



# THE NEWS RECORD

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Darrell Rathburn  
...no comment on firing

## Weaverville Police Chief F

By BILL STUDENC  
Editor

A cloud of mystery surrounds last week's firing of Weaverville Police Chief Darrell Rathburn, which comes on the heels of the resignation of two police officers.

Town officials aren't giving any reasons why Rathburn, the fifth man to hold the title of Weaverville police chief since a departmental reorganization in 1983, was fired.

And Rathburn, promoted from police officer to police chief a little more than one year ago, says he won't comment on the matter until after a grievance hearing.

Weaverville Town Manager

Charles Horne fired Rathburn on Friday afternoon, and informed the Weaverville Town Council of the firing during a special called meeting at 5:30 p.m. Friday.

Horne met with council members for nearly an hour in a closed executive session on "personnel matters."

When contacted after the meeting, Horne said he could not discuss the firing of Rathburn.

"I cannot at this point comment on it because of confidentiality requirements," Horne said this week.

The firing of Rathburn, 30, came at the end of a two-week investigation into the police department by town of-

ficials. Weaverville officials have refused to discuss what prompted that investigation.

"Because this is a personnel matter, I cannot make public comment on it at this time," said Mayor Reese Lasher. "I believe he (Rathburn) will file an appeal, as he is entitled to do under our personnel policy. As for a reason for the termination, until he's had a chance to go through the complete process, it's a confidential matter and I cannot discuss it."

Rathburn, who lives in West Asheville, said he was "not at liberty to discuss the situation."

Rathburn has hired attorney Devere C. Lentz of Asheville to repre-

sent him during a yet-to-be-scheduled grievance hearing.

"I have retained an attorney, and he's handling the whole thing," Rathburn said this week. "I've been instructed not to say anything now. I would rather wait until they set up the grievance hearing."

Lentz could not be reached for comment.

Rathburn, at press time, had not yet formally requested a grievance hearing, although Weaverville officials say he has indicated that he will do so.

During the grievance hearing, which may be held as soon as next week, Rathburn will have an oppor-

department and the firing of Rathburn come after last month's resignation of two other Weaverville police officers. But Horne said the termination is, at best, "only indirectly related" to those resignations.

"If you can relate it to the resignations, it would be very, very indirectly, and that's all I can say about it," he said.

Horne said that the two officers -

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Angela Savage, a junior at North Buncombe High School, was injured Tuesday in a collision at the intersection of Salem Hill Road and Old U.S. 19-23. The accident occurred at about 3:30 p.m. as students were leaving school for the day. Above, North Buncombe principal Ivan Randolph, principal at North Buncombe High School and an emergency medical technical, helps stabilize her head and neck, a precautionary measure. Right, school buses and other traffic detour around the accident scene. The N.C. Highway Patrol's report on the accident was not available at press time.

BILL STUDENC PHOTOS

## Wallin Case Delayed; 92 Misdemeanors Listed

By BILL STUDENC  
Editor

The trial of Madison County Tax Collector Harold Wallin, charged with failing to discharge his duties by not collecting interest and penalties on delinquent taxes, has been postponed again.

District Court Judge Phillip Ginn agreed last week to continue the trial to Sept. 21 at the request of James Baker, assistant district attorney for the 24th Judicial District.

The postponement comes as the District Attorney's Office has filed two misdemeanor statements of charges listing a total of 92 counts of alleged willful failure to discharge duties.

The statements do not represent new charges against Wallin, but list the individual transactions questioned by the original warrants.

The statements, filed last Wednesday, allege that Wallin failed to collect interest from 92 overdue taxpayers in July 1985 and February 1986.

Amounts of uncollected interest listed in the statements range from 5 cents to \$49, according to the statements.

"Each transaction, regardless of how minuscule, should be considered a separate transaction," said District Attorney J. Thomas Rusher.

"Originally, we lumped together the totality of what we alleged to have happened in one particular month," Rusher said. "But we think the defendant is entitled to an individual statement of charges."

Wallin has been charged with failing to collect a total of \$240.60 in interest from late taxpayers in July 1985 and \$357.47 in interest in February 1986.

In Madison County District Court

last Thursday, Baker told the court that he simply wasn't ready to go to trial when Wallin's case was called.

"To be perfectly honest, I am not ready for trial," Baker said. "This is a new case, and I am not totally familiar with it. The SBI investigated this case, and I haven't talked to the agent to the extent that we're ready for trial."

It was the second time Wallin's

case has been continued - both times at the request of the prosecution. Wallin was originally scheduled to be tried July 27, but the case was continued to Aug. 27.

Wallin's attorney, Joseph Huff, asked Ginn to deny Baker's request for a second postponement.

"We're ready to go," Huff said. "We were ready to go the first time."

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## 'Missing' County Tax Records Located

By BILL STUDENC  
Editor

The mystery of the missing Madison County tax records is no longer a mystery, according to 24th Judicial District Attorney J. Thomas Rusher.

In fact, county tax records more than 10 years old were apparently never "missing" in the first place, but were simply misplaced during renovation work on Madison County Courthouse last year, Rusher said.

