

With friends like these ...

Vice President's wrongful termination hearing against LCCC begins

by Dave Featherly, March 26, 2010

What does a guy "drooling" pepperoni from a pizza down his shirt front have to do with a wrongful termination action brought by the former vice president of student affairs against Laramie County Community College?

That was only one of the odd bits of testimony heard today.

Nobody has had as many "friends" as this guy since Julius Caesar on the Ides of March. If these witnesses were the former officer's friends, I wonder what his enemies are going to say when they're called to the stand.

I usually don't subject myself to such torture. I felt like the Iranians must have when TV showed them switching themselves on the bare backs with branches - shown us during the days of American Embassy hostage crisis of 1979-1980.

When I arrived at this biased tribunal at about 8:15 am today, my first thought was that I'd been dropped into the set of the filming of the movie *Cocoon*. Incredible as it sounds, the terminated LCCC employee is having his appeal heard by the Board of Trustees of ... you guessed it, LCCC. A Democrat would have a better chance of a fair trial in Utah.

Where was Don Ameche, Hume Cronyn, Wilford Brimley and Jessica Tandy, I wondered? This tribunal could have been on the Titanic had there been more cabins.

The opportunity for fairness with the Board of Trustees being asked to overrule their chosen president compares to a school district deciding the fate of a charter school application.

Who thinks up these things?

The first day was spent listening to LCCC employees who had worked under the direction of this terminated vice president - or with him in some fashion. And, if the purpose today was to determine whether the guy had done things, or had not done other things that should have led to his dismissal, they missed the mark.

It was like skeet shooting. Pull. The college's attorney would present a witness who has nothing but negative things to say about the dismissed guy, often odd testimony with nothing to do with whether he was dismissed for cause. Then, Pow! The Contestant's (Dr. Jim Cook, the dismissed VP) attorney would deftly break the clay pigeon with an accurately placed shot at the bizarre testimony.

The first witness for the college was its HR director. She answered most questions the same way until the hearing officer, local attorney Paul Hickey, directed her to answer simple questions with simple answers - yes or no would suffice. Under the leading hand of the college's attorney, she was cooperative and forthcoming. Under the Contestant's attorney,

she was evasive and defensive.

I haven't seen this much leading since I used to visit the Canterbury Downs paddock area on successive Sundays. And the questions took the same circular route to rehearsed and prepared responses.

I wondered if Cook's attorney was ever going to object and how Paul would rule. The college's attorney and the witness should have switched places. The attorney led the witness into every answer for about the first hour and a half. It was so obvious that I thought maybe a hearing when the outcome was already known had different rules than a typical trial or hearing.

I'll drop in a comment here and there - out of sequence but when they come to my mind as I type this story: What these kids make and how quickly they get to their salary levels at LCCC flabbergasted me. It's like throwing paper airplanes one day, then flying jumbo jets the next. One gal is a records specialist of some kind and makes \$45,000 a year. That's not a typo - she makes \$45 grand a year for fussing with student records. Another female employee went from a part-time job to become a "Dean" in two years. An interim position paid \$61,000 a year - she was not asked what she earns as a Dean.

The first witness not only followed the lead of the college's attorney, she offered hearsay testimony all morning. Objections were seldom made. Instead of asking Darrel Hammon those questions when he testifies at the next session, this HR gal was asked a question and she would answer as to what Hammon had said to her or the Contestant. Again, I thought maybe the rules were different. They're not and no real objection was entered that prevented this gal from testifying to what someone else had said. A couple times during the day, the word "hearsay" was uttered but it basically was tolerated.

Everyone "liked" the guy who was appealing his dismissal. Including Darrel Hammon. Or so they said. Many of the Contestant's underlings had socialized with him and his wife - some had been to their home in Fort Collins and had dined out with them. But none had much of a problem sticking a shiv in his back and offering uninformed opinions about his mental health and even raised the specter, out of the clear blue sky and crediting the words to another, of "substance abuse." No one was asked if the VP drank to excess when they went out together. That would have spoiled the illusion that he was either high on drugs or drunk from alcohol. Not said, implied. The college's attorney wanted the old-timers on the Board of Trustees to "think" the guy abused drugs or alcohol. So he elicited hearsay to that end. There was absolutely no evidence presented to support that - just a charge leveled by a non-witness, speculating as to what health issues the Contestant may have been suffering.

