costs with Red Rock.

"I know we take the proper steps to see doctors and take inmates to the hospital when needed," Williams said.

The complaint continues with, "Prescription drugs are administered almost daily to inmates," with a statement that Evans will provide a witness to a qualified investigator.

"Our county would be more at risk if we were not giving inmates their prescriptions," Falgoust

According to Pebbles, law enforcement does ev-

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#### Domestic Violence Awareness





#### **Silent Witness** Ceremony

The H.O.P.E. Agency observed Domestic Violence Awareness Month with a Silent Witness ceremony Friday afternoon at the county annex. Above, Jennifer Domhoff lights the last of 59 candles in memory of those who have lost their lives to domestic violence in Wyoming since 1985. At left, Ranae Baldes, left, and Amanda Kraushaar release some of the 59 balloons sent skyward to end the ceremony. — Joe Sova photos

# General election Nov. 2

Voters go to the polls Tuesday to cast their ballots in the 2010 General Election. If the August primary is an indication, there should be a strong turnout

The highest profile race locally is for Hot Springs County sheriff. Republican incumbent Lou Falgoust, who is completing his second four-year term, is being challenged by Independent Sam Donahue. Dave Larson's name will not be on the ballot, but he has announced his candidacy as a write-in.

Races for the Thermopolis Town Council and Hot Springs County School Board are also contested. Those are non-partisan races.

Town of Thermopolis incumbent mayor Bill Malloy is being challenged by James Raymond.

There are four candidates for three seats on the town council. Incumbents Toni Casciato and Tom Linnan are running for reelection. Also on the ballot are Tony Larson and Marilyn Strausborger.

Four candidates are vying for three seats on the school board of trustees. They are incumbents Liz Mahoney, Belenda Willson and Hub Whitt, along with newcomer Tom Sullivan, Jr.

Bob Cunningham and Rich Olson are the candidates for the Hot Springs County Conservation District director at-large position. Current director Marvin Andreen is not running for re-election.

Incumbents John Lumley and Mike Baker are the two candidates for two county commission seats. Incumbent Lorraine Quarberg is unopposed for State House District 28.

There are five Hot Springs County offices that are uncontested. Those candidates are Jerry Williams, attorney; Hans Odde, clerk; MickeyJean Ford, treasurer; Shelley Deromedi, assessor; Terri Cornella, clerk of district court and Mike Mortimore, coroner. All six are Republicans.

A general election preview, with the Nov. 2 ballot, are in a special section of this week's Independent Record.

# Lehman files complaint with county

by J.D. Stetson

On Monday, Julie M. Lehman submitted a formal complaint to the Hot Springs County Commission through the county clerk's office. The document asks the commission to conduct a formal fundraising event for the Hot ward the cheerleaders while both

Springs County High School cheerleader squad.

In the complaint, Lehman claims former undersheriff Dave Larson and sheriff's deputy A.J. Helm acted inappropriately on Sept. 5 in the Pamida parking investigation into the conduct lot, alleging they took pictures of sheriff's deputies at a recent and acted in a lewd manner to-

wearing Hot Springs County Sheriff's Department uniforms.

"During the course of the day Larson was continually taking photographs of the girls. Both he and Helm were engaged in conversation, laughing and giggling. Their lewd behavior and

See Lehman on page 10

# Man dies in hunting accident

Deputies are investigating a fatal hunting accident that happened at about 6 p.m. Saturday on Owl Creek Road.

Matthew J. Schickel, 43, was found dead by his spouse near a haystack on his property with a single gunshot wound to his head from a high-powered rifle.

Deputies believe Schickel had been deer hunting on his property during the day, and he had several licenses for big-game animals in his possession, said sheriff Lou Falgoust.

While circumstances regarding the accident are unclear, there is no evidence it is anything more than a hunting accident, Falgoust said.

Deputies are unsure if a fall off the haystack caused the accident or if the accident could have happened while Schickel was getting up after the fall, Falgoust said.

### Weisbeck, Smith withdraw request

A formal request for an investigation of the Hot Springs County Sheriff's Office filed Oct. 18 with the county clerk was withdrawn Monday.

James Weisbeck and Marty Smith initially filed the request, accusing county attorney Jerry Williams and sheriff Lou Falgoust of "omission of duty" by not investigating David Larson and A.J. Helm for the Aug. 10 shooting of a horse on property at Mud Creek. They alleged law enforcement did not contact a brand inspector and of injuring or destroying the property of another without the owner's consent in violation, violating state statues.

Weisbeck and Smith also requested an investigation of Larson and Helm for those alleged crimes, according to the filing.

Larson was the undersheriff at the time of the incident; he has been dismissed from the sheriff's department. Helm remains a sheriff's deputy.

The initial request for the investigation cited a state statute that says every county officer not liable for impeachment shall be removed from office if found guilty of "any palpable omission of duty."

According to county clerk Hans Odde, Weisbeck and Smith also withdrew their request for removal of Williams and Falgoust from office if either or both were deemed guilty of omission of duty.

In their letter of withdrawal, Weisbeck and Smith said they were advised by Williams last Friday that he did an investigation of all the charges indicated in the complaint. According to Weisbeck and Smith, the county attorney "declined to prosecute any charge."

"Our letter alleged that no investigation was done," they wrote in their withdrawal letter. "The county attorney stated our charge is void. We request a withdrawal of our letter and all charges.

"We find it incredible the county attorney and county sheriff never advised anyone of this investigation and result," Weisbeck and Smith wrote in Monday's letter. "Why was this information withheld from the county commissioners, the Bentleys, citizens and media?"

Weisbeck and Smith said they have "diligently attempted, in every legal and proper way to have the investigation of the alleged wrongdoings of the Sheriff's Department."

As to the timing of the allegations, they have no alternative because until now they have allegedly had nothing but "cover-ups." They said they are sorry this is near the election, but the investigations were "put on hold" by officials, not them.

"I don't think the timing was by accident," Williams said earlier this week. "The timing did not allow for a hearing before the election.'

He believes it is a "manipulation of the system for purely political purposes," he said.

Williams said he reviewed the complaint and it doesn't fit the statute and does not see how the commissioners could rule in their favor. Had the complaint been justified, according to Williams, it would have been impossible to remove either party "for even one day," he said. The case would have to be heard in district court and that could take three to six months. Neither of the accused could be removed from a future office, he said.

"You cannot remove an official from office based on disagreeing with a decision they made," the county attorney said, adding the county would have to hire an outside attorney – all for "zero possibility" of removal from office.

Commission chairman John Lumley said the official withdrawal will be acknowledged during the Nov. 2 meeting.

#### Tiger Scout making fire



Tiger Cub Ryan Mosser learns the finer art of starting a fire without help from a match from a Worland scout during the Scout-O-Rama in the State Park Saturday morning. Hundreds of scouts camped overnight for the annual event.

-Cindy Glasson photo