

LOCAL
**Assessor
resigns**
See A2



LOCAL
**Swimmers
finish duel**
See A16

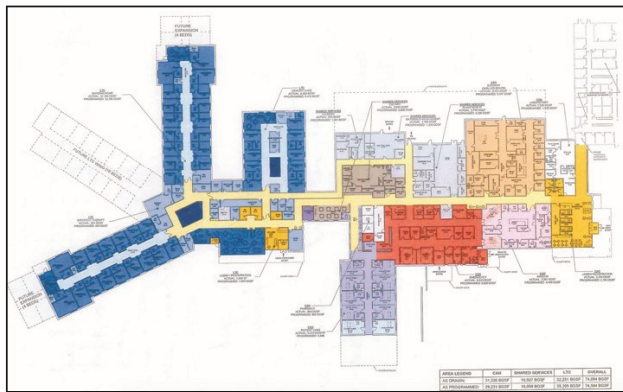
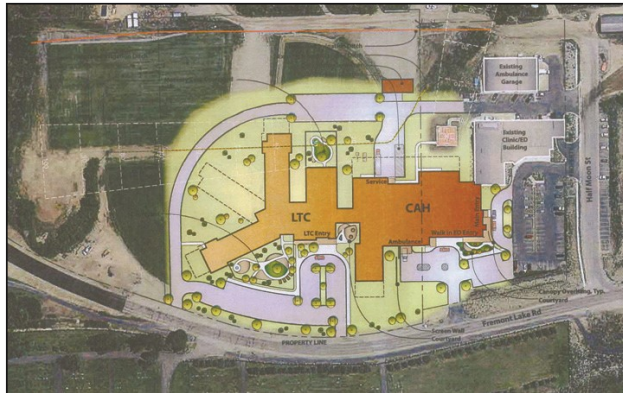
OUTDOORS
**Glaciers
on top**
See B4



Pinedale Roundup

Newspaper of the Upper Green River Valley, Est. 1904

JANUARY 10, 2020 One Dollar



COURTESY DAVIS PARTNERSHIP ARCHITECTS

Preliminary plans for a proposed critical access hospital and long-term care facility were released to the Sublette County Commissioners.

\$20-million motion shot down *Boards agree to come together on health-care issues*

By Robert Galbreath
rgalbreath@pinedaleroundup.com

PINEDALE – A motion pledging financial support from the county “not to exceed \$20 million” for a proposed long-term care facility as part of a future critical access hospital died at the Jan. 7 meeting of the Board of Sublette County Commissioners. The motion was contingent “upon approval of the USDA loan” for a hospital and “the approval of the Sublette Center’s board” on a merger or acquisition with the Sublette County Rural Health Care District (SCRHCD).

Commissioner Tom Noble made the motion after a lengthy public discussion with representatives from the SCRHCD and the Sublette Center. Dave Doorn, administrative director at the SCRHCD, reported that the district and Sublette Center had not yet reached an agreement and that he hoped to gain support for the project from the commissioners.

“Everybody would like to know where the commissioners stand on (the merger),” he said.

The motion died in a 2-2 vote with Doug Vickrey abstaining. Noble and Mack Rawhouser voted in support of the motion and Chairman David Burnett and Joel Bousman voted against.

Burnett explained that the vote against the motion did “not reflect our intentions to move forward with this project and help to the maximum that we can.”

Bousman cautioned against the motion, stating the commissioners needed more public input and assurances that the SCRHCD and Sublette Center “are united and prepared to move forward” before adjusting the budget.

The board then passed a unanimous motion introduced by Bousman to “support in concept moving together in a joint effort between the county commissioners, the SCRHCD and Sublette Center to improve the quality of health care for Sublette County citizens and provide a facilitator to bring the entities together.”

“This paves the way for us to have more public involvement with the chance to have all three boards come together, open to the public, which is what we have needed for some time now,” Burnett said.

