



COLBY FREE PRESS

Ready, set, get wet!



MICHELLE L. HAWKINS/Colby Free Press

Tom Cook sported his snorkel and floaties Thursday night at the Colby Ag *Dunk Tank* at the Thomas County Fair. All proceeds go to support the efforts of the Thomas County Amusement Association in their quest

to start a home-owned carnival. The tank is a popular fair attraction and features well known personalities, committee officials said on Thursday night.

Judge dismisses restraining order against doctor

By **PATTY DECKER**
Free Press Editor

A lawsuit involving a restraining order filed in Thomas County District Court initiated because of allegations of misconduct on the part of a local physician by an employee at Citizens Medical Center, Inc., was dismissed last week.

District Court Judge Jack Burr granted the dismissal after hearing from Ronald Vignery, attorney for the hospital, and Ronald Shalz, attorney for Dr. Victor Hildyard, in what was a joint agreement by both parties on the decision.

Although the restraining order has been completely lifted and is no longer a court matter, Carol Bonebrake, Topeka, the attorney for Citizens Medical Center said, the issues stemming from the initial restraining order still exist. There will eventually be a hearing in front of the hospital's board of trustees regarding the allegations made by the hospital employee and Dr. Hildyard will be entitled to know the outcome, she said.

Since the initial complaint, Hildyard said this week, he has no idea what the allegations are or what the outcome of the investigation was. However, Vern Schwanke, president of the board, did say earlier this month that the independent investigator's review was completed and forwarded to the board members.

Bonebrake agreed that Hildyard has not been made aware of the allegations either.

"It is not a public matter," she said. "A complaint by an employee is a confidential and personal document and subject to a confidential investigation."

"Everything involving such an investigation is confidential and we are trying to keep it that way as much as possible."

Yet Bonebrake did say earlier this week that there's always the opportunity for the "oppressed" to talk about it, but in this case, hospital officials and board members are not at liberty to discuss anything regarding the situation — again because of confidentiality.

In the transcript from the proceedings from Thursday, May 2, Shalz told Judge Burr that subject to the court's approval, the hospital and Hildyard had agreed on an order that would lift the restraining order put in place on Friday, April 26 and allow him to immediately begin practicing medicine and seeing his patients at the facility.

"We reached this agreement," Shalz said on May 2, "primarily as a result of some occurrences that happened after Friday (when the restraining order was

put in effect)."

"Part of the agreement," he said, "is that I would be allowed to announce in open court that what everyone has seen, that this complaint that basically started all of this by a hospital employee, has been rescinded by that employee."

Shalz added that the employee is further unavailable to testify as a witness.

"We have filed on behalf of Dr. Hildyard a request for an immediate hearing (May 2) with the governing board of the hospital and Mr. Vignery told me that they are going to accommodate us on that request," he said.

While both attorneys agreed to the restraining order being dismissed, there were many differences as to how something like this could surface in the first place.

"When a serious statement was presented to Mr. (Michael) Boyles (chief executive officer at the hospital), he reacted, received advice about it, gathered the facts and information that he had available to him at the time and made a decision that he was allowed to make according to the policy," Vignery said.

"Mr. Shalz, of course, disagrees with that, but that's the position that was taken and that's why the restraining order was sought," he said.

Shalz said on May 2 at the proceedings that summary suspension was imposed unilaterally by Boyles. "I don't believe the board of trustees had any involvement; in fact, I don't think they knew about it until a few days after the summary suspension was imposed," Shalz said.

Hildyard's attorney said that the reason they were in court on the restraining order was so that the doctor could get back to seeing his patients at the hospital. In a press release earlier this week from the hospital's attorney, Bonebrake said that while the lawsuit is no longer needed, the hospital and Hildyard have not only agreed that he would abide by the policy in place, but also that they agreed the matter was subject to further review.

The reason for further investigation, Vignery said at the May 2 hearing was that even though the hospital was willing to back off on the summary suspension because of the information received that the witness had rescinded statements, it didn't mean that the board of trustees wouldn't continue with an investigation.

Following the recent decision to dismiss the lawsuit on the restraining order and suspension, no other public information has been made available.

Primary election scheduled for Tuesday

By **MICHELLE L. HAWKINS**

Colby Free Press

Tuesday is primary election day across Kansas, with polls open from 7 a.m. to 7 p.m.

Turnout across the state is not expected to break any records, despite the fact a horse race exits on the Republican ticket for governor where four candidates are jockeying for position to take on Democrat Kathleen Sebelius in November.

