

Wtechlink owner tries to stall as lawsuit trial nears

By PHIL WRIGHT
East Oregonian

Two owners battling over their Pendleton-based Internet company skipped court Friday. But the legal showdown still looms between Jordan McDonald and Byron Wysocki for control of Wtechlink.

The pair had a trial readiness proceeding Friday at 8:15 a.m. before Judge Dan Hill in Umatilla County Circuit Court, Hermiston. But they were not present. The courtroom clerk twice checked the halls at the Stafford Hansell Government Center for any sign of McDonald, Wysocki or their representatives, and returned alone both times.

Hill entered the courtroom at 8:30 a.m., called for the case, and no one answered. The judge said the trial stays on the docket for June 1-4.

McDonald is vice president of Wtechlink and owns 35 percent of the company, according to the lawsuit he filed in late 2013 to buy out Wysocki's 65 percent and remove him from his position as company president. McDonald alleges he managed and grew Wtechlink since 2011 while Wysocki slacked off and engaged in self interests using company funds.

Court records also show McDonald obtained a restraining order against Wysocki after finding evidence Wysocki urinated in McDonald's coffee cup.

McDonald in late 2014 sought an injunction against Wysocki to keep him

from draining Wtechlink resources. In the request, McDonald asserted Wysocki charged nearly \$40,000 to Wtechlink accounts, including more than \$8,700 related to building his Pendleton pub, 40 Taps.

Wtechlink came close to missing payroll two months in a row due to Wysocki's use of the company card, according to the court document, and Wysocki claimed to be on "sabbatical" from Wtechlink while building the pub in July, August, and September 2014.

Wysocki's actions meant Wtechlink could not deliver services on two government contracts, the documents state. And Wysocki, who makes almost \$50,000 a year as company president, took \$15,750 from the company in December 2014, a sum "essentially equal" to 100 percent of Wtechlink's monthly profits.

McDonald included Wtechlink statements showing the charges and an email from Wysocki stating these were "vender [sic] accounting/typo errors" that McDonald could fix in 10 minutes. That email also accuses McDonald of taking all the "good" Pendleton Round-Up tickets for his personal gain.

Wysocki's lawyer, William R. Joseph of Portland, filed a request on March 16 to leave the case, stating he would explain his reasons to Judge Hill in chambers. Hill approved the request.

Wysocki sought to push back the trial to late December or early January 2016, the off-season for the fiber optic

construction industry. Wysocki stated in the motion he filed March 27 that he lacked a lawyer and "created seven new jobs in the past sixty days and has to spend all of his time on training these new employees."

Hill denied the continuance on April 1 and stated the parties can bring up any substantive matters at the pre-trial hearing Friday morning. Hill also stated requests to have the court force one party to share discovery — relevant documents and evidence — are due by April 15.

Wysocki emailed the court on April 11 to request an immediate hearing after he found "surprise discovery" of a contract "signed behind my back for \$156,000," which he asserted was a bad deal for Wtechlink and in violation of the shareholders' agreement.

"I have hurt my back/neck/arm and have been in bed or should be been [sic] in bed for the past 2 weeks or I would of [sic] made contact sooner," Wysocki also stated.

The contract, apparently, was Wtechlink upgrading its network to three gigabits of data because its network reached its two gigabit capacity, according to an email to Wysocki from a company employee on behalf of McDonald.

"Sorry I didn't run it by you," the email stated, "but you haven't exactly been at the office to participate in the day to day management."

The judge denied Wysocki's request for the immediate hearing.

HERMISTON

Taxis, gas utility on city agenda

By JADE MCDOWELL
East Oregonian

Hermiston Transit Services may no longer be the only taxi company in town if Hermiston city councilors vote Monday not to renew the company's exclusive franchise.

The city created a franchise agreement with the company in 1964 to prevent a scenario in which competing cab companies drove each other out of business and left the city with a company that did not operate 24 hours a day.

On Monday, however, city staff will ask the council to consider an ordinance creating an open taxi licensing program to replace the exclusive franchise when it expires on June 30. The program would charge an annual fee of \$50 per company and \$25 per driver upon completion of a background check.

In a memo to the city council, assistant city manager Mark Morgan wrote that the exclusive franchise was "outdated" in light of Hermiston's much larger population and that some healthy competition would encourage better quality service.

"The proposed Taxi Licensing Ordinance will not result in the collapse of taxi service in Hermiston," he wrote.

Hermiston Transit Services disagrees.