The numbers

Doorn and Sharon Rutsch, clinical services coordinator at the SCRHCD, provided the commissioners with preliminary reports from Davis Partnership Architects and financial estimates from Eide Bailly. Overall, the project is expected to cost almost \$47 million, according to Eide Bailly’s preliminary report. Doorn divided the total project cost between the hospital at \$28 million and the long-term care facility at \$18 million during the meeting.

Doorn told the Roundup that the \$28-million figure for the hospital was a rough estimate and included costs for “shared facilities” that both the hospital and long-term care unit will use, such as kitchens and maintenance. The figure reflected the amount the district is qualified to apply for, Doorn said, and is not a final estimate of cost.

The preliminary report estimated an increase in annual revenue for the district of around \$4 million once a hospital is built. The figure takes into account the availability of more services and higher rates of Medicare reimbursement.

See ‘COMMISSIONERS’ on page 4A

Prosecution challenges brand-inspection order in higher court

By Joy Ufford
jufford@pinedaleroundup.com

SUBLETTE COUNTY – Prosecutors are now making a second challenge to a Circuit Court judge’s order that upholds a magistrate’s decision that state brand-inspection stops are unconstitutional without probable cause.

That decision – a potential precedent – is leading law enforcement, judges and the public to question proper procedures for carrying and checking livestock permits between counties. Not to mention the judge’s assignment of the case to an unqualified part-time magistrate.

On Jan. 6, Sublette County Deputy Attorney Stan Cannon filed a petition for a writ of review in 9th District Court.

This follows the prosecution’s earlier motion of Dec. 17 asking Sublette County Circuit Court Judge Curt Haws to review and reverse Magistrate Clay Kainer’s ruling that a deputy’s stop of Rex F. Rammell to search his livestock trailer and request brand inspections were “unreasonable.”

On Dec. 23, Judge Haws upheld Magistrate Kainer’s legal

analysis and order as “sound and appropriate.” He canceled the Jan. 14 trial and transferred the motion and Rammell’s case to Albany County Circuit Court Judge Robert Castor. Judge Haws had recused himself and assigned Kainer to Rammell’s misdemeanor case.

Rammell case

Rock Springs veterinarian Rammell is charged with five violations of the state brand inspection law on June 27 when he trailered five horses from Sweetwater County to Sublette County without proper paperwork. Cannon is prosecuting the case; Rammell chose to represent himself.

The case centers on Wyoming statutes 11-21-103(a) and 11-21-204 that give “any inspector, game warden or peace officer” authority to stop any vehicle carrying livestock, poultry or carcasses to examine the owner’s permit and the contents.

In November, Magistrate Kainer heard arguments from Cannon and Rammell about whether or not the June 27 incident report relating the stop and search of the horse trailer

should be suppressed as evidence.

Kainer wrote that as a “regulatory stop” under the law, prosecution had to show Rammell’s vehicle was “commercial property, involved in a closely regulated industry whose operation poses a clear and significant risk to public welfare.”

Without those conditions, the magistrate said the June 27 stop was unconstitutional and ordered the deputy’s report to be suppressed.

In his Dec. 23 ruling, Judge Haws wrote, “The state failed in its burden to establish that law enforcement’s contact with Mr. Rammell complied with constitutional requirements.”

Then court and county officials realized that Kainer was not properly appointed and approved as a part-time magistrate. Sublette County commissioners amended their Dec. 17 meeting agenda for a 3-2 vote. Judge Haws addressed commissioners before the vote, saying he too was unaware of the statutory terms to appoint full-time and part-time magistrates and their roles.

See ‘INSPECTION’ on page 4A



138 First North
St. Big Piney,
WY 83113

MLS #: 19-1631 \$380,000
Price Reduction!!



10 Eleventh St.
Marbleton, WY
83113

MLS #: 18-2622 \$220,000
3 Beds | 2 Baths | 1,980 Sq. Ft.



www.meadowlakerewy.com
Superior Service That Exceeds Expectation!