If he were suffering any.

Much of the first day's testimony was intended to plant false impressions by use of words in testimony much more prejudicial than probative.

For example: The first witness, the HR gal, was questioned about an alleged "demand" by the Contestant for employees to provide him their personal credit card for his personal use. That allegation was shocking. In a well-run organization, there would either be policy on such fraternization or it would be common knowledge that bosses do not seek favors from subordinates - because it looks like a demand of an employee not a request of a friend.

This issue was a major part of the effort to destroy the Contestant's credibility and question his integrity.

But, the first witness was not one who he asked to borrow her card. She was again providing hearsay testimony and it was allowed.

Later in the proceedings, three different LCCC employees who had worked in the same department the Contestant served as a VP testified that he had asked them for use of their credit card. None said he demanded use and the two who did not acquiesce said he did not press the matter, understood and thanked them - neither testified that they were treated differently in the future by the guy they had denied use of their personal credit card.

There was no need for a third party witness to testify about the action earlier in the day. Those directly involved could, and ultimately did, present that testimony.

Planting the seed, by insinuation, that this college Dr. worked the hallways of LCCC "begging" or "ordering" subordinates to use their credit cards for unstated purposes was initially effective.

Then, on cross examination, the one gal - one who had all the animation of Megan Mullaley - was asked for specifics about the contestant's request. She said she considered herself a friend of the Contestant and readily agreed to allow use of her card. She was not asked what amount she expected to be placed on the card but she did describe the purpose given to her. The Contestant told her he had a son hung up in an airport and needed to purchase him a ticket so the young man could come visit. He did not have a credit card with him - he lives in

Fort Collins - and needed to urgently purchase the ticket. No one asked if those requested questioned him why he didn't get one from his wife, who also worked on campus, but that's the way the testimony was developed. Holes everywhere. The purpose was to lay waste to this guy's professional behavior and the credit card issue was a major ruse.

So, this woman allowed her "friend" to use her credit card for the airline ticket purchase. The insinuation, because he asked three different people for the same use, was that he was using, or planned to use, their credit cards for a purchase other than a plane ticket. But, the significance of that insinuation was destroyed (if the old male Trustees were paying attention) when the Contestant's attorney asked if the woman had not received a check for the amount of the purchase - ON THE SPOT! Yes, she said, she had. So, instead of suffering a loss, she experienced a cash benefit. She had his check in payment of the purchase before she received her credit card billing for it.

It was also suggested that, after speaking with the Alpha in her household, she had trepidations about the Contestant having her credit card number and had that account cancelled and a new card issued. Hanging by itself, that suggested that the Contestant's subordinates did not trust him or, at minimum, were concerned enough about erratic behavior and they weren't comfortable with the "possibility" he had their credit card number.

However, she was then asked if it wasn't true that she had, four times in four years, taken similar action - cancelled one credit card account only to have another card reissued from the same credit provider. She acknowledged she had and, by facial expression, sort of indicated that's just who she was. Credit card paranoia.

The "Personnel Hearing (Docket 09-04) will continue on Saturday, May 1 at 8:30 (and beyond) in the same Room 111 of the Science Health Building at LCCC. Neither Darrel Hammon nor the Contestant, Dr. James Cook, have testified and each will likely take a full day. If the "jury" were independent and neutral, neither of which describe this LCCC Board of Trustees, the testimony presented today would be hard to remember in a month. But, most of these elderly Board members can't remember where they just laid the remote, let alone testimony from a month earlier.

From HR Director's testimony

She was a member of the President's Cabinet who sought out the meeting with one or more Trustees. One of the "accusations" against Dr. Cook was that he was insubordinate by going to the Trustee. The HR Director said the group "expressed concerns about the president and the college." Some expressed concern to Trustee Greg Thomas about the "president's competency," about "lack of staffing resources," about "a trip to Costa Rica." They told Thomas "the Board was not receiving all the information they needed to receive from Darrel Hammon." They were concerned about his (Hammon) "honesty" and "the extent and destination of his travels" at college expense. Hammon berated the attendees at his next Cabinet meeting. Asked if she thought his response appropriate, she answered "No." Did she think Hammon's behavior unprofessional? "Yes." Did she perceive his treatment then as punitive? "Yes," she was removed from the Cabinet. This witness thought her treatment at the hands of Darrel Hammon was retaliatory, but not Dr. Cook's.

