

Wyers steps down from Meadows land case

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By RaeLynn Gill

When Hood River County attorney Teunis Wyers opened his office e-mail on Monday he found the latest in a series of "scurrilous" accusations levied against him by two Portland attorneys.

And that was the last straw for the county counsel who has been beleaguered in the past few months with accusations of ethical misconduct cast by Ralph Bloemers and Chris Winter of the Cascade Resources Advocacy Group.

That same day a frustrated Wyers filed a notice of withdrawal to all of the parties involved in the current disputed land exchange between the county and Mt. Hood Meadows, Ltd.

"I stepped down because I can't afford to spend hours of my time trying to defend myself from these totally unfounded attacks on my personal integrity," Wyers later said.

The irony of the situation is that while CRAG is claiming a victory with Wyers' departure from the case, Winter has also admitted that the recent charge may be unsupported by facts.

"We are trying to sort this situation out. We are not positive that Mr. Wyers represented Mike's father, but it appears that way," said Winter in a written statement.

Dave Riley, Meadows general manager, said it is almost "unbelievable" that CRAG would even raise the latest conflict of interest issue without first having verified its validity.

"The HRVRC attorneys stand to gain nothing and lose ground once again by fabricating a side issue that has absolutely nothing to do with the facts and law governing the completed land exchange," Riley said.

The latest charge leveled by Bloemers asserts that Wyers used confidential information from a former client to gain advantage during last week's questioning of Mike McCarthy about his water rights claim.

"It appears that Mr. Wyers possesses confidential former client documents regarding Mr. (Mike) McCarthy's property rights and water rights, as he represented Mr. McCarthy's father – Mr. Gerald McCarthy – on those matters," wrote Bloemers.

Mike McCarthy is one of the plaintiffs involved in the current litigation filed by CRAG on behalf of the Hood River Valley Residents Committee. He argues that the 640 acres the county deeded to Meadows in March will eventually be used to support a destination resort that threatens his water supply. Last week, Wyers asked McCarthy to provide information about the depth of his wells.

In his e-mail, Bloemers accused Wyers of violating the protected attorney client privilege when seeking the same information he had previously been given by the late elder McCarthy.

"In that regard note that Mr. Wyers questioning about McCarthy's water rights during Thursday's deposition was not only transparent, but it was also not well-received," he wrote.

Wyers said he has no recollection of representing Gerald McCarthy, nor does he have any past files on record. However, he said because of the volume of clientele that passes through his office it is possible that long ago he did business in some capacity with the late Gerald McCarthy. He said there is also the possibility that McCarthy was served by his father, Teunis Wyers, Sr., who ran the family law firm for many years.

"In my 26 years of practicing law I have met hundreds and hundreds of people and I'm sorry to say that I don't remember them all," said Wyers.

He said the new charge comes just weeks after the two CRAG attorney's filed erroneous information with the Oregon State Bar. He said that data was used in an attempt to have the legal authority overturn its dismissal of their first ethical violation charge against him.

In that documentation, CRAG presents e-mail correspondence from the spring of 2001 between a Teunis Wyers and Meadows staffer as proof that a conflict of interest has long existed. Bloemers and Winter contend that the mapping process for destination resorts was being discussed between the two parties prior to the land exchange the following spring. However, Wyers pointed out to the Bar that the e-mail had actually been addressed to his son by the same name who was working in the county planning department during that time. He is still awaiting the outcome of that complaint and Winter has since admitted that he did not know Wyers had a son by the same name.

Earlier this year Bloemers and Winter took action independent of the HRVRC to level the first ethics charge against Wyers with the Bar. They contended that Wyers should not be involved in the current legal action because he had helped the HRVRC defeat a Meadows destination resort proposal nearly 25 years ago.

"Mr. Wyers made the right decision to withdraw from representing the county in defending the suit brought by the HRVRC," said Winter on Tuesday. "He had previously represented the McCarthys as well as the HRVRC on similar issues and, in our opinion, he violated Oregon's ethical rules."

However Wyers successfully defeated the first claim against him by arguing that the current litigation had been filed over the county's legislative action to undertake a land exchange with Meadows. He said the company did not even have a destination resort application on the table for consideration.

Riley believes the CRAG attorneys have committed a "strategic error" with their ongoing actions that are an attempt to generate revenue and bring continued delays since their case has no merit.