Becky Thoman Broker/Owner
307-749-9505
Dawnita Griffith Associate Broker
307-231-2311
Kristy D Jones Associate Broker
307-360-6690
Neil Lucke Sales Associate
307-749-1361



pinedaleroundup.com

Official newspaper of Sublette County and the town of Pinedale.

WBC candidates present visions to council members

By Tom Coulter
Wyoming Tribune Eagle

CHEYENNE – With an announcement expected next week, the two finalists to become CEO of the Wyoming Business Council had their last chance to sway the council’s board of directors during their interviews Wednesday afternoon at Laramie County Community College.

Josh Dorrell, senior vice president at Trihydro Corporation, and Steve Farkas, assistant dean for the University of Wyoming College of Business, are the two remaining candidates, and each had 75 minutes to lay out their vision for the Business Council and answer questions from the council’s board and advisory committee.

Dorrell, who has spent his career mainly in the private sector, was the first to present. He said his top priority as CEO would be to increase the alignment and clarity of each role within the council.

“That idea of shared objectives and creating clarity of goals and responsibilities, that is your number one job as

CEO,” Dorrell said. “And if we don’t do that, it doesn’t matter how many crazy ideas you have, because you’re not going to be able to get them done.”

Dorrell also said he wants the council to be more service-oriented by highlighting the opportunities available to businesses through the council.

“I know that there are a hundred things that we can do, but one of the things that we’re known as is a place to get grants and loans,” Dorrell said. “Instead, I want us to be known as service-first, not at the end when they’re needing the money, but really at the beginning.”

The interviews come a few months after the Wyoming Business Council began the process of better aligning its mission with the work of the ENDOW Executive Council, started under former Gov. Matt Mead.

When asked by board co-chairwoman Megan Goetz how he would handle stepping into a situation where the council has already laid the groundwork for this shift through its new strategic plan, Dorrell said he would have no problem with jumping into the council’s shifting land-

scape.

“To me, it means I get to get to work faster,” Dorrell said. “I don’t really feel like... I need to put my stamp on it and say, ‘This is mine, and I got it across the finish line.’”

Farkas presented after Dorrell, outlining how he hopes to promote “asset-based” economic development that emphasizes developing existing local resources in innovative ways.

When asked how he hopes to promote economic development amid the state’s structural revenue deficits projected for the near future, Farkas said he hopes to shift the council’s approach to be more preemptive.

“Until there’s an opportunity to educate our citizens about what it means when these revenue sources go away, then you can’t advance this idea of how we diversify our economy, to think differently about how we think about economic development structurally in the state,” Farkas said.

Goetz said a final decision would probably be announced sometime next week.

COMMISSIONERS

Continued from 1A

The additional revenue is projected to provide the district with almost twice the amount of cash they need to pay the debt service on the principal and interest creating a debt ratio of 1.93, Doorn said.

“The USDA is looking for a ratio of 1.5 or higher, so we’re in good shape,” he added.

Doorn provided a “conservative” interest rate of 3.7 percent, and said there was a good chance this figure will be lower.

The architectural plans include 15,000 square feet of existing space in the Pinedale Clinic, 33,000 square feet for the long-term care unit and 35,000 square feet for the hospital. The plans involve tearing down the building currently housing Public Health, Veteran Services Office and the Sanitation Office. Rutsch said the plan is to house these agencies in the existing clinic along with the district’s administration.

Burnett asked if the district discussed the demolition of the county building with the agencies, stating that Public Health or the VSO may have confidentiality issues sharing a building.

“I’ve talked to them and told them what might be coming but that nothing is finalized,” Doorn said.

Sublette Center and the SCRHCD – still no agreement Doorn reported that the attorney for the Sublette Center, Nick Healy, contacted him last Friday stating that there was “an issue with the SCRHCD’s proposed purchase since the district is not yet a hospital district.” The district’s attorney, Clay Kainer, and Eric Boley, president of the Wyoming Hospital Association, reviewed the statute and found no wording preventing a purchase, Doorn continued.

