

# 'Vicious' Label Removed From Shallotte Dog After Appeal

BY TERRY POPE

A Shallotte dog accused of biting three children was declared "not vicious" Monday night after its owners made an appeal to the Brunswick County Board of Health. P.J., a one-year-old spotted calico owned by Rocky and Lou Hopchas of Shallotte Avenue, also appeared before the health board Monday during a hearing to determine if animal control officer Zelma Babson's ruling that the dog is "vicious" should be overturned.

In a 4-3 decision, the board voted to "not declare this dog in question as vicious," after spending an hour in executive session to discuss the matter. Board Chairman John Madison determined the vote to be 4-3 in favor of the motion made by Frankie Rabon, but a request to determine how the individual board members voted was denied.

"I don't think there should be anymore discussion on it," Rabon replied, after a Beacon reporter asked for the individual vote.

"What matters is the vote," county attorney David Clegg stated. He added the minutes will reflect it was a 4-3 vote, that unless a board member asks for a roll call vote then one is not required.

The board secretary recorded the vote as 4-3, with Rabon making the motion to declare the dog as not vicious, seconded by Joe Stevenson. A poll of individual board members by telephone Tuesday morning determined the motion was also favored by Naomi Henry and Thomas Dixie. Board members Dr. Gene Wallin,

Fred Lesh and Dr. Bill Rabon voted to uphold the animal control officers' ruling that the dog be declared vicious.

According to Ms. Babson, two bites were confirmed by the Brunswick Hospital emergency room on Jan. 1 and June 30. Another bite was confirmed by animal control officers on Jan. 20, she said.

Both victims were riding bicycles past the Hopchas' home when the bites occurred, she said. Health Director Thomas Blum said only one confirmed bite, involving a 14-year-old girl, required actual treatment, or a tetanus shot.

"Nothing's been shown that this dog did it," said David Ford, the Hopchas' attorney. "The only thing that's been verified is that two people have been bitten."

Ford stated that neighbors "with a bone to pick" should not be allowed to hide behind the ordinance that states a dog is vicious if it bites a person causing bodily harm. The animal was picked up and held for observation for ten days following the last alleged bite and returned to its owners bearing a "vicious" label.

Once a dog is declared vicious, it must be kept on leash at all times under the control of its owner. Ms. Hopchas told the board that the animal would remain tied at all times now, but if it is declared vicious it would not be allowed to exercise in a field adjacent to her home while under supervision.

"I'm just real concerned about the vicious label, because I really don't think she's vicious," Ms. Hopchas

said. She added that she thought the first alleged bites were just harassment rather than actual bites.

Board member Bill Rabon, a veterinarian, said he has treated the dog in the past and that it has "never given me any trouble." But Rabon stated he was also concerned over how the board would handle the next dog bite hearing if "disfigurement" of the victim occurs. "How are we going to handle that?" he asked.

Board Chairman Madison said the vote to overturn the animal control officer's ruling "does not reflect on her performance. The animal control officer did her job exactly the way she is suppose to do her job," he added.

The board also agreed Monday that a better working relationship is needed between members of the newly-formed Brunswick County Animal Welfare League and animal control officers.

Madison appointed three board members, Stevenson, Bill Rabon and Lesh, to work with both groups to improve relations. Welfare league organizers Eileen Kellagher, Teddi Neal and volunteer Deborah Sewell submitted letters to the board Monday citing a need for better relations with Ms. Babson and the animal control staff.

"If we can't have warm and cooperative relations with the animal shelter director," Ms. Neal wrote, "we can be of no service to the poor animals we are trying to help."

"We are hoping that we can all make a new start and that the board can help us to establish warm and

cooperative relationships with the shelter employees so we can be of help and that members who want to help and go to the shelter, at their convenience, will not be so embarrassed that they won't volunteer again."

The board also met in executive session for 25 minutes before unanimously approving a contract with Dr. Louise Piper that will make animals adopted from the county

animal shelter eligible for spaying and neutering at reduced rates. The contract was labeled by one board member as the first step in improving relations with the animal welfare league.

## State Wants Southport Company To Stop Mining

BY TERRY POPE

State officials are seeking a judge's restraining order against a Southport construction company, asking that it be fined and prevented from operating a mine without a permit.

Gerald J. Kraynak, regional engineer with the Wilmington office of the N.C. Department of Natural Resources and Community Development, filed suit against C.W. Hewett of Hewett Construction Company on July 30 in Brunswick County District Civil Court.

Kraynak is asking that a district court judge issue a restraining order against Hewett and that he be ordered to pay \$1,400 in fines. The suit states Hewett has violated and continues to violate the Mining Act of 1971 by operating the rock quarry on N.C. 211 about three miles west of Southport without a permit.

According to the lawsuit, officials discovered that Hewett had undertaken mining operations on a tract of land on N.C. 211 on Feb. 17, 1984.

"The inspection of said mine disclosed that although more than one contiguous acre of land had been disturbed by mining operations," the suit states, "the defendant had failed to obtain a permit in accordance with the provisions of the Mining Act of 1971."

