

EMC...from Page 1A

Defendants and Akins do not unjustifiably receive the reward of a free defense in the face of allegations of wrongdoing by BRMEMC members," according to the motion.

Overall, the group asks for a judgment in favor of the membership against General Manager Matthew Akins, and directors Ronald Burch, William Prather, Robert Ensley, Kenneth Lance, Jerry Nichols and Greg Owenby, according to the suit.

The suit also seeks the dismissal of Akins, legal counsel Lawrence Sorgen, and auditor Gene Allen, according to the suit.

The suit also seeks a judgment in favor of the plaintiffs for the benefit of the membership against the six directors and Akins for breach of fiduciary duty in an amount to be proven at trial.

The suit claims that the membership has been damaged by a result of the actions of the six named Board of Directors and Akins.

The suit claims the directors named in the suit failed to discharge their duties in good faith and with the degree of diligence, care, and skill, which ordinarily prudent men would exercise under similar circumstances in like positions and are therefore liable to the membership for breach of fiduciary duty under O.C.G.A. Sections 46-303 and 46-3-303-1.

The suit stems from the disclosure that former BRMEMC President Terry Taylor was allowed to carry a significant debt, and retain electrical service to both his commercial operation and residential dwelling for a number of years.

The suit also alleges

that Taylor, who first became BRMEMC president in 1997, was in conflict with the Board of Directors for having commercial contracts that allowed the president to benefit financially from the construction of the BRMEMC headquarters project.

The suit claims the more than one of the Board of Directors knew about the debt incurred by Taylor and Taylor Construction, and Terry Taylor's residential account, which also was in arrears.

The suit claims that Akins, in addition to allow Taylor to continue the indebtedness to BRMEMC, perjured himself and damaged BRMEMC by filing false reports in 2011 and 2012 on IRS Form 990. The claim is that Akins had knowledge of a conflict of interest arising out of Taylor receiving com-

ensation from BRMEMC at the same time that Taylor and Taylor Construction and Taylor personally, had an unpaid balance with BRMEMC; as well as Taylor and Taylor Construction doing work on the BRMEMC corporate headquarters project.

The happenings led to a change in three directors at the annual BRMEMC Meeting in September. Charles Jenkins, Steven Phillips, and Chris Logan unseated three incumbent directors by election of the membership.

Their historic elections (the first board members elected but not nominated by the BRMEMC Board of Directors) followed news that former longtime EMC President Terry Taylor was severely in arrears on his EMC commercial account. Taylor also had a history of not paying his residential account. The most recent debt

was more than \$48,000, according to documents obtained by the North Georgia News and Towns County Herald.

According to the suit, Attorney Sorgen failed to inform the Board of Directors of Taylor's debt after discovering the debt through a meeting with Akins in May or June 2013.

Sorgen's failure to inform the Board of Directors of Taylor's unpaid balances, and, correct the timing of the demotion of Director of Operations Chris Kelley, who, blew the whistle on the unpaid debt, indicates that it is in the best interest of BRMEMC to terminate Sorgen as BRMEMC's legal counsel, according to the suit.

Allen, who continues to serve as auditor for BRMEMC, allegedly failed to include Taylor's debt in audit reports

submitted to BRMEMC, according to the suit. Allen's failure to include information of Taylor's debt in audit reports of BRMEMC's financial records indicates that it is in the best interest of BRMEMC to terminate Allen as BRMEMC's accountant and auditor, according to the suit.

Despite being made aware of the need to terminate Allen in a derivative action demand letter from the membership, the six named directors have failed to terminate Allen as BRMEMC's accountant and auditor.

In total, the plaintiffs ask the court for judgment for the benefit of the membership requiring the termination of Akins, Sorgen and Allen and for damages in an amount to be proven at trial to account for the six named directors' official misconduct, according to the suit.

Taxes...from Page 1A

joining his property and found that his property was being assessed at a higher value than those of his neighbors.

