

TCT co-op hearing packs courtroom

by Mark Dykes

Monday at the Percy Metz Courtroom in Cody, the courtroom was full for a partial summary judgment hearing in a case against the Tri-County Telephone Association (TCT) co-operative. A motion was made in October seeking return of the company to the co-op owners. Litigation began against TCT in December of 2015, when Joe and Barbara Campbell, on behalf of themselves and others, filed a class action lawsuit. That suit claims TCT board members robbed owners of the co-operative of the value of their interests when the co-op was sold in 2014. Among the defendants in the suit are TCT CEO Chris Davidson, CFO Steve Harper, and former board members Dalin Winters, Clifford Alexander, J.O. Sutherland, Daniel Greet and

John K. Johnson, along with Neil Schlenker, who was the purchaser of the member-owned cooperative TCT. Among other violations listed in the complaint are voting irregularities, violation of bylaws, fraud and breach of fiduciary duty, misrepresentation and civil conspiracy to defraud and deceive. Though the members of the TCT co-op whose interests were sold voted on the transaction — 79 percent in favor, with five percent opposed and the remaining 16 percent not voting — there is alleged misrepresentation, and concern co-op members were entitled to more than capital credits when the sale happened and should have had more information provided. Additionally, there are allegations the assets of TCT were not properly appraised prior to the sale.

TCT has filed its own complaint alleging Joe, a former TCT board member, maintained control of a company-issued laptop he was required to return and took advantage of trade secrets on the computer and shared that information with others. Such activity, the suit alleges, caused fiduciary damage to TCT and violated the Computer Fraud and Abuse Act. The Campbells declined to comment on Monday's hearing in Cody, though attorney Robert DiLorenzo noted it was a legal argument to determine if contracts coincide with Wyoming law. DiLorenzo added it is up to the judge to determine if the company will return to the co-op owners. The judge has taken the case under advisement, and could have an answer in the next few weeks.



photo by Mark Dykes

Wait up

Claire Simpson chases after Xoei Rich during some Friday afternoon sledding with their church group. The Church of Jesus Chris of Latter-Day Saints in Thermopolis has activities for girls age 8-11 twice a month.

Hospital board address denied SLIB grant

by Mark Dykes

During the Tuesday night meeting of the Hot Springs County Memorial Board of Trustees, Board Chair, Bill Williams, and hospital CEO, Margie Molitor, spoke about their recent trip to Cheyenne to visit with the SLIB board. The hospital's SLIB application for \$1.5 million was not recommended for funding, Molitor said, and there were two main reasons. There were \$11.6 million worth of requests for SLIB grants, and they only have about \$4 million to give. "At this point in the game with the biennium funding," Molitor said, "large projects like ours usually don't fare so well."

The grant request was for the hospital addition and renovation, to supplement the project due to unforeseen expenses regarding asbestos abatement, the need for deep foundations and inflation factors.

The trip allowed Molitor and Williams to meet the SLIB board, introduce them to the project and get some input as to how they could apply next time. Molitor said the board also recommended the hospital wait until the new biennium and apply next September. She recommended when they travel to speak with the SLIB Board again, they bring a large contingent to speak about the expansion and renovation project.

Williams added they were on the "do not recommend" list is because of the grant the hospital received last June for which they have not received all the reimbursement information, which results in outstanding grant funds.

"That's almost an automatic veto right there," Williams said. "They don't like to give another grant if you still have unused grant funds out there, which we basically didn't have but, technically, hasn't been through the state system yet."

Williams also pointed out concerned citizens of Hot Springs County had written a letter to go along with the grant, and had gone down to meet with the elected officials. Following testimony about the project from Williams and Molitor, those citizens were allowed to testify as well.

The concerned citizens, Williams said, are people who were part of the political action committee opposed to the formation of the hospital district and the special purpose tax to pay for the expansion and renovation. "I

still haven't quite figured out why they testified against the possibility of us getting grant money," he said, but it appears the campaign is continuing. He noted the testimony presented was the same from over a year ago, and was nothing new but only a reiteration.

Molitor said it was disappointing, as they were trying to get money not generated here back into the community and people were testifying against it.

In board action, a decision on the amended 2018 budget was tabled. Chief Financial Officer Shelly Larson said it was her intent to have a revised budget to the board. However, she wants to do a more comprehensive revision and plans to bring it to the board at their regular meeting on Feb. 27.

In other action, the board approved the hospital's 990. Larson explained the hospital has dual status, as a district and a 501c3 organization. As such, they are required to file and information return, which is the 990. The return is due May 15, and has been reviewed by the financial committee.

The most important piece of the 990, Larson said, is Schedule H, which relates directly to hospitals. Part of that schedule is the hospital has to abide by the IRS requirements for financial assistance, community benefits and bill and collection. She noted this year the hospital had a total community benefit of \$1,349,074, which does not include anything for bad debt or the slight loss the hospital took for Medicare.

With regard to the regular financial report, Larson said the number of days in accounts receivable is 46.82. She noted there was a bit of a creep up in December, primarily due to holidays, time off and people being ill. The number also reflects the inclusion of Red Rock Family Practice, and it was also a very good month, Larson said.

As for days cash on hand, Larson noted a bit of a slip to 23.36 days, mainly due to a fairly substantial amount due from Medicare. The prior year cost report reflected \$628,000, and that was received on Jan. 3 along with a lump sum adjustment for the current year of about \$110,000. There were also payments made on the qualified rate adjustment with Medicaid, she noted.

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courtesy photo by Nate Messenger

Training day

Two Blackhawk helicopters from the Wyoming National Guard fueled up at the Hot Springs County Airport on Saturday.

Blackhawk helicopters fueled up at Hot Springs County Airport

by Cindy Glasson

In spite of speculation on social media over the weekend, the sighting of two Blackhawk helicopters over Thermopolis on Saturday was nothing more than a routine training mission out of Cheyenne by the Wyoming Air National Guard. The pair of choppers were headed to Powell on Saturday and stopped at the Hot Springs County Airport to refuel on their way home. The group was a high altitude rescue team that has seen action in both Iraq and Afghanistan. They do rescues at 10,000-11,000 foot elevations, pulling our soldiers out of mountain ranges without actually having to land. Using a basket, the team can get the military personnel out of harm's way quickly in all kinds of terrain. Members of the team are all Wyoming

natives and are either University of Wyoming graduates or students and certified for this type of flying. They have been used right here in their home state for rescues, including during the fire near Dubois where a firefighter had to be pulled out due to an injury. Based in Cheyenne, the team flies around the state to different locations for training, getting in touch with small airports and their operators as they never know when they may be called on for a mountainous rescue. When on deployment, just four helicopters cover one-half of whichever country they are in, so the team sees plenty of action. This particular team is expected to be deployed back to Iraq or Afghanistan in April, where they will spend six months in country.