On Feb. 21, the state notified Hewett by certified mail that his company was in violation of the act and requested that he immediately cease mining at the site. Hewett returned an application for a mining permit on April 19, which was approved by the NRCD office on May 14, the suit states.

The suit also states that Hewett was notified on May 14 that a \$2,500 surety bond would have to be posted before a permit could be issued, but that "as of the filing of this complaint, the defendant has not provided NRCD with the required surety and no permit has been granted." A surety bond is required by state law.

An inspection in February 1985 by NRCD personnel revealed that "further mining operations had been undertaken by the defendant without his having obtained a mining

permit," the suit states. Operating a mine without a permit carries a maximum civil penalty of \$5,000.

The director of the Division of Land Resources of the NRCD assessed a penalty of \$1,750 against Hewett on March 19. Hewett was also notified of the penalty and given an opportunity to file for an administrative hearing with the department to contest the basis for the penalty within 60 days, but he failed to respond.

The matter was then turned over to the state attorney general's office, which requested on June 25, 1985 that \$1,400 be paid to the state.

"To date, the defendant has not paid the money it owes to the state," the suit states.

The state is asking a judge to issue a permanent injunction against the company from mining on the site. It is also asking the judge to order the company to issue a "permanent ground cover sufficient to restrain on-site erosion and off-site sedimentation" within 14 days of the restraining order.

The suit also asks that Hewett be ordered to pay the \$1,400 owed to the state in penalties, plus court costs.

## Hit And Run Suspects Held In Girl's Death

Two persons were arrested in Wilmington Friday afternoon and charged with the hit-and-run death of a Leland girl who died after being struck by a car last Tuesday night in Northwest, the State Highway Patrol reported.

Walter Lee Graham, 28, of 214 McRae Street, Wilmington, formerly of the Northwest community near Leland, and Aminda Resto, 38, of 3435 Malibu Palms Apartments, Wilmington, were arrested and charged with involuntary manslaughter and felonious leaving the scene of an accident (hit and run), State Trooper B.D. Barnhardt reported.

Killed in the accident was Regina Mae Sullivan, 16, of Route 4, Box 369, Leland. According to Barnhardt's report, Miss Sullivan was walking south along RPR 1419 (Northwest Road) about 11 miles west of Belville when she was struck from behind by a vehicle that crossed the center line around 9:20 p.m.

Miss Sullivan was walking along the left side of the road with a friend, facing traffic, when the southbound car struck her from the rear and continued south without stopping, he

reported. The victim died Wednesday morning at New Hanover Memorial Hospital in Wilmington. The suspects are being held in the Brunswick County Jail under \$35,000 bond.

Acting on a tip Friday, Wilmington police were led to a service station where a car was parked that fit the description of the one seen leaving the scene of the accident, Barnhardt reported. The vehicle was a 1972 Buick with damage to its left front headlight and hood.

Investigators have not determined who was driving the vehicle when it struck the girl. Barnhardt reported that paint chips and hair samples taken at the scene are believed to match those taken from the car.

An investigation is continuing, Barnhardt reported.

In another accident last week, two drivers were seriously injured in a three-car accident three miles south of Bolivia last Wednesday morning, the State Highway Patrol reported.

According to Barnhardt's report, Shirley Ann Lloyd, 24, of Wilmington, was charged with improper passing after her car skidded out of control

while passing another vehicle and struck two cars head-on.

Ms. Lloyd was traveling north on U.S. 17 when she attempted to pass another vehicle, pulling into the path of oncoming traffic, Barnhardt reported. Ms. Lloyd's car slid sharply back into the northbound lane, where she applied brakes to keep from striking a truck.

Her car then skidded out of control, striking a 1982 Ford driven by Carol Hedgecock Benino, 27, of Bolivia, Barnhardt reported. Ms. Benino's car then spun sideways and onto the right shoulder, knocking down a no parking sign and coming to rest in a private driveway.

Ms. Lloyd's car then continued north in the southbound lane and struck a 1978 Ford stationwagon driven by Sandra Lee Cox, 30, of Bolivia, head-on, Barnhardt reported.

Both Ms. Lloyd and Ms. Cox were seriously injured and taken to the New Hanover Memorial Hospital in Wilmington and the Brunswick

Hospital in Supply. Ms. Benino and two passengers in her car, Adam Hedgecock, 8, and Gus Benino, 2, received minor injuries.

Also receiving minor injuries was Shirley Lee Cox, 11, a passenger in the Cox vehicle.

Damage was estimated at \$50 to a no parking sign; \$8,500 to the Lloyd vehicle; \$2,800 to the Benino vehicle and \$3,500 to the Cox vehicle.

In another accident last Thursday near Ocean Isle, an Ash woman was charged with driving with unsafe tires after her 1981 Chevrolet skidded off the highway and overturned in a ditch.

Rhonda Lois Meadows, 21, was charged after her car struck a puddle of water, ran off the right shoulder and overturned on N.C. 179 about eight miles east of Ocean Isle Beach, Trooper W.H. Morgan reported.

According to Morgan's report, three tires were slick on the Meadows vehicle. No one was injured, but damage was estimated at \$2,000 in the 12:15 p.m. accident.

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