

The News-Journal

The Hoke County News - Established 1928

The Hoke County Journal - Established 1905

Volume LXXVII Number 30

RAEFORD, HOKE COUNTY, NORTH CAROLINA

\$10 PER YEAR

25 CENTS

Thursday, November 14, 1985

Hoke nursing home delayed until at least 1987

The earliest construction could begin on a nursing home in Hoke County would be the spring of 1987, a spokesman for one of the two firms fighting to build the project said Tuesday.

A hearing date for an appeal of a state ruling filed by Brithaven Inc. has been set for October 1986, firm spokesman Kathy Matthews said Tuesday.

The earliest a decision would be rendered would be January, 1987, and if no further appeals are filed, construction could start in the spring when weather permits, Matthews said.

"We want to get started here, but the process is slowing us down," Matthews, who was in Raeford Tuesday, said.

Brithaven filed the appeal after losing the last round of a state certificate of need application process to Autumn Care Corp. last March.

Both Autumn Care and Brithaven filed applications for the 62 beds approved for Hoke County over a year ago, and it could be another two years before the matter is resolved in the court system, Matthews said.

A hearing which is set for next week on an appeal of a Caswell

County ruling could set the tone for other appeals, Matthews said.

"We may find out then how long the appeals process takes," she said.

The Hoke County case is being delayed because of over 35 appeals which have been filed over nursing home beds.

Decisions by the state on every county where nursing beds were opened for construction is being appealed, Matthews said.

"There are only a handful of attorneys who are competent to handle long term care appeals, and there are only a handful of hearing

officers to go around," Matthews said.

Although Hoke County was awarded beds earlier than some other counties, the local case has been delayed towards the end of the hearing schedule.

"There is no reason to the scheduling, other than case loads," she said.

"Some good might come out of Hoke County's delay in construction," she said, noting that state laws might be streamlined to facilitate speedy decisions in awarding beds.

A spokesman for Autumn Care

said recently his firm was ready to begin construction on their nursing home here.

Although Autumn Care was awarded the project by the state, nothing can be done until the appeals process is completed.

A decision from the October, 1986, hearing could be delayed until January, 1987, because attorneys must file legal briefs and transcripts must be prepared before hearing officers can rule on the case, Matthews said.

If Brithaven is able to overturn the state's decision, then Autumn Care could appeal to the state

Court of Appeals, which would delay construction further.

"We feel badly about the delay, but we feel strongly that we are right," Matthews said.

Although Autumn Care would like to see Brithaven drop its appeal, Matthews says that move is unlikely.

"If we did not think we were justified, we would not be appealing," she said.

If the circumstances were reversed, Autumn Care would not drop their appeal, Matthews said.

"They have got just as much at stake as we do," she added.



Another downfall

Heavy rains washed over Hoke County on Tuesday. The deluge came on the heels of last week's 4.5 inch downpour. According to Hoke

County observer Robert Gatlin, about an inch of rain fell on Tuesday, giving this downtown Raeford scene a reflective finish.

'Jailhouse' suit targets sheriff

A "jail house" lawsuit has been filed in federal court asking for \$1.1 million in damages against Hoke County Sheriff Dave Barrington and three other local law enforcement officers.

The suit, which was filed in early August, but not served on local officers until late October, seeks damages on behalf of Sherwood McLean.

McLean, who is currently serving a 25-year sentence in the Caledonia Correctional Facility in Tillery for a 1983 armed robbery, filed the action himself.

In the suit, McLean claims he was severely beaten by Barrington, Deputy J.W. Jones, Det. Ed Harris and Jailer Ralph Tindall while he was confined in the Hoke County Jail.

The assault allegedly occurred after McLean's conviction on the armed robbery charges and before he was transported to Central Prison in Raleigh.

In addition to the assault, McLean, who is an epileptic, claims the defendants in the case disregarded his medical condition and subjected him to "unnecessary pain and suffering."

The actions taken by the defendants violated his rights under the United States Constitution, McLean says in the suit.

Although Hoke County Attorney Duncan McFadyen could not comment on the suit, McLean says the defendants claimed the injuries he sustained were caused when he fell against a soda machine while having an epileptic seizure.

The attack on McLean allegedly occurred on May 18, 1983, the day he was convicted by a jury and sentenced to 25 years by Superior Court Judge Robert L. Farmer for the armed robbery of Jack Tucker

on March 2, 1983.

In an emotional outburst following the verdict, McLean, aka Popeye, swore "not to waste the taxpayers' money" by going to jail.

"I won't take my seizure medicine, and that way I won't waste the taxpayers' money," McLean said in court, tossing a handful of capsules on the defendant's table.

McLean complained to Judge Farmer, that his case was a "miscarriage" of justice, and that he was innocent of the charges.

One of the witnesses to the alleged beating of McLean was a co-defendant in the arm robbery of Tucker.