That opinion comes after a State Bureau of Investigation agent conducted a preliminary search in August to determine if the records were missing, as some Madison County residents claimed.

"I don't think that you're going to go through each and every box of old, dirty records, but they are apparently in existence, although for me to say each and everyone is there would be impossible," Rusher said last week.

"The bulk of the records, including some thought to be missing, have

been located," he said. "They are now in storage in a public building, and some of those we were particularly concerned about are there."

Rusher said he will consider the matter closed, unless he received additional information concerning missing records.

"If people know something to the contrary, if they want to pass that information on to me, we'll look at it more than we already have," he said.

The District Attorney's Office initiated a search for the records after Betty Wild told the Madison County Board of Commissioners in July that Tax Collector Harold Wallin had apparently destroyed county tax records more than 10 years old - a violation of state law.

Wild, an unsuccessful candidate for tax collector in last November's election, told the commissioners she had asked Wallin to see old tax records to see who in Madison County had not been paying their taxes. Wallin said

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## Banks Named New S. Creek Principal

By BILL STUDENC  
Editor

The Madison County Board of Education last week appointed Theresa Banks, assistant principal at Marshall and Mars Hill elementary schools, as principal of Spring Creek Elementary School.

The school board also approved an interim budget of some \$64,000 to enable the county school system to continue to operate through the month of September.

That action was necessary because county school officials have yet to learn from the state controller's of-

fice how much money they will receive for the current school year.

Those two items were among the matters handled by the school board last Wednesday in a session continued from its Aug. 24 meeting.

Banks, who took over the new position effective Tuesday, replaces former principal Larry Piemmons, who resigned to take a position at North Canton Elementary School in Haywood County.

The appointment of Banks, a first-grade teacher at Marshall Primary

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Theresa Banks  
...new Spring Creek principal

## Authorities Ask For SBI's Help In Accident Investigation

From Staff Reports

Nearly two months after a Marshall woman died in a one-vehicle accident, authorities in Marshall and Madison County are continuing their investigation.

Municipal and county authorities have now asked the N.C. State Bureau of Investigation to look into the circumstances surrounding the death of Diana Kingston.

Mrs. Kingston, a Marshall real estate agent, was killed July 15 when the car in which she was a passenger plunged 42 feet off the side of Roberts Hill Road, landing on its top on U.S.

25-70 Business.

Her husband, Richard Kingston, was driving the car at the time of the accident. He suffered slight injuries when he jumped from the car as it went over the side of the hill, according to authorities.

An autopsy performed shortly after the crash indicated that Mrs. Kingston died of injuries received when the car landed on its top.

The Madison County Sheriff's Department and Marshall Police Department have been investigating the accident for the past two months, and last week asked the SBI to enter

the investigation.

"There's been some new evidence in the case come up recently," said Sheriff Dedrick Brown. "I asked (District Attorney) Tom Rusher to ask the SBI to assist, and they have agreed to send an agent in to help us look into it."

Brown would not say what "new evidence" has been obtained.

Marshall Police Chief William Lisenbee said that authorities have spent much of their time checking into the many rumors that began circulating after the accident.

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## Feds' Decision Won't Affect Madison

By MARGARET A. STUDENC  
Staff Reporter

Madison County school students will be seeing some older faces at the driver's seat of the county's 41 buses when the new year rolls around.

As of Jan. 1, no one under 18 years of age will be allowed to drive a public school bus in North Carolina. That is because of the U.S. Department of Labor's decision last week not to issue North Carolina an exemption from the requirement of bus drivers

The decision, however, will have little effect on Madison County this school year. Of the 41 bus drivers in the county, 14 are students. And according to Madison High School principal David Wyatt, most of those 14 student drivers will celebrate their 18th birthday by Jan. 1.

School officials may find it more difficult to locate adult drivers for the next school year, Mr. Wyatt said.

Wyatt said he will have to report the number of bus drivers to the state Department of Transportation by the end of the year.

Madison High is the only school in the county with student drivers. The high school has a total of 24 buses, with 10 adult drivers and 14 student drivers.

"Our students have done a good job. We'll hate to lose them," Wyatt said.

School bus drivers in Madison County make \$4.50 an hour plus pay, and \$4.50 after one year, according to Wyatt. A supplemental amount of \$1.00 is paid to student drivers.

## Power Rates Remain Constant

From Staff Reports

Customers who buy their electrical power from French Broad Electric Membership Corp. should see no major changes in their monthly bill - at least until next year.

The French Broad EMC Board of Directors agreed at its August meeting to keep rates constant in the

has increased by 5.3 percent the wholesale rate it charges French Broad EMC. The higher wholesale rate will not affect monthly

French Broad EMC officials say they are able to offset CP&L's rate hike by using a portion of its share from the purchase of electricity from the state-owned French Broad Electric Membership Corp.

structured for to use a portion of the SCEPA savings to help offset the increase in CP&L power cost," said Charles Taylor, general manager of French Broad EMC.

"The board has also instructed me to make whatever adjustments are needed to keep your power bill constant," Taylor said.

He said the rate will be the same as the rate in 1986.