"All I asked for was to be treated fairly, so I filed an appeal and actually won that appeal, because I did have proof that my neighbors were lower than me. So, it works," Rogers said.

Rogers reiterated the fact that his office does not set property values.

"A lot of people have the misconception that I have something to do with that part of the tax bill, and I have nothing to do with that," said Rogers. "I have nothing to do with that - if they put \$1 million on

your parcel, I have nothing to do with that."

And according to latest estimates, there are nearly 15,000 parcels of land on the books in Towns County.

When asked about his staff, Rogers spoke glowingly of the people who work in his office.

The tax commissioner's office is made up of Rogers, clerks Denise Nicholson and Amy Silvey, and Deputy Tax Commissioner Elizabeth Dillard.

"They're three very efficient workers," said Rogers. "I don't know that I've ever heard anyone complain about their service."

Another question dealt with the taxes collected by Rogers as tax commissioner.

"We don't have anything to do with sales tax whatso-

ever," said Rogers, who went on to say that the tax commissioner's office accepts hotel/motel taxes. "(Hotel/motel tax) has to come through my office in order to be dispersed."

Rogers is responsible for collecting property taxes, motor vehicle taxes and mobile home taxes, though the mobile home tax "is considered as a type of property tax."

"We collect that, and we also collect intangible tax monies paid through people borrowing money," said Rogers.

One Mountain Shaker

asked Rogers about the school board's decision to increase the school system's portion of property taxes last year.

"If money is being cut, or if their budget has increased, you know they're going to recoup this money in some kind of way," said Rogers. "And their way of doing it would be to raise millage. Now, the school has complete control over the number of mills levied against the assessed property."

Rogers also fielded a question about what his office does in the event that some-

one is struggling to pay their taxes.

"If you can't pay your taxes - and I've had numerous people, good people, that had paid diligently in the past," said Rogers. "When we've hit hard times, they've come by the office. And I've had grown men with tears in their eyes because they were so disappointed in themselves, not being able to pay their taxes."

"I'm more than happy and willing to work with anyone, that if you can't pay them all, I'll take partial pay," said

Rogers. "If you're on fixed income, you absolutely can't pay a lump sum, I'm happy to take payments. We'll do anything we need to do to work with you as long as you're working with myself."

People tend to get into tax trouble when they go delinquent and refuse to contact or respond to the tax commissioner.

"Now, if you drop me a call or stop by the office, I'm sure there's something we can sit down and work out if you're on a fixed income," said Rogers.

Libraries...from Page 1A

- Mountain Regional was closed on Tuesdays, Towns County was closed on Fridays - instead of that continuing on until the end of June, the end of our fiscal year, we got to cut that in half," said Brendle. "So, they will get to go back to regular hours as of April 1. For the last three months of the fiscal year, we will be at full capacity hour wise, the original hours, at each of the Towns County branches."

The libraries in Towns County also plan to use up some of their remaining furlough days around the Easter holiday weekend.

"I did bring up that Mountain Regional Library, the headquarters library, is starting their renovation addi-

tion project," said Brendle on another topic at the quarterly board meeting. "We've got a confirmation from the state that the bonds will be sold sometime about the end of May for the state capital outlay grant that we applied for. And Commissioner Kendall approved a \$100,000 capital SPLOST fund as the local match on that."

This \$100,000 in SPLOST funding is a local match - approved by voters - that ensures a \$900,000 capital outlay grant from the state for the renovation of Mountain Regional Library, which is the exact same funding Towns County Public Library received for its renovation last year.

"They have started getting a building committee together,"

said Brendle of Mountain Regional Library. "They're using a lot of the same committee members that were on the Hiawassee library building committee, with a few others from the different counties. Since this is the regional library, they're trying to get some regional input on the building committee as well."

The MRL building committee is tentatively scheduled to meet in March, "and then hopefully, we'll start getting an RFP out for architects, hopefully before summer," said Brendle.

An RFP, or request for proposal, is the means by which the library will secure bids from architects for the renovation project.