Alexander McArn, who claimed he saw the attack from his Hoke County jail cell, testified that during the 1983 trial that McLean had participated in the armed robbery.

During the trial, McLean had requested that McArn testify against defense attorney Phil Diehl's advice.

McArn's testimony apparently contributed to the evidence against McLean.

McLean is seeking \$250,000 from Barrington and \$150,000 from Jones, Harris and Tindall in compensatory damages.

In addition, the plaintiff is seeking \$100,000 each from the defendants in punitive damages.

No date has been set for the case.

The suit against Barrington is the fourth filed in recent months.

In the other actions, the sheriff is named as a co-defendant in overtime wage disputes filed by deputies and former deputies.

A defense of McLean's suit will be covered by Hoke County's liability insurance, County Manager William Cowan said.

Old National Guard Armory listed for sale with state

One of the oldest public buildings in Hoke County is being offered for sale as a location for a prospective industry, members of the Raeford-Hoke Economic Development Commission were told last week.

The old National Guard Armory on Central Avenue in Raeford is being offered as an industrial site for around \$200,000, Economic Developer John Howard said.

A decision was made to sell the

building by members of the Hoke County Commission during a closed executive session held October 21.

A listing of the available site will be made with the North Carolina Department of Commerce so it can be offered to a wide variety of prospective clients.

"The offering for sale does not negate the use of the building for other purposes (like a community center), but priority goes to in-

dustrial development," Howard said.

A sale would include the 12,000 square foot building and 1.4 acres of land.

The Armory Ball Park would not be included in the initial offering, Howard said, noting that the additional four acres could be added if it were needed.

The old armory could be easily converted for community recreation events, a recent survey of the

building by an engineer from the state Department of Cultural Resources showed.

"Its unusual layout, consisting of a large central open space surrounded by smaller rooms, would lend itself well to community recreational uses," Restoration Specialist Peter B. Sandbeck said in a recent letter to Howard.

Indoor athletic events, exercise classes and even performances could be held in the large gym-

nasium portion of the building, Sandbeck said.

The smaller rooms on the side could be used for offices, classrooms or studios, the engineer said.

"The building is a prime candidate for continued preservation and re-use as an active community facility," Sandbeck said.

No evidence of structural damage was found and the only evidence of problems was a recent-

ly repaired leaking roof.

"Since its construction between 1935 and 1937, the armory has been well maintained and preserved," the engineer added.

The armory would be suitable for a "cut and sew" type operation or for an electronics assembly plant, Howard said.

Members of the county commission might also consider a lease of the building at a price of about \$2 per square foot per year.

DSS investigating 105 food stamp fraud cases

The Hoke County Department of Social Services (DSS) is investigating 105 current cases of suspected food stamp fraud, and officials hope to recover as much as \$75,000 annually under a new crackdown program.

A computer hookup with the North Carolina Employment Security Commission (ESC) is helping with the discovery of the fraud, Hoke County DSS Director Ken Witherspoon said.

As of Wednesday, local DSS Fraud Investigator Allison Poole

had 105 cases under investigation, and has recovered about \$4,700 since September, Witherspoon said.

Many of the cases are being discovered because of information obtained from the ESC office, which shows that food stamp recipients have falsified records about their employment and income.

There is a lag in the information process, and food stamp recipients may not be apprehended until they come up for renewal every six months, Witherspoon said.

"Sometimes we discover they are working when they come in to sign up for stamps, but we do not catch them for six months," the DSS director said.

Although about half of the cases can be handled out of court, DSS has been receiving convictions in District Court recently.

Two local residents were convicted two weeks ago in Hoke County District Court for fraud and ordered by Judge Warren Pate to repay the funds.

Three more cases have been

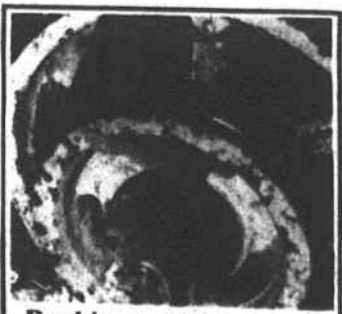
placed on the court docket for hearing in the future.

Cases are usually handled administratively when there is some question about the intent of the recipient to commit fraud.

"Sometimes there is a gray area where we can't prove they intended to fraudulently take the stamps," Witherspoon said.

If found guilty, those recipients are disqualified from food stamps and made to repay any funds which are outstanding.

(See FRAUD, page 2A)



Packing cotton

Wheels are turning this time of year at the Oakdale Gin. We take a look at the county ginning operation on page 1 of section B in today's News-Journal.

Around Town

By Sam Morris

The weather Monday seemed as if summer was returning to Raeford. The temperature was near 80° and the sun was shining bright. Last Saturday morning it felt like winter. There was a heavy frost and the temperature was near the high 30s.

It is forecast for the temperature to remain warm until Saturday and then winter will return.

(See AROUND, page 2A)