Contested case hearing (from page 6)

The ground rules for the meeting were announced at the beginning of the day. The public could attend but could not, of course, question witnesses. The Board could. In eight hours of testimony, the only question Board members asked was for witnesses to speak louder because they couldn't hear and, evidently, their hearing aids were max'd out. Not a single board member asked a question - not to elicit information or to get clarification.

Why?

Because they already know how they're going to vote. And, those who have been around since the college was first approved will vote to back the Miles City disgraced president they voted to hire. Newer members will probably, but not as certainly, vote likewise because they were also part of the cabal that hired Hammon.

In his opening statement, the college's attorney went on the defensive by stating that the hearing was not about Darrel Hammon. Not about his inefficiencies. Not about his faults or weaknesses. But only about Dr. James Cook, the Contestant.

Of course, the wrongful termination appeal is about Hammon. It is about whether he terminated the employment of a college officer for cause or whether he took the action as retaliation for the Contestant going to a Board member about the failings of Darrel Hammon. The attorney from Hirst Applegate, the firm also representing the reprehensible Warren National University in that student lawsuit, said "whether Hammon is performing his job is for another day." That day, of course, will never come. Trustees serve for a line on their resume. Not to benefit education at the community college level. Most of them don't know the difference between a preposition and a proposition.

LCCC employees who testified on behalf of the college's action came across as what some had been called by Darrel Hammon himself: "Backstabbers. Traitors. Cowards." That's what the president of the college had called many - including Dr. Cook. Now, those same people were testifying to try to help the name caller. One had testified that, although now in good standing with Hammon and promoted since the name calling, she had faced the wrath of Hammon and had been retaliated against herself after she and others of the President's Cabinet sought and held the meeting with Greg Thomas. By the way, Trustee Tom Bauman was also scheduled to be at the meeting at which the Cabinet members criticized and challenged Hammon's leadership abilities but did not show. No surprise there.

One of the actions take by Hammon to support his termination of Cook was to have a staffer go around to everyone she thought could aid his cause and ask for anything they "had" on the generally well-liked and respected vice president that would portray him in a bad light. No one was asked to write up anything positive about the guy. The president of LCCC was only looking for dirt. One gal testified that she had had a meeting with Cook years earlier and she thought he acted strangely and made notes about his

behavior. She then filed the notes and, remarkably, came up with them when Hammon had his agent ask for critical material on a guy he wanted to terminate. That sounds like a set-up. Like FOX News. Not fair and balanced.

LCCC has been in a downward spiral over the past few years. Tragedies like recent student suicides. A basketball coach forced out after an arrest. They've experienced not just questions about their academic achievement levels but about issues like racism and bias against students and, now, staff.

Hammon does not brook challenges to his authority. And, when Dr. James Cook went with the other Cabinet members to meet with LCCC Trustee Greg Thomas, that was the last straw to Darrel Hammon.

Each story told about Cook's "behavior" or "conduct" was countered by his attorney asking the witness if Cook had violated any written policy of LCCC. All said he had not. All now portrayed him in a negative light but had been his "friend" and none of their depictions had to do with his job performance. One said he had "drooled" pizza down his shirt but then described what had spilled as pepperoni, not sauce. You don't drool a solid.

There should be a personnel manual at LCCC and "progressive discipline" that can lead to dismissal should be included. No discipline was ever imposed on this employee. None. *(In fact, even though he does not have the authority, Hammon put Cook on paid administrative leave without Board knowledge or approval. His misconduct has not been challenged.)* Darrel Hammon prepared a list of "violations" that Hammon alone had determined the employee had committed. One was missing a student disciplinary hearing. Cook called in ill. The college substituted an unprepared staffer (instead of their attorney) to conduct the hearing yet won. Their attorney later wrote in his brief for the student's pending appeal at District Court that the college had done everything right. Either Hammon doesn't know what he's talking about or the attorney doesn't. A witness against Dr. Cook testified that they "hadn't conducted the hearing very well." LCCC won it against the student and now, by her testimony, has provided that student ammunition for his appeal. Trying too hard to help Hammon personally, she hurt the school.

