

Fired Clerk Files Federal Discrimination Suit Against County

BY ERIC CARLSON

Two months after she notified the Brunswick County Commissioners of her intention to sue them in state court, former clerk to the board Regina Alexander has instead filed a federal discrimination suit against the county, its new board members and the commissioners who voted to fire her.

The suit, filed in U.S. District Court in Wilmington, alleges that former County Commissioners Chairman Kelly Holden and commissioners Donald Shaw and Jerry Jones, who are all Republicans, got rid of Alexander because she is black and a Democrat. In June, 1991, the three formed the majority in a 3-to-2 vote to

replace her.

Current Chairman Don Warren and commissioners Tom Rabon and Wayland Vereen are named in the suit in their official capacities "solely to obtain complete equitable relief." Former commissioners Gene Pinkerton and Frankie Rabon, who were included in Alexander's original draft lawsuit, were not named in the federal action.

Alexander's suit claims that in firing her, Holden, Shaw and Jones acted in "reckless disregard of her constitutional rights, including her right to assemble, her right to free speech, her right to equal protection under the law and her right to be free of racial discrimination.

As a result, the suit claims Alexander was deprived of wages and benefits and suffered "emotional distress, embarrassment, humiliation, anxiety and damage to reputation."

The suit asks that she be reinstated to her position and recover her lost wages with interest along with unspecified compensatory and punitive damages.

Holden said Tuesday he has no comment on the suit, adding that he stands by comments he made about the allegations after receiving a copy of Alexander's draft suit a week before the new board of commissioners took office.

"I categorically deny the racial and political charges

and the claim that we violated anyone's civil rights. I hate and despise that," Holden said after learning of Alexander's intentions.

Holden said at the time that Alexander was one of more than 20 county employees whose positions were eliminated during a reduction in force implemented "to help balance the budget." He noted that under state law, the clerk to the board is an appointed position, serving at the pleasure of the board, and can be replaced without cause.

In that earlier statement, Holden also said that Alexander's replacement, Commissioners Clerk Kelly

(See ALEXANDER, Page 2-A)

THE BRUNSWICK BEACON

10/31/99 41PO
HWS & SONS BOOK BINDERY
P.O. BOX 162
SPRINGPORT MI 49084

Thirty-First Year, Number 12

©1993 THE BRUNSWICK BEACON

Shalotte, North Carolina, Thursday, February 5, 1993

50¢ Per Copy

34 Pages, 3 Sections, 2 Inserts

Commissioners Critical Of Deeds Salaries, Permitting Procedures

BY ERIC CARLSON

Brunswick Commissioners took turns criticizing county departments Monday night, questioning recent salary increases by the register of deeds and blaming the county engineer for difficulties in obtaining a building permit.

Commissioners Jerry Jones and Donald Shaw questioned Register of Deeds Robert Robinson's actions in ignoring the former board's salary recommendations and choosing instead to adopt his own pay hikes.

Commissioner Wayland Vereen claimed he had heard complaints from citizens who said they had to return to the engineering department "four or five times" to get a building permit.

Near the end of the board's brief 25-minute meeting, Jones recalled that the sheriff's and register of deeds departments had declined to participate in an independent study of county salaries conducted last fall. The board approved the raises recommended in the study, then asked the county personnel director to do an in-house study of the other two departments.

"We voted to approve a salary schedule that was supposed to be adopted by both those departments," Jones said. "The sheriff adopted the

salaries, but the register of deeds brought in his own salary schedule and it got approved. How did that happen?"

County Manager David Clegg said that as elected officials, Robinson and Sheriff John Carr Davis are allowed to set salaries at any level they choose, as long as they stay within the budgets authorized by the commissioners.

"The register of deeds has sufficient funds to raise salaries to those levels through this fiscal year," Clegg said.

However, he said, unless something changes in the register of deeds budget, the salary increases would likely lead to a hike in Robinson's spending request for the next fiscal year.

"Are we going to approve his increases or are those people going to have to take a pay cut?" Jones asked rhetorically in an interview after the meeting.

Shaw noted that the sheriff went along with the personnel department's recommendations and implemented the suggested raises for most of its employees. He said Robinson should have done the same.

"It's not fair to everyone else, having one person off doing his own thing," said Shaw.

According to figures obtained from County Personnel Officer Starrie Grissett, the salary increases implemented by Robinson amount to less than \$5,000 more than the total of those recommended in her study of salary levels.

The six highest-paid employees on Robinson's staff made out the best, receiving between \$1,192 and \$1,344 more of a raise than was recommended by Grissett. The other five workers got less than they would have if the county study had been implemented. Seven employees received a \$1,750 raise in annual salary while two got an additional \$2,322 and one saw no pay increase.