The deadline for returning advanced voting ballots is noon on Monday, said Tracey Perkins, county clerk/county election officer.

However, she said county voters who are sick or disabled have until 7 p.m. on Tuesday, to return their ballots to the courthouse.

She said 5,117 voters are registered in the county.

One local race is featured on the Republican ballot, and that involves County Commission District #1, where incumbent Ron Evans is being challenged by Lonnie D. Wilson.

Candidates on the Democratic ticket include: Governor and Lieutenant Governor - Kathleen Sebelius and John Moore; Secretary of State - David Haley; Attorney General - Chris Biggs; Commissioner of Insurance - Jim Garner; State Treasurer - Sally Finney; and Lacey Township Clerk - Pete Ziegelmeier;

Party Officers and Precinct Committee person: Ward I - Max Embree, Pat Embree; Ward II - Maurice Sloan, Vera Sloan; Ward III - Diane Williams; Ward IV - Tracey Perkins; East Hale - Ernst Seemann, Rosalie Seemann; and East Morgan -

John Sears, Judith Sears.

Those on the Republican are: United States Senator - Pat Roberts, Tom Oyler; Governor and Lieutenant Governor - Dan Bloom and Eric Bloom, Dave Kerr and Mary Birch, Bob Knight and Kent Glasscock, and Tim Shallenburger and David Lindstrom; Secretary of State - Ron Thornburgh; Attorney General - David Adkins, Phill Kline, Charles McAtee; Commissioner of Insurance - David Powell, Sandy Praeger, Bryan Riley; State Treasurer - Lynn Jenkins, Dennis Wilson; Kansas House of Representatives - Jim Morrison; State Board of Education #5 - Connie Morris, I.B. Sonny Rundell; and County Commissioner District #1 - Ron Evans, Lonnie Wilson.

Township Clerks: West Hale - Ken Kammer; East Hale - Daniel McKiski; Menlo - Loren Guill; Barrett - Wilburn Holloway; North Randall - Byron Sowers; Rovohl - Arnold Wehkamp; and Smith - Vernon Vance.

Party Office and Precinct

Committee person: Ward I - William (Bill) Adams; Ward II - Judy Kistler; Ward III - Alvin Koenig, Karen Koenig, Brent Wiedeman; Ward IV - Sharon Walker, Boyd Walker, Paul Steele, Phyllis Elliott; West Hale - Mike Baughn; East Hale - David Tole, Peg Tole; and South Randall - Stan Clark, Ruth Clark; North Randall - Lonnie Wilson, Lori Wilson; West Morgan - Lon Frahm, Lisa Schroeder; and East Morgan - Kay Weston.

The voting locations are: Barrett/ East Hale Townships - East Hale Township Hall; West Hale/Kingery Townships - Brewster City Hall; South Randall/Summers Townships - Mingo Co-op Office; Lacey/North Randall Townships - Gem City Hall; East Morgan/West Morgan/Rovohl Townships - National Guard Armory; Smith/Menlo/Wendell Townships - Rexford City Hall; Ward I - Lobby of the Community Building; Ward II - South Lobby of the Community Building; Ward III - National Guard Armory; and Ward IV - National Guard Armory.

Briefly

Error in school enrollment

There was an error in the Wednesday, July 31 edition of the Colby Free Press involving enrollment information for the Colby Public School District. In the information published, one of the school board members was listed twice and another board member, Bill Miller was inadvertently left out. In clarification, the board of education members are: Stan Molstad, president; Tracy Rogers, vice-president; along with board members, Miller, Cathy Gordon, Wilburn Holloway, Gerald Fulwider and John Cranston. In addition, there was an error in the telephone number for Colby Middle School.

Instead of 465-9160, the correct number is 465-5200. The Colby Free Press wants to maintain an accurate record of our town. Please report any error or lack of clarity to us at 462-3963.

College board schedules meeting

The regular meeting of the Board of Trustees of Colby Community College will be held on Monday at 5 p.m. in the board room of the Thomas Hall administration building. Items on the agenda include: the budget hearing, Higher Learning Commission report, statewide economic survey board, water usage, and resignations.

Pioneer Day is Saturday

The Thomas County Fair *Annual Pioneer Day* will be Saturday at the Colby V.F.W. Registration begins at 11:30 a.m. Lunch will be served at noon. A short presentation with entertainment will follow.