During the council's April 27 meeting Barbara and Chantel Robinson of Hermiston Transit told councilors they heard staff were drafting such an ordinance. They said the company was losing money on its contract with the city to provide subsidized rides to elderly and disabled residents, and losing the franchise agreement would make things worse.

"We would have to close our doors," Barbara said.

Chantel said the city is already undermining the company by not fining the Umatilla Cab Company out of Umatilla for violating the franchise by picking up Hermiston customers.

"Nothing is being done

about it," she said.

Morgan said the owner of Umatilla Cab Company was working with a lawyer to argue that its Hermiston pick-ups were a "black car service," not a taxi company. He said a police investigation had been opened.

In other business, the council will also vote whether to take additional steps to implement a city-owned natural gas utility to service industrial land south of Hermiston.

The council voted last fall to form the Hermiston Gas Utility after a disagreement with Cascade Natural Gas. The company then raised a legal challenge to Hermiston's right to form a municipal gas utility, but the Umatilla County Circuit Court ruled in Hermiston's favor in March. The deadline for Cascade Natural Gas to file an appeal passed on April 27, meaning Hermiston is free to move ahead with funding and setting up the utility.

The city originally looked into forming its own utility after DuPont Pioneer halted a multi-million dollar expansion because of the cost of a new gas line to the site. Cascade Natural Gas had initially told Dupont it would cost \$450,000 but later said its engineers made an error and the actual cost would be \$2.3 million.

If the city and Dupont had to pay for construction of the line, but Cascade Natural Gas would own it, then-city manager Ed Brookshier reasoned that it might be worth it for the city to pay a little extra to form its own company and have control of the new infrastructure.

Assistant city manager Mark Morgan said there is a lot of research to be done if the council chooses that option, but construction of a new transmission line to the Cook Industrial Site would cost somewhere in the neighborhood of \$3.2 million.

The meeting will be at 7 p.m. Monday at city hall, 180 N.E. Second St. Agenda materials can be found online at www.hermiston.or.us/citycouncil-meetings.

PENDLETON

Students get hands-on with watershed health

By GEORGE PLAVERN
East Oregonian

Bill Dochnahl led a group of fifth-graders on a short hike along the rocky banks of McKay Creek, stopping to point out native cottonwoods, chokecherry and yarrow along the way.

"Anything you find out here are native plants, meaning it's home to them," said Dochnahl, master gardener with Oregon State University Extension Service. "Sometimes you have to help them out once in a while, like nature helps us out."

About 150 kids from Pendleton and Helix took part in a range of hands-on activities — including Dochnahl's plant identification exercise — as part of the 18th annual Watershed Field Days on Friday, hosted by the Umatilla Soil & Water Conservation District, Umatilla National Forest and Umatilla Basin Watershed Council.

Multiple fifth-grade classes participated in the six-day event, with the last two days held at McKay Creek between Pendleton and Pilot Rock. Other trips visited Willow Creek near Lexington and the Umatilla River at Hermiston.

Students broke into small groups led by high school volunteers and spent about 25 minutes at each of eight stations, covering topics from water health to vegetation and wildlife. Shanna Hamilton, education outreach and program coordinator for the soil and water conservation district, said the goal is for kids to understand how all functions of nature work together, and to understand their own effect on the environment.

"It says a lot that we're making an effort to teach our kids that conservation is important," Hamilton said.



Staff photo by George Plaver

Hannah Bane, a fifth-grader at McKay Creek Elementary in Pendleton, sorts aquatic macroinvertebrates during Watershed Field Days on Friday.

"We're all working together to make a better natural resource environment for them."

Presenters from the Oregon Department of Fish & Wildlife, U.S. Forest Service, OSU and Confederated Tribes of the Umatilla Indian Reservation each led a station to explain their unique roles in maintaining healthy watersheds. At one station, kids learned to sort aquatic insects and other macro-invertebrates, which make up the diets of most fish. Those fish, in turn, are a culturally significant food source for the local tribes.

"If you have a poor aquatic area, you won't have many aquatic insects or fish," said Mike Montgomery, stream restoration technician with ODFW.

At another station, the students planted native trees and bushes that provide habitat and halt stream bank erosion.

Watershed Field Days is paid for in part by a three-year, \$50,000 grant from the Oregon Watershed Enhancement Board. Katy Gray, conservation education coordinator with the Umatilla forest, said it's important for kids to physically interact with the outdoors to develop a connection and experience

with the landscape.

"They will be the next generation of landowners, natural resource managers and voters who help decide how this gets managed overall," Gray said. "They should understand the environment around them, that there are all these pieces and parts that play together."



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