"We don't have any specifics on that now," said Brendle. "I just know that the state, the bonds will be sold sometime in May so we can start getting that project going, because we really can't start planning the project until we know the money is in place to start hiring architects and construction."

And even though nothing is definite as of yet, Brendle is hopeful that the Mountain Regional Library renovation could begin as early as the fall.

Also in the quarterly meeting, the board discussed the hire of Vince Stone as the new MRLS director. He accepted the job and will start his new position at the beginning of March.

Vets...from Page 1A

weekend, the monument committee is holding the July review date one week later, on Saturday, July 11th.

The deadline for review for eligibility is Saturday, Sept. 5.

Inscription of veterans' names will take place during October so as to be ready for Veterans Day in November.

The Veterans Park Monument Renewal Committee consists of Chair Billie Krueger, USN; Co-chair Scott Drummond, USCG; VFW Commander Mel Halfon, US Army; Richard Hoibraten, USN; American Legion Commander Jim Hoyt, USAF; Board Chairman Bud Johnson, USN; Vince Miller, USAF; Walt Scott, USMC; and Marine Corps League Commander Wayne Roshaven, USMC.

Last year, the monument committee was able to put 10 names on the memorial wall at Veterans Park for the Veterans Day ceremony:

Joseph S. Bartley, U.S. Marine Corps, represented by friend Louie Mitchell; Harold K. Beadle, U.S. Army, represented by his wife, Elizabeth Beadle; Donald R. Beeman, U.S. Navy, represented by his wife, Mary Jo Beeman; William P. Carlisle, USN, represented by his wife, Randi Car-

lisle; John H. Hitchcock, USA, represented by his wife, Brenda Hitchcock; Arthur F. Kiser Jr., U.S. Air Force, represented by his wife, Ernestine P. Kiser.; Leonard F. McConnell Jr., USN, represented by his wife, Ruth McConnell; Paul E. Parton, USA, represented by his daughter, Monita Parton Rodgers; Jimmie A. Taylor, USMC, represented by his wife, Oleta Taylor; and Walter L. West Jr., USN, represented by his wife, Jacqueline West.

"The families say it is a blessing, and they're able to have closure in a way, too," said Chair Krueger. "It's wonderfully heartwarming, because they can go to the wall and look."

Veterans Day is a celebration of veterans both living and deceased, a sentiment celebrated by the monument committee - veterans helping to preserve the legacy of veterans.

"It's a win, win, win - it's a triple win," said Co-chair Drummond. "It's a win for the family, it is a win for us as a group, and then, once Veterans Day gets here, which is going to be the end product of this year's work, it's going to be a win for the public to see the wall and to maintain these histories."

Weather...from Page 1A

anyway.

Pending road conditions, Daycare Director Brenda Brewer of the Towns County Child Development Center plans to keep the daycare open for children whose parents work.

And in times like these, Brewer keeps a close eye on weather reports and road conditions around the clock, and will call parents to notify them if the center plans to close.

As of press time Monday, the National Weather Service had issued a Winter Storm Warning that was in effect from Feb. 16 at 7 a.m. until Feb. 17 at 7 a.m.

The warning was labeled urgent, and held for Towns, Fannin, Gilmer, Union, Pickens, Dawson, Lumpkin and White counties.

The NWS predicted accumulations of up to an inch of snow through Monday afternoon, mainly in the higher elevations, and ice accumulations between .10 inches and .25 inches with isolated amounts up to half an inch.

Locations affected followed east and north of a line from Ellijay to Jasper to Cleveland, according to the NWS.

Hazard types included a mix of rain, freezing rain

and snow.

The NWS predicted the timing of the mix of snow and freezing rain for Monday morning, which it said would become mostly freezing rain by the afternoon with some snow in the higher elevations.

By Monday night, the NWS forecasted that precipitation would be mainly rain and freezing rain, which would then switch back to snow late Monday night before ending Tuesday morning.

The NWS anticipated probable icy roads, trees and power lines, with the potential for some trees and power lines to have come down, which could cause power outages.

The NWS anticipated the formation of black ice Tuesday morning, with a result of continued travel difficulties beyond the end of the advisory period.

Temperatures were expected to be in the 20s Monday morning, to then rise into the low to mid 30s by Monday afternoon, only to dip back into the 20s after midnight.

"A winter storm warning means significant amounts of snow and ice are expected or occurring," according to the NWS. "This will make travel very hazardous or impossible."

No Greater Love Run raises \$11,000

By Shawn Jarrard
Towns County Herald
Staff Writer

Supporters of the No Greater Love 5K and 1-mile Walk sent Tricia Spear a very special Valentine on Saturday, Feb. 14, by raising more than \$11,000 toward a Recovery Fund in her name.

"The only thing I could really say is I cannot believe everybody and the support that Tricia has," said Darlene Calise, Tricia's mother, to the crowd of supporters following the race. "I know she's a good kid, but I never knew she was loved as much as she is. I really thank everybody for all their support. If we ever can help anybody else, just let us know. Thank you very much."

Tricia recently returned home from her stay in the Neurological ICU of Erlanger Medical Center, and is concentrating on getting stronger so she can start a new treatment protocol.

The race held at Meeks Park was organized by Tricia's friend, Colleen Urbaniuk, who owns the Seasons Inn Motel on the Blairsville square with her husband Chris.

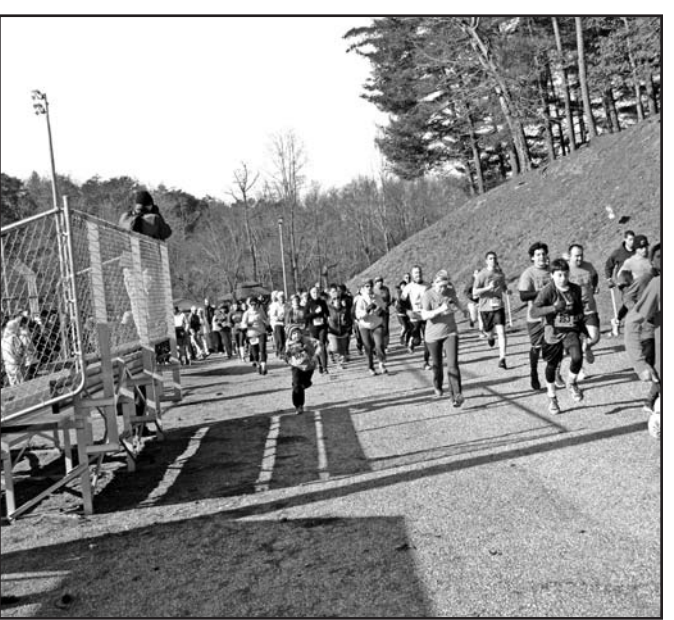
"Everybody loves Tricia," said Urbaniuk. "She's one of those people that volunteered for everything, and if she was feeling good today, she'd be one of the first volunteers out here. And that's why so many people are supporting her, because she always was the first to volunteer to help, and she always showed up."

And the show of support for Tricia on Saturday - from her family and friends to those who knew her as a giving member of the community - was tremendous.

Urbaniuk and volunteers supplied hot pink T-shirts bearing the name of the race and its sponsors, and all 172 of the shirts sold out between pre-registration and the start of the race. Many purchased specially-made Team Tricia bracelets, which stated that "Love Heals All."

All told, more than 150 runners and walkers registered for the race. Each entrant into the 5K race paid \$25 to register, and 1-mile walkers registered for \$20.

Nearly 50 volunteers came aboard to help with the event.



Participants in the No Greater Love Run to benefit Tricia Spear brave the cold to compete for a good cause. Photo/Lowell Nicholson

said they couldn't do it or didn't want to help in some way," Urbaniuk said.

When all was said and done and the dust cleared, winners of the race were awarded medals befitting the nature of the event.

"I don't know if any of you guys can see the medals that we got," said Urbaniuk during the awards portion of the race. "Typically, most races have running medals. We did two hands because we felt like it was someone helping someone else, which is why we're out here."

The 5K race was divided into several categories of competition. There were male and female overall winners, followed by winners of varying age groups, divided into male and female categories.

Overall Male went to Adam Urbaniuk, age 17, with a time of 19:26.

The Overall Female winner was Crystal McClure, age 29, who ran the course in 25:36.

For 14 and under Male, first place was Thomas Mellen-dorf with 25:57, second place Tim Stone with 26:51 and third place Max Boykin with 31:56.

Ages 15 through 19 Male winners were Jared Shelton in first place, with a race time of 19:40, followed by Austin Adams in second place with 22:20.

Lydia Peugh had the singular distinction of representing the 15 through 19 Female age group.

For males aged 20 to 29, Ben Newell took first with 23:14, Harrison Garner clenched second with a time of 27:40 and

Alex Adams won third place with 32:02.

For the 20-29 Female group, Molly Kirksey placed first with 26:19, Kristen Fuhs took second place with 26:37 and Susan Anderson went home as a third place victor with a 26:47 finishing time.

Representing the 30-39 Male category, Chad Brooks finished first with 22:54 and Andrzej Arnista finished second with 25:53.

Gedgit Davis finished first with 33:10 for the 30-39 Female group, followed closely by Tina Lane at second with 36:55 and Stefany Kay at third with 36:56.

Serving the 40-49 Male demographic, Brian Kinnersley took first place with a time of 22:44, while Steven Jarrard finished second with 23:26 and Chris Urbaniuk won third place with 25:03.

Keleen Cody cemented her first place spot with a time of 32:10 in the 40-49 Female group, with Catharine Dunlap taking second place with 35:47 and Lora Beeler taking third with 36:42.

The 50-59 Male group had a first place winner in John Kirksey with 19:53, second place in Bob Buckner with 25:30 and third place in Steve Gallucci with 30:35.

Females racing in the 50-59 age group were led by first place winner Beth Linn at 28:12, second place winner Jill Davies at 33:34 and third place finisher Nancy Vandiver at 47:32.

Representing the 60 plus Male group, Bob Hurd finished first with a time of 32:36, Da-

vid Snell came in second with 40:38 and Dan Easton rounded out the category at third with 54:22.

In the corresponding 60 plus Female group, Molly Christman came in first with 30:39, Pat Tomczyk finished first with 35:21 and Kathy Bozeman took third place with her time of 36:30.

"It's just heartwarming to see all these people here today, and knowing they're all here for one reason, and that's for her support," said Blairville Mayor Jim Conley. "There's no accolades to be given for the runners or the walkers other than probably a trophy or a ribbon, but that's not what they're here for. They're here to show their feelings and support for her, and to help her however we can."

This sentiment was echoed all throughout the community leading up to the No Greater Love 5K, especially during the month-long organization period, in which businesses and individuals donated monetary support or offered special discounts for the event.

Presenting sponsors of the event were United Community Bank, the Blairsville Cruisers and Union General Hospital, and nearly 60 more sponsors helped to make the event possible.

McDonalds provided coffee and apple slices for runners and walkers, while Foodland donated bananas for the event.

And Jim's Smokin' Que prepared meals for everyone, selling its specialty barbecue for \$5 a plate. All proceeds from the sale of the barbecue went toward Tricia's Recovery Fund.

Initially, Urbaniuk expected to raise closer to \$3,000 with the race, but with an ultimate total of more than \$11,000 raised, the No Greater Love 5K was a smashing success for Tricia and the community that loves her.

"I don't think she'd believe it," said Urbaniuk of the show of support on Saturday. "I don't think she realizes how many lives that she's touched, and how many people love her. I just don't think she'd believe it."

Tricia's family welcomes all prayers, and asks that people pray especially for Tricia's strength to continue to grow.

Also, approximately 40 people attended a luncheon at the Union County Community Center to pay tribute to Tricia and contribute to her cause.