Commissioners to meet Monday

The Thomas County Commissioners will be meeting on Monday at 9 a.m. at the courthouse. Larry Jumper will give his monthly report on the landfill. The meeting is open to the public.

College pool to close

The Colby Community College swimming pool will be closed Aug. 8-17 for painting.

Singles dance tonight

The Colby Singles Group is holding its monthly dance from 8 p.m. to midnight, tonight, with entertainment provided by Jim Christensen of Kearney, Neb. The event is open to all single people and alumni. For further details, call Don Birzer, (785) 462-2127.

Railroad club takes part in fair

The Northwest Kansas Model Railroad Club will have their layout open to the public during the Thomas County Fair. The club will be open beginning tonight and through Friday evening from 6 to 8 p.m. They are located at the back of the Colby Public Schools administration building.

Vendors wanted for sidewalk sale

Vendors are wanted for this year's annual *Sidewalk Sale* beginning at 4 p.m. and concluding around 8 p.m., Thursday, Aug. 8. According to organizers from the Colby Downtown Merchants Committee, any groups or organizations that would like to sell items are encouraged to call Bonnie Dinkel at 462-2751. One example of a group planning to do something at the sidewalk sale, she said, is the 9th-10th grade Mid-America Youth Basketball boys team, who will be selling cotton candy.

Leadership nominations wanted

Applications are now being accepted for the 2002-03 Leadership Thomas County program, said Leilani Thomas, one of the coordinators. The purpose of the program is to develop future leaders for the county and application requests can be made by businesses, civic clubs, organizations or by individuals, she said.

Additionally, people can nominate themselves if they are interested in learning more about 21st Century leadership. Completed forms must be returned to the Colby/Thomas County Chamber of Commerce by Friday, Aug. 23. For questions or an application, call (785) 462-3401 or stop by the office at 350 S. Range, Suite 10 in Colby.

Pool alters schedule

The municipal swimming pool in Colby will be closed all day, Thursday, Aug. 8, said Stephanie Unruh, pool manager. In addition, she wanted to remind all those who took swim lessons this summer and last summer to stop by the facility and pick up their Red Cross certification card for completing the course. For questions or to receive cards, drop by the office at 200 E. 5th St. or call Unruh at 462-4429.

Thomas County Fair schedule

Tonight: — 7 p.m. — Dunk Tank, proceeds to the Thomas County Amusement Association. Personalities include Phil Bremenkamp at 7; Karen O'Neal at 7:30; Doug Lewis at 8; Justin Finley at 8:30; Johnna Thompson at 9; and Terry Wendell at 9:30

7 p.m. — Car Races, grandstand, late models, cruisers, bombers

Saturday — 8 a.m.-Noon — Release of livestock and clean up barns; release of all 4-H and Open Class exhibits

11 a.m. — Farm & Home Safety Day

12 Noon — Pioneer Day, VFW

7 p.m. — Dunk Tank, proceeds to Thomas County Amusement Association. Waiting to be dunked are Deb Hudson at 7; Tonya Lee at 7:30; Drue Herl at 8; Jared Cranston at 8:30; Ted Hart at 9; and Rusty Talley at 9:30.

7 p.m. — Races, grandstand, Modified Shoot Out and Stock.

Weather Watch

Colby-Oakley areas

The numbers

Thursday's high, 84
Low this morning, 54
Year ago today, 98 and 63
Temperature at 11:45 a.m. today, 80
Colby's rainfall, 0.00
Month's total, 1.49
Oakley's rainfall, 0.00
Month's total, 2.91
Soil temp, 82
Records for Aug. 2: 107 in 1938 and 50 in 1927

The forecast

Today's high for the Colby and Oakley area is expected to reach 90 with strong southeast winds. Tonight, cloudy, a 20 percent chance for showers or thunderstorms, lows around 66, south winds 10-20 mph. Saturday, sunny early, then becoming cloudy, a 20 percent chance for showers or thunderstorms, highs near 95, south winds 20-30 mph, with gusts to 40. Saturday night, cloudy, a 30 percent chance for showers or thunderstorms, lows near 65. Sunday, sunny, highs in the middle 90s. Monday, partly cloudy, highs in the middle 90s. (*Temperatures and precipitation are from the Northwest Research-Extension Center, unless otherwise noted. Forecast is from the National Weather Service.*)

Colby Water Usage

• Aug. 1 = 2.847 million gallons
Levels of Concern
Watch Level 3.5 million gallons
Warning Level 4.0 million gallons
Emergency Level 4.5 million gallons
(Three consecutive days)

