

Local Football:

Lions Stuns Wofford

Rosman Rips Patriots

## Community Calendar

### Turkey, Ham Shoot Planned

The Ebbs Chapel Volunteer Fire Department will sponsor a turkey and ham shoot on Sept. 29 at 8 a.m. at the Upper Laurel Community Center.

### Board Of Elections Open Oct. 6

The Madison County Board of Elections office in Marshall will be open on Oct. 6 from 10 a.m. until 2 p.m. for residents wishing to register to vote in the Nov. 7 general election. The final deadline for registering for the Nov. 7 election is Monday, Oct. 8.

### Boosters Club To Meet Oct. 1

The Madison High School Athletic Boosters Club will hold its annual meeting on Oct. 1 at 7:30 p.m. at Madison H.S. The annual report and election of officers will be delivered. Anyone interested in Madison H.S. athletics is encouraged to attend.

### Legion Auxiliary Meets Oct. 9

The ladies auxiliary of the American Legion Post 317 will meet on Oct. 9 at 7 p.m. All members and interested persons are invited to attend.

To place your club or organization's news in the Community Calendar, call The News Record at 649-2741. Deadline for all announcements is Monday at noon.

### Upcoming Public Meetings

The Marshall Board of Aldermen will meet on Oct. 1 at 7:30 p.m. in the Town Hall.

The Madison County Board of Commissioners will meet on Oct. 1 at 5:30 p.m. in the Madison County Court House.

The Mars Hill Board of Aldermen will meet on Oct. 1 at 7:30 p.m. in the Mars Hill Town Hall.

The Madison County Board of Education will meet on Oct. 3 at 10:30 a.m. in the Madison County Court House.

The Hot Springs Board of Aldermen will meet on Oct. 1 at 7:30 p.m. in the Hot Springs Town Hall.

The Madison County Young Republicans Club will hold an organizational meeting on Oct. 2 at 7:30 p.m. in the Mars Hill Town Hall. John Stewart of Asheville, a candidate for the State Senate, will address the meeting.

All interested persons are invited to attend. Membership in the club is limited to voters between the ages of 18 and 40.



LARRY CHANDLER AND KEVIN CORNEL, not thinking twice on new job for Marshall's Water Dept. Building last week in Marshall. Building also houses Margaret Kingston's barbershop along.

MADISON COUNTY LIBRARY GENERAL DELIVERY MARSHALL NC 28753

September 26, 1984

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## State Board Suspends Powell's Pharmacy License

By STEVE FERGUSON  
Special To The News Record

CARRBORO. The North Carolina Board of Pharmacy revoked the pharmacist's license of Mars Hill mayor William P. Powell following a 12-hour hearing here on Sept. 19. The board ordered Powell's license be revoked for a period of 180 days.

Powell's license was revoked, but the revocation was stayed for a period of five years under the condition that Powell not practise in any pharmacy for 180 days beginning on Oct. 19 and that he takes and passes a pharmacy jurisprudence examination before resuming practise.

The permit of Powell's pharmacy, the Community Medical Center Pharmacy, was also ordered suspended for a period of 90 days. The suspension was also stayed for a period of five years on the condition that the pharmacy obey North Carolina law and Board of Pharmacy regulations. Wednesday's hearing was the

culmination of an investigation begun in the spring of 1983 as a result of complaints from David George, a former administrator with the Madison Manor Nursing Center in Mars Hill.

George was dismissed from his position following a conflict with Powell, the nursing home's pharmacist. Following his dismissal, George contacted the North Carolina Dept. of Justice concerning irregularities at the nursing home.

In February, Powell pleaded guilty to a felony charge of Medicaid fraud as president of CMCP, Inc., the corporate name for the pharmacy, in the Wake County Superior Court. He also entered a guilty plea to a misdemeanor charge of Medicaid fraud. CMCP, Inc. paid a \$40,000 fine and Powell was also fined \$10,000 as a result of the convictions.

Powell has served as a pharmacist at Community Medical Center Pharmacy since 1957. He has served as mayor of Mars Hill since 1965.

The pharmacy board's decision was announced following a 13-hour session. The board considered the earlier convictions and five other factors in reaching its verdict.

The pharmacy board found that Powell: kept generic drugs in stock labelled as brand-name drugs; dispensed the drug chloral hydrate in a broken-down condition; failed to charge lower prices for generic drugs and dispensed sample drugs to patients while billing the cost to Medicaid.

At Wednesday's hearing here, Powell testified that he entered the earlier guilty pleas upon the advice of his attorney, Bruce Briggs of Mars Hill. He said that he entered the guilty pleas to get the hearing process over with and spare embarrassment to unnamed persons.