This termination began when Cook and others met with Thomas. Fearing retaliation from Hammon to the point of seeking assurances from Greg Thomas that he wouldn't "out" them to the vindictive president, someone did just that. And all hell began to break loose. It took Hammon some time but he "got" the most senior member of his staff who had "betrayed" him by going to the Board. A key witness against Cook said Hammon had also retaliated against her for being present at that meeting. Now, she is trying to help the guy who hurt her. Or trying to hold onto her job? If the Trustees favor Darrel Hammon, he will be given carte blanche to treat other employees as disposable at his whim. And then they will find out who *their* friends are. Much more to come. Much more.

Wyoming Department of Education head Dr. McBride Kevorkian wants another term

When he was an errand boy and coffee brewer at the Department of Education under Trent Blankenship, Jim McBride was simply "Jim" or "Hey, Dope!"

Once he was mistakenly appointed State Superintendent of Schools to finish Trent's term in office, he demanded to be addressed as "Doctor." Doctor, my ascot.

If this failed Air Force retiree wants to be known as a Doctor, I'll give him a Doctor's title - Dr. Kevorkian. McBride has caused more deaths to public education in Wyoming during his brief, uninspiring tenure than "Dr. Death" Kevorkian ever did with his portable death machine.

So, Dr. Kevorkian it is. Or, Dr. Death.

Never a month passes without more unsettling news coming out about the condition of public education in Wyoming. Dr. Kevorkian cannot even schedule the PAWS tests - let alone administer them.

Then, when finally scheduled, the computers won't cooperate. Then, when finally taken, Kevorkian doesn't know if the results will be reliable. He changes the standardized test each year so there will be no bases for comparison down the road. Now, he wants to drop writing. Of course, you don't have to write much for death prescriptions. Any drip, drip, drip can do that. And your State Superintendent of Public Instruction is a drip. A dope.

Educators in the state were desperate to find a candidate to challenge his re-election bid. Whether Ted Adams answered that call or chose to seek the office for another reason, he became a welcome alternative. Cindy Hill must stop talking to the electorate like they're first graders or her candidacy is doomed. With one good option, voters can turn Kevorkian away.

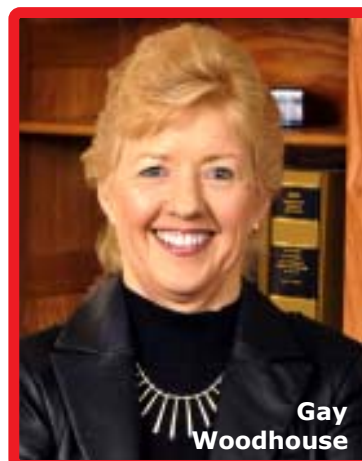
I don't want Dr. Death riding on my coat-tails, either. For him to claim any role in ridding Wyoming of diploma mills is ludicrous. Trent started the effort, over the opposition of legislators like Kathryn Sessions and Jim Anderson who wanted the accreditation to be required by 2020. That's right, they wanted the good vision year to be the start date Wyoming would require degree sellers to gain accreditation. When the effort began to require application for accreditation to begin immediately, Kevorkian was still making coffee and sharpening pencils at WDOE.

I will not allow him to take credit for something he had nothing to do with. He jumped on board when he saw it was going to happen. A familiar political ploy.

Fourth grade reading test scores are down. What do you know about that? And, when writing is removed from the test, does anybody think students will read better? Voters will have a chance for change in August. If they want a drip in that office, they can again vote for Dr. Kevorkian.

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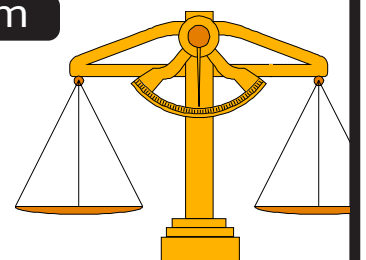
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