

Arby's...from Page 1A



Arby's Blairsville will be drive-thru only for the time being, and staff will be wearing masks for COVID-19.
Photo by Shawn Jarrard

to Union County. He was able to get them here ultimately, but not before several promising starts fell through in the intervening years.

The stars aligned last January, however, when the Blairsville Downtown Development Authority sold a 0.9-acre Haralson Property parcel to GLM Development, which contracted to build the restaurant for lease as an Arby's corporate-run store.

As a new business, Griggs said the addition of Arby's is a win-win for everyone and speaks well for the community that another national brand is willing locate in Blairsville, Georgia. It also offers more variety to the local restaurant scene, which has plenty of chicken and other options.

And even though the store will be run by Arby's corporate, pretty much all of the staff will be locally based, including several dozen people from nearby communities making all the food people know and love.

"It brings new investment, brings new jobs, brings sales taxes," Griggs said. "And there's the quality-of-life aspect, as this is something that people will enjoy."

Facilitating the process

was Jim Green with U.S. General Construction, whom GLM contracted to build the restaurant that features a sleek prototype design that's all new to Arby's.

Green spent several months here, with site prep beginning in August and construction in November. He's become so impressed with Union County – from the local Building Department to the City of Blairsville and everyday residents – that he plans to make a second home here.

He and Griggs are excited for the reception they believe the restaurant will receive, especially when guests get to see the warm, welcoming interior that, with the new design, is more upscale than other Arby's Restaurants folks may be used to visiting.

Katie Petrik is an associate manager of marketing for Arby's Restaurant Group, and she said new locations typically feature celebrations at opening. Due to COVID-19, however, there won't be a celebration when the Blairsville Arby's opens at 32 Bob Head Street on Jan. 25.

Still, residents are encouraged to stop in Monday and thereafter, where they will be greeted by friendly local staff

members eager to take their orders via drive-thru for the time being – all while wearing masks in the interests of employee and customer safety.

"Come visit the new restaurant and grab lunch or dinner," Petrik said. "The restaurant will open at 10 a.m. The restaurant employs about 30 team members, and they will be providing delicious experiences to Blairsville."

Mayor Jim Conley said he would be going down to Arby's soon to snag himself a bite, and he's thankful for the new business making its way to town.

"I'm tickled pink that Arby's is going to open up the 25th of this month," Conley said. "Quite naturally, I'll have to try out some of their food. They've got a wide enough selection, and I love the Arby's Sandwich."

DDA Board Chair Paul Thompson is also happy about Arby's arrival, as the restaurant inhabits one of the Haralson Property parcels, which the board has been working to sell for development purposes for years now.

"I am glad to see Arby's come into the area, because it does offer us some variety that we haven't had, and we

are looking forward to that," Thompson said. "I commend them on the fact that they got on the job and got it finished in pretty record time."

As far as the Downtown Development Authority and City of Blairsville, they gratefully accepted about 200 truckloads of dirt from the Arby's site to shore up the parking area behind City Hall, and moving forward, the city plans to start work soon on paved parking and public restrooms.

Additionally, Griggs has been working on several development projects in the county, including other national brands that are having an easier time deciding to open stores here after seeing places like Chick-fil-A, LongHorn Steakhouse, and now Arby's successfully doing so also.

For more information on

applying for a job at Arby's, which was founded in Ohio in 1964 and is the first nationally franchised sandwich restaurant

brand with more than 3,300 locations worldwide, visit <https://careers.arbys.com>.

Heaton Appeal...from Page 1A

too, remains free on bond and must report to prison no earlier than May 1, 2021. Gowder has yet to appeal his conviction, and his recent request to have his sentence changed to home confinement was denied by the court in December.

While Heaton's legal team has requested "oral argument" to explain its case in depth, the Jan. 12 appellate brief asks that the court consider three main "issues" in relation to applicable federal law, namely Title 21, Section 841, of the United States Code:

1) Was instruction from the