Robinson said Tuesday that he decided on an across-the-board \$1,750 increase by determining that it would take that amount to bring his entry-level salaries into line with state averages. Other employees were given the same increase, although two received additional raises due to built-in longevity increases.

He said he was not allowed to divulge why one employee received no pay hike, saying it was a personnel matter.

Robinson did not request, nor did he receive, an increase in his own pay. At an annual salary of

(See ADVERTISING, Page 2-A)

COMMITTEE STUDY SAYS

Most Holden Rentals Claim Extra Bedrooms

BY DOUG RUTTER

Most Holden Beach homes listed in rental brochures claim to offer more sleeping capacity than their septic systems are designed to handle, according to a town study.

Two-thirds of the advertisements for vacation rentals in 1993 brochures published by island agencies say they have more bedrooms than permitted by the county health department.

The revealing wastewater management committee report released Monday says that 501 of the 743 units researched (67.4 percent) advertise excess sleeping capacity.

Based on the state health department guideline of two people per bedroom, the average excess capacity listed in the brochures is 3.27 people per house, according to the study.

Of the 501 "problem" units, 256 (51 percent) claim capacity for two or three extra people. Another 129 (26 percent) list excess room for four or five and 70 (14 percent) claim space for six or more.

Commissioner Sid Swarts, who chairs the wastewater committee, released the figures at Monday night's town meeting. Town officials and rental agents debated their accuracy and merits at length.

To produce the report, Swarts said the number of bedrooms advertised in the new rental brochures was cross-referenced with the septic system permit records for each rental unit.

"I don't think the report's as bad as everyone thought it would be," said Commissioner Gay Atkins, an employee at Coastal Development and Realty.

Twenty-one of that firm's 33 rental units were advertised as having more sleeping capacity than their health department permits allow, according to the report.

Atkins said stuffing six or more extra people into a rental unit is wrong, but she said she doesn't think two or three extra renters in a house is "exorbitant."

"We need to do something rather than sit here and pretend that the Tooth Fairy's going to come along and make things happen the way they're supposed to."

—Commissioner Jim Fournier

Commissioner David Sandifer, another real estate agent, agreed. He said most homeowners don't perceive two or three extra people in a vacation house as overcrowded. "The people that rent these don't see a problem."

Sandifer's company, Holden Beach Rental Services, had the best showing of the six companies studied. Fifty-eight of its 98 rental units were advertised as having capacity for more than two people per bedroom.

Sandifer said just because a cottage is advertised to sleep 10 people doesn't mean it is rented to 10 people every week. He said it would be hard to talk owners into reducing their advertised capacity to two people per room.

In the past year, town officials have investigated several ways of reducing overcrowding of rental homes, which is seen as a public nuisance and a threat to the environment.

Instead of more government regulation, Mayor Pro Tem Gil Bass suggested Monday that the town send letters to everyone who rents their home encouraging them not to overcrowd.

"Most of our people believe in self-government," Bass said. "I'm not sure everybody who

rents realizes what we are trying to do. It's our job to educate them."

Commissioner Jim Fournier said the town has discussed overcrowding for years but hasn't done anything about it.

"This to me clearly indicates we need something. We're not getting anywhere from talking," Fournier said. "I would suggest it's time to quit talking and do something for the town of Holden Beach."

"We need to do something rather than sit here and pretend that the Tooth Fairy's going to come along and make things happen the way they're supposed to," Fournier said. "There ain't no Tooth Fairy folks."

Swarts agreed, adding that there has been plenty of publicity about the town's effort to reduce overcrowding. "It's sort of like AIDS. If they don't know what's causing it by now they must have had their head in a hole."

Sandifer and other rental agents explained that agents list the sleeping capacity specified by the homeowner. Sandifer said one owner threatened to change agents if he didn't list the sleeping capacity he requested.

Other rental agents attending Monday's meeting reported similar incidents. They also said the report wasn't as bad as they had expected.

Kerry Craig of Brunswickland Realty said a "valiant effort" was made last fall to get homeowners to reduce the advertised capacity of their rental units.

Alan Holden, who owns the island's largest rental agency, said several owners he represents reduced the advertised capacity in this year's brochure. He said homeowners are trying to go in the right direction.

Mayor Wally Ausley said he thinks real estate agents are making an effort to reduce overcrowding. He thinks discussion of the problem over the past year has raised awareness in the community.

Swarts said the study probably isn't 100 percent

(See ADVERTISING, Page 2-A)



STAFF PHOTO BY ERIC CARLSON

DETECTIVE Gene Caison shows the blood-stained spot where a 28-year-old Tabor City man fell after he was fatally shot at a roadside lounge in Ash Saturday night.