Doorn told the commissioners the district is proceeding as if the Sublette Center and SCRHCD “are going to be one entity.”

A merger or acquisition is “very important to health care in the county” with advantages for both entities, he said.

“More than that, it’s an advantage to Sublette County residents to be able to have a health-care system that will take care of all their needs, whether they’re elderly or young, that will all be under the same umbrella,” Doorn said.

Patty Racich, chairman of the Sublette Center board, said they needed time to discuss the recent legal issues. She emphasized that the Sublette Center is committed to “continuing the conversation with the district” and “moving forward on

gathering information.”

Dawn Walker, administrator at the Center, added that this is an enormous decision for the center.

“The Sublette Center has very much participated in this process,” she said. “We’re an operation that runs on a shoe-string budget and we’ve committed a lot of money to legal fees to make sure our fiduciary responsibility is done. At the end of the day, what this represents for the Sublette Center is an entire change in identity. It’s a change in our culture, possibly a change in location. There is no way that our board of directors is going to take that decision and make it without doing their due diligence.”

The Sublette Center is still waiting on a “favorable” final financial report from Eide Bailly with “real and good numbers,” Walker added. She also emphasized the need for more public input.

“We’ve relied on everybody from the churches to the commissioners to everyone who trusts us to take care of their parents since 1978,” she said. “We’re not just going to throw that away. These decisions take time. But we are absolutely committed to the process.”

Racich proposed a possible meeting time between the Sublette Center, SCRHCD and commissioners in February. District board chair Wendy Boman and board member Bill Johnson expressed frustration in delaying the process, and requested an earlier meeting in late January. Johnson suggested the SCRHCD may “go ahead and apply for our loan” to build the hospital before another election cycle comes up – with or without a merger in place.

“I don’t think anybody should be upset by that,” he added. “We can, on our own, I believe, get the monies that we need.”

“We have waited months and months and months and we’ve answered questions and we’ve gone from one board to the other board,” Boman said. “We can’t wait any longer. We’re going to lose our building season. I really want the Sublette Center involved, but are we at the point where we need to just go ahead with the CAH?”

A \$20-million motion

Noble stated that he made the motion pledging a dollar amount to support the long-term care facility to open the topic up for discussion. The SCRHCD and Sublette Center boards

need assurance and support from the commissioners before they dove into the project of building a new health care facility together, he added.

“There needs to be a light at the end of the tunnel,” Raw-houser agreed. “If we turn the light on, and all the questions are answered, we’ll help both of these organizations do what’s best for health care in Sublette County.”

Bousman expressed his opposition to the motion, stating that pledging a dollar amount was “premature.” He wanted “unanimous support” from both the SCRHCD and Sublette Center boards before he was comfortable budgeting for a sum that large.

Bousman also expressed concern that plans did not seem to exist for long-term funding of the proposed health-care facility and encouraged the district wait until budget season.

“We’re only talking about building this facility,” Bousman said. “We still need to talk about how we’re going to run it and where we’re going to get the money to operate it. We don’t want to build and then go broke to keep the doors open because we’re not getting enough revenue.”

Bousman and Vickrey spoke for the interests of the residents at the Sublette Center. The Center is located in a prime location for residents to “get out and communicate” with the community, Vickrey said.

“When a merger takes place, if in fact that’s what it ends up being, where are the two boards going to be?” he added. “Is the health care district board going to usurp the Sublette Center board? I’m going to have to be convinced that when this is all said and done, the safeguards for the Sublette Center will be in place.”

At the end of the meeting, County Clerk Carrie Long raised concern that the commissioners presented and discussed a motion involving millions of dollars without placing it on the agenda. Originally, the agenda only included 15 minutes for an update from the SCRHCD, and the discussion on the motions ended up taking longer than an hour.

