

McCaw, Mold, and Another Black Eye for the News-Press?



Longtime Photographer Mike Eliason Sues Paper for Wrongful Termination

Originally published 6:00 a.m., April 8, 2015

Updated 9:17 a.m., April 8, 2015

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For some, the *Santa Barbara News-Press* has been a scary place to work during the last 10 years. Under the ownership of Wendy McCaw and a relentless stream of firings, quittings, and union-busting, its once-active newsroom has mostly been whittled down to a skeleton crew of interns and greenhorns. And last March, the paper fired one of its last remaining veterans, who is now suing the paper for wrongful termination.

Mike Eliason claims he was dismissed because he filed a complaint with Cal/OSHA over unhealthy working conditions at the paper's De la Guerra Plaza offices. The lawsuit says there has been little to no upkeep at the historic building since McCaw's company, Ampersand Publishing, bought it in 2000. As a result, the suit states, it has deteriorated into a crumbly, musty mess of water damage, mold, and bad ventilation.

Eliason, an award-winning *News-Press* photographer for nearly 25 years, said he became bothered by a

persistent cough whenever he sat at his desk and that he made repeated requests to his supervisors that the vents near his work space be cleared of “the gray and black areas of what appeared ... to be visible mold or mildew growth.”

Eliason also asked that the office’s carpets be properly dried and cleaned after a burst pipe flooded the sports department, library, and the area around his desk. In the basement, rain water that periodically trickles through the roof and skirts recycling cans set out to catch it has rotted troves of the paper’s back issues, which date back to the 1870s.

Photo Gallery

Mike Eliason v. Santa Barbara News-Press



His concerns were ignored, Eliason said, even after he purchased mold test kits from Home Depot and watched black spores sprout from samples he took around the office. Eliason said he turned the kits over to management, who allegedly told him, “Nothing will be done.” And in retaliation, he claimed, his bosses ordered him to remain at his work space anytime he was not in the field, as opposed to filing his photographs remotely, which he had done for years. On March 4, 2014, Eliason filed a complaint with Cal/OSHA, and he wrote: “Let me begin by stating that I do not take contacting your agency lightly — And I fully expect to be terminated for doing so.”

Eliason’s attorneys claim correspondence between McCaw and Director of News Operations Don Katich will show they knew of Eliason’s Cal/OSHA complaint. According to the lawsuit, the pair hatched a plan to get rid of him. On March 19, 2014, two weeks after he contacted the state agency, Eliason was fired, and in the following days, Katich and Photo Editor Rafael Maldonado allegedly called a number of prospective employers to bad-mouth him.

Eliason was ostensibly fired for copyright infringement. In May 2013, a year before his termination, he had offered a handful of pictures to the owners of Bob’s Well Bread bakery after he photographed an event they hosted. Eliason and other *News-Press* photographers had done that numerous times before, and he didn’t see the harm, he said during an unemployment insurance hearing in September.

At the hearing, Eliason’s bosses also pointed to *News-Press* photos on his personal website that they said were a violation of their copyright policies. Eliason claimed he had never been previously admonished about the Bob’s bakery favor or his website. He argued during the hearing, where he was represented by attorney Jonathan Miller of law firm Nye, Peabody, Stirling, Hale & Miller, that he had committed no

misconduct and was entitled to unemployment benefits. The judge agreed and ordered he be paid.

At one point in the hearing, Miller asked Katich if it was a mere coincidence that Eliason was fired so soon after filing his Cal/OSHA complaint. When Katich declared it was, the judge quipped, “You mean a remarkable coincidence?”

The lawsuit was filed in Santa Barbara Superior Court on January 23 and is in its early stages. It remains entirely separate from the messy tangle of federal litigation between the paper and the National Labor Relations Board over labor law violations and the firings of pro-union employees and their negotiators. Eliason had mostly stayed out of that fray, supporting the union from a distance and avoiding full-blown head-butts with McCaw.

In response to the lawsuit, Katich said Eliason’s termination was “for cause.” “If he continues to pursue legal action,” Katich promised, “the *Santa Barbara News-Press* will seek protection of our property, copyright material and reputation to the fullest extent of the law.

“We will not subjugate our rights to anyone who may seek to disparage or otherwise trample our 1st Amendment rights,” Katich went on. “Nor will the *News-Press* back down from baseless accusations from those who wish us harm and competitors too willing to seek benefit from the endless bashing of the *Santa Barbara News-Press*.”

Eliason has been a public information officer for the Santa Barbara County Fire Department for three years. Before that, he served as a reserve firefighter at the Carpinteria-Summerland Fire Department. He also teaches photojournalism at Santa Barbara City College.



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