

Closed Session– January 3, 2005

At 8:10 p.m. the Board adjourned to closed session to consult with the County Attorney to consider and give instructions concerning a judicial action titled “State of North Carolina, on Relation of, County of Randolph vs. Clarence Ray Jernigan individually and d/b/a Heath Amusement; Heath Cigarette and Music Service, Inc. d/b/a Heath Amusement; and James Worth Heath individually and d/b/a Heath Amusement,” pursuant to N.C.G.S. 143-318.11(a)(3). Commissioners Holmes, Davis, Lanier, Kemp, and Frye were present. Also present were Frank Willis, County Manager; Alan Pugh, County Attorney; Aimee Scotton, Associate County Attorney; Sheriff Litchard Hurley; Alice Dawson, Clerk to the Board; and Cheryl Ivey, Deputy Clerk to the Board.

Randy Reavis of Nexsen Pruet Adams Kleemeier, our attorney of record in the case, updated the Board in the proceedings. He said that nothing was accomplished during the first mediation, which was held in November, 2004. However, he said that he is extremely confident that we will at the very least win the case, thereby permanently shutting down Mr. Jernigan’s illegal video poker machine operations in Randolph County, regardless of any possible monetary forfeitures from Mr. Jernigan. The next step will be to get all the discovery responses and get sworn testimony from Mr. Jernigan. Mr. Reavis said that he will keep the Board informed of any new developments.

*On motion of Frye, seconded by Davis, the Board voted unanimously at 8:55 p.m. to end the closed session and return to open session.*

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J. Harold Holmes

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Darrell L. Frye

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Phil Kemp

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Robert B. Davis

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Arnold Lanier

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Cheryl Ivey, Deputy Clerk to the Board

Approved: February 7, 2005

Unsealed: June 6, 2005