“I don’t think it’s fair to the public to have a motion prepared that’s not on the agenda,” she said.

A meeting between the three boards, open to the public, is still in the planning stages and dates and times were not available at press time.

INSPECTION

Continued from 1A

District Court

The prosecution’s petition for writ of review was initially assigned to 9th District Judge Marv Tyler.

It asks him or another District Court judge to reverse or modify Judge Haws’ order upholding the magistrate’s decision. It also questions if the state brand-inspection law requires “reasonable suspicion of a crime” and if “a regulatory stop is limited to some commercial purpose.”

The prosecution argues that Wyoming’s agriculture is a “necessary and ‘closely regulated’ industry, ... which includes the use of brands and branding irons that Wyoming ... uses to regulate livestock, including horses.”

It continues, “Certainly, by plain language of the statute the legislature intended that all livestock, including those horses owned for recreation or pleasure be subject to brand inspections.”

On Thursday, Jan. 8, Judge Tyler reassigned the petition for writ of review to Fourth District Court Judge John G. Fenn of Sheridan County.

Whose burden?

The petition also asks if proving a state law’s constitutionality is the prosecution’s burden.

“The state repeatedly asserted during the (evidence suppression) hearing that WS 11-21-103 on its face allows peace officers to stop livestock carriers without probable cause or reasonable suspicion and that the issue before the court was the constitutionality of the statute,” it says.

The Wyoming Supreme Court has not yet addressed the state law’s constitutionality so there are no precedents, the

petition says.

Cannon cited numerous California Supreme Court decisions that have upheld warrantless or “suspicionless” searches and inspections, using the example of a game warden asking for hunting and fishing permits.

“Upon conclusion of the (Rammell) suppression hearing it was clear and indisputable that (Rammell) did not believe the statute as written was constitutional, and his arguments during hearing did not deviate from this stance,” the petition says.

“Based upon the court improperly shifting the burden from the defendant to the state regarding statutory constitutionality, (Magistrate Kainer’s) ‘Order Granting Defendant’s Motion to Suppress’ and (Judge Haws’) ‘Order Approving Magistrates Decision’ should be vacated.”

Magistrate unqualified?

It also asks the District Court to reverse, vacate, remand or modify the magistrate’s order, saying Kainer exceeded his authority.

First, he was not properly appointed as a part-time magistrate and second, in that role he exceeded his authority to hear and rule on evidence, according to the petition.

“The appointment is not a mere formality and to be taken seriously, and it is unfathomable that a magistrate, prior to assuming a judicial role, would neglect to read readily available and easily located statutes governing lawful appointment,” it states.

On Dec. 23 Judge Haws defended Kainer’s authority, saying, “At all relevant times (he) and Magistrate Kainer acted

in a good faith belief that the magistrate’s appointment was properly conducted.”

The new petition compares Kainer’s acting as a magistrate before county approval to that of public officials’ wrong actions before they are qualified. Kainer served in the Sublette County Attorney’s Office before being elected for four years and then defeated by Mike Crosson.

“Allowing an unqualified magistrate to escape consequence for serving without authority due to negligently failing to peruse a short statutory section directly related to the appointment and role of magistrates would undermine the public’s confidence in the judiciary and establish that judicial officers are above the law,” the petition says. “The appropriate remedy is to vacate all orders that were rendered in this matter by Clayton Kainer in his role as an unqualified part-time magistrate.”

Sets precedent

“The ruling of the Circuit Court has caused understandable and predictable confusion within the law enforcement community, both locally and statewide,” the petition says.

“The Circuit Court’s order establishes precedent that probable cause and reasonable suspicion of a crime are necessary prior to conducting a stop under (WSS 11-21-103).”

Also, citizens should expect those in judicial roles to be “duly appointed and qualified to serve” and to honor the Wyoming Constitution and state laws, the petition says.

In the meantime, nothing more was filed this week related to the reassigned Circuit Court motion or the District Court petition.