Shalotte Men Are Sought After Fatal Shooting In Ash

BY ERIC CARLSON

Police throughout the South remained on alert Tuesday for two Shalotte men who fled the county in a tractor truck after one of them allegedly shot a Tabor City man to death at an Ash tavern Saturday night.

The two men, both former commercial truck drivers, are believed to be headed southwest, possibly toward Texas. The two-tone green tractor in which they escaped was found at a truck stop off Interstate 95 near Florence, S.C., Sunday afternoon. Police think they may have hitched a ride with another trucker.

David Dwain Gilley, 24, of Route 7 is wanted on a murder charge, while Leonard Wayne Faircloth, 39, of Route 3 is being sought as an accessory after the fact to murder, according to investigating Detective Gene Caison of the Brunswick County Sheriff's Department.

Gilley is accused of killing Juan Perfecto Hernandez, 28, by shooting him once in the chest with a .380-caliber semiautomatic pistol.

The shooting is believed to have been the result of a fight over a woman, Caison said. Gilley and Faircloth had been drinking and playing pool at the Junction Lounge on N.C. 130, about two miles east of the Columbus County line. With them was Timothy Fulwood, 21, of Route 7 Shalotte, Caison said.

According to witnesses, Gilley said something to a woman at the bar that angered Hernandez, who was there with his wife and several friends, Caison said.

"He (Gilley) either said something to her or put his arm around her," Caison said. Hernandez and Gilley got into an argument and eventually started wrestling. One of the witnesses reported seeing "something shiny" in Gilley's hand and heard a loud "bang," Caison said. Hernandez's friends wrestled Gilley out the back door and removed the gun from his hand. Meanwhile, Hernandez stumbled outside and collapsed in the front parking lot, bleeding heavily from a wound in his chest.

In her statement to Deputy Charles Wilson, the victim's wife, Sylvia Smith Hernandez, said she and her husband were playing pool when Gilley approached him from behind and reached around his neck with his left hand. She said Gilley was holding a pistol to Hernandez's head with his right hand.

She said she grabbed at the pistol, giving Hernandez time to break free. Wilson's crime report states. The two men began fighting, she said. Then Gilley reportedly stepped back, pulled the gun from an inside jacket pocket and fired once into Hernandez's chest.

The report says one of the victim's friends grabbed the pistol, while others put Hernandez into the back of a pickup truck and drove him to The Brunswick Hospital. Police were notified by the victim's wife, who called from the hospital.

Hernandez was pronounced dead on arrival, Caison said. A .380-caliber pistol, believed to be the murder weapon, was recovered from a

(See ASH SHOOTING, Page 2-A)



FAIRCLOTH



GILLEY

Inside...

- Birthdays.....2B
- Business News.....12B
- Calendar of Events7B
- Church News.....6B
- Classified1-7C
- Court Docket.....10C
- Crime Report6A
- Entertainment3B
- Fishing.....9A
- Golf.....10B
- Obituaries6B
- Opinion4-5A
- People In The News7A
- Plant Doctor.....3B
- Sports8-11B
- Television Listings8-9C

Chamber Lawsuit Voluntarily Dropped

BY SUSAN USHER

A former South Brunswick Islands Chamber of Commerce executive has voluntarily dismissed charges of sexual harassment and discrimination filed against the chamber and two of its directors last September.

The suit filed by Hollis "Holly" B. Richards in Brunswick County Superior Court last Sept. 3 was dismissed voluntarily Feb. 1. Named as defendants were the chamber and two of its directors, Terry Barbee and Annette Odum.

Her suit was dismissed "without prejudice," which gives Richards the option of refileing the suit within a year.

Those terms also mean, said Michael R. Greeson Jr., the Wins-

ton-Salem attorney who represents Odum and Barbee, that the court also may still hear his defendants' request for sanctions against Richards.

"We have always felt the suit was frivolous," he said, "and I am talking to my clients about pursuing sanctions."

Robert Lawing, another Winston-Salem attorney who represents the chamber, did not return a call to his office Tuesday.

Richards, who served as executive vice president of the chamber from July 15, 1991, until her dismissal on April 17, 1992, claimed in a 20-page complaint that she had been fired "on account of her sex." She had sought compensatory damages and punitive damages of more

than \$10,000 each from the defendants.

After Richards' suit was filed, the chamber in late September withdrew its appeal of a decision by the Employment Security Commission to award her unemployment benefits.

In October Richards filed a complaint with the Equal Employment Opportunity Commission, claiming her rights had been violated under Title VII of the Civil Rights Act as it applies to retaliation. Among its other terms, Title VII prohibits retaliation against a person for opposing an unlawful employment practice such as sexual discrimination.

Richards' attorney, William Shell of Wilmington, could not be reached for comment.