Regarding the charge that generic drugs were stored in brand-name drug bottles, Powell testified that he had the word "for" taped on all such bottles so that his employees would



**BILL POWELL** know that the drug was a generic equivalent. Regarding his service as pharmacist to Madison Manor Nursing - Continued On Page 6

## No Decision On Sexton's Salary

### Larry Davis Hired As Policeman

By ROBERT KOENIG

Marshall town officials met in closed session for 30 minutes Monday night discussing whether to pay former town employee Charlie Sexton. When they emerged from the closed-door meeting, no decision was announced.

Mayor Wild told The News Record that the town officials have decided to respond to a letter from Asheville attorney J. Patrick Whalen, Jr. regarding Sexton's case. Whalen is representing Sexton in his dispute with the town. Wild said the town would respond on Tuesday.

Wild made the letter from Whalen public, along with a memorandum from town attorney, Charles Mashburn.

In his letter to the town officials, Whalen asked that the town pay Sexton for 220 hours work he performed as a town employee. Whalen also requests an additional \$100 for his legal services. Whalen requested that the town pay Sexton before Sept. 25.

Sexton continued to work for the town's Water and Sewer Dept. for several weeks following an Aug. 14 dispute with Mayor Wild. Following the dispute, Wild insisted that Sexton resigned his position at the time of their dispute. Sexton was kept on the job by his supervisor, alderman Sammy Lunsford.

Sexton discontinued working for the town following a Sept. 10 meeting of the town's aldermen. Monday's meeting was a continuation of the earlier meeting. The Sept. 10 session was cut short when Lunsford left the meeting complaining of a headache, leaving the board without a quorum.

In his memo to the town board, Mashburn said he believes that the town is legally responsible to pay "for services rendered by Sexton to the town in accordance with time records as may be verified."

Mashburn did not comment on whether Sexton should be paid his previous salary, but said he should be paid, "the reasonable value of the services rendered."

Mashburn warned the board that, should Sexton bring suit to collect wages owed, he can also allege other damages. A possible court settlement could include the costs of Sexton's legal counsel, should the town be found liable. The town would also incur its own legal expense in fighting the action, Mashburn wrote.

In exchange for payment, Mashburn advised, the town should require Sexton to execute a complete release from further claims against the town.

The executive session was the final order of business discussed during Monday's meeting. Earlier, the aldermen voted to hire Larry Davis as a town policeman, replacing Chris Bowman who resigned last week. Mayor Wild said the town is awaiting final approval from state officials investigating Davis' background before swearing him into office. Davis will be paid \$8,400 per year.

Several residents attended the meeting to discuss sewer problems. Alderman Ed Niles asked that all Marshall residents with sewer problems report their problems to town officials immediately. Mayor Wild said that final payment to Taylor and Murphy Construction Co. will not be made until complaints relating to the sewer project are addressed.

Mayor Wild asked residents to inform town secretary Linda Dodson of problems with sewer connections.

The board discussed, but took no

action on a request from Frank and Cecilia Ward that monthly meetings be held on the second Monday of each month. The Wards prepare the town's monthly financial statement. Moving meetings to the second Monday, they say, will allow them time to prepare a more complete monthly report.

Marion Wallin pointed out that both the Marshall Lions Club and Eastern Star chapters meet on the second Monday of each month. Alderman John Dodson asked if the change would require an amendment to the town charter. The matter was then sent along to the town attorney for an opinion.

Linda Dodson asked the aldermen to pass a resolution in support of a local child identification program similar to the Child Find program being conducted by the Buncombe County Sheriff's Dept.

Mrs. Dodson said that the program will need volunteers to assist with fingerprinting Marshall youngsters. She told the board that help has already been promised by students at Mars Hill College, the Madison County Board of Education and the Dept. of Social Services. The program will

not cost the town, she said. Mayor Wild said, "I think it is a good thing to help locate missing children. We've been very lucky around here. Let's hope we never need the information." The board passed a resolution supporting the project, details of which are not yet available.

John Dodson reported on his trip to Raleigh to accept the town's Community of Excellence Award from Gov. James B. Hunt. The award is presented annually by the N.C. Dept. of Commerce in recognition of towns' efforts to improve facilities and attract industry.

Richard Kingston addressed the board concerning improvements to the town's Water Dept. building. Kingston urged the town to recognize the improvement efforts of Marshall businesses. Kingston cited recent renovations made by Home Electric Co. and The News Record.

The meeting was adjourned shortly after 9 p.m. The Board of Aldermen will hold their regular monthly meeting on Monday, Oct. 1 at 7:30 p.m. in Town Hall.

## 'Community Of Excellence'



MARSHALL ALDERMAN JOHN DODSON, left, presents the Dept. of Commerce's 'Community of Excellence' award from Gov. James B. Hunt, Jr. during award ceremony last week in Raleigh.

### Correction

In last week's story concerning Marshall redemption of a \$50,000 certificate of deposit, we incorrectly reported that the town had cashed in a CD held by First Union Bank. We should have stated that the certificate was held by Wachovia Bank of Marshall.

Information on the transaction was obtained by a check of the town's banking records. No information was obtained from bank personnel.