

Former News-Press Photographer Sues Paper for Firing Him After He Complained of Mold

Mike Eliason alleges that his then-employer retaliated against him for expressing his concerns about the health and safety of the work environment



A photo showing what appears to be a bucket used to catch water from leaking ceilings inside the Santa Barbara News-Press building is among evidence submitted as part of a lawsuit filed against the newspaper by former staff photographer Mike Eliason. His suit alleges wrongful termination after he expressed safety and health concerns. (Nye, Peabody, Stirling, Hale & Miller photo)

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A well-known photojournalist who has worked on the South Coast for nearly three decades is suing the Santa Barbara News-Press, alleging that the newspaper did nothing to address his concerns about the presence of mold in the company's newsroom.

Mike Eliason, who had worked at the News-Press since 1989, was terminated from his job there in 2014.

In addition to working as a photographer for the newspaper, Eliason has also taught photojournalism for the last decade at [Santa Barbara City College](#) and works as a public information officer for the [Santa Barbara County Fire Department](#). Since last year, he has been a freelance photographer for [Noozhawk](#).

The lawsuit was filed Jan. 23 in [Superior Court](#) by Eliason's attorney, [Jonathan Miller](#) of [Nye, Peabody, Stirling, Hale & Miller](#), and alleges violation of labor code, wrongful termination and intentional infliction of emotional distress.

The lawsuit lists the News-Press, Ampersand Publishing, News-Press owner and co-publisher Wendy McCaw, and news operations director Don Katich as defendants.

As of 5 p.m. Friday, officials at the News-Press had not commented on the lawsuit.

Eliason began working at the News-Press in 1989, when it was owned by [The New York Times](#). The Times sold the publication to McCaw in 2000.

During his tenure, Eliason had won honors awards for the paper, including awards from the [National Press Photographers Association](#) and the [California Newspaper Publishers Association](#).

"After having had an exemplary 25-year career at the News-Press, (Eliason) became concerned about conditions in the newsroom which caused him to question the health and safety of the work environment," the complaint states, adding that the filing of a complaint with [Cal-OSHA](#) about his concerns caused the defendants to retaliate against him, resulting in unlawful termination.



Plaintiff Mike Eliason's court documents include photographs taken during his tenure at the Santa Barbara News-Press that show vents inside the newspaper's building covered in what appears to be mold or mildew. (Nye, Peabody, Stirling, Hale & Miller photo)

The News-Press is located at 715 Anacapa St. in a historic building adjacent to Santa Barbara City Hall and overlooking De la Guerra Plaza. The lawsuit maintains that the building underwent restoration and renovation in 1989, "but there has been little to no upkeep to the building since it was purchased by Ampersand in 2000."

Every time it rained, the building's roof would leak, dripping water into the newsroom, and the repeated water leaks caused the ceiling to discolor and bubble, the suit states, and that water led to mold.

"(Eliason) began to notice that he had a persistent cough when sitting at his desk, but away from his office, he rarely had a cough," the lawsuit states.

Whenever Eliason was out on assignment in the field, his respiratory issues subsided, but returning to his second-floor desk, positioned directly under one of the air intake ventilation screens, caused them to flare up, the lawsuit states.

The ventilation covers were "very dirty with gray and black areas of what appeared to (Eliason) to be visible mold or mildew growth," the suit states.

The court documents also include dozens of photographs, which show vents covered in what appears to be mold or mildew, discolored ceiling tiles, stained carpet and buckets apparently used to catch water from leaking ceilings.

The lawsuit says Eliason made multiple complaints to Katich, human resources director Yolanda Apodaca and photo editor Rafael Maldonado, but to no avail.

Shortly after he made the complaints in September 2013, a water pipe burst between the first and second floors, which caused standing water around Eliason's desk, the sports department and the library.

Although fans were brought in to help dry the carpeting, "no other steps were taken to resolve the mold issues," according to the suit, and the pipe exacerbated the mold problems.

Later that month, Eliason bought his own mold sample kit, taking specimens from around his desk area.

The samples resulted in significant mold spore growth, and when Eliason contacted Katich and Apodaca about the results, Apodaca later emailed Eliason, stating "nothing will be done," the court documents say.

The lawsuit states that in January 2014, Katich commented on the plaintiff's loud coughing fits that would occur while he was in the newsroom, and Eliason asked again for the vents to be cleaned.

Later that month, Katich allegedly issued a new directive, requiring Eliason to be at his desk whenever he

was not photographing assignments, instead of allowing him to submit photos from elsewhere to speed up the deadline process, as he had done previously.

The lawsuit argues that this move was made in retaliation.

When Eliason asked Maldonado why the change was issued, “he merely said, ‘Don wants you at your desk when you’re not in the field.’”

In February 2014, Eliason decided to file a formal complaint to Cal-OSHA about his concerns, and a letter accompanying his complaint includes the statement, “Let me begin by stating that I do not take contacting your agency lightly — and I fully expect to be terminated for doing so.”

Indeed, that’s what happened, according to the suit, and when Eliason returned from vacation to learn that he had been terminated from the job, and also alleges that Katich and Maldonado contacted multiple news sources in the Santa Barbara area to inform them Eliason had been fired and not to “offer any help to the plaintiff.”

The complaint also states that in September 2014, both Katich and Apodaca admitted under oath that nothing had been done to clean the vents or remediate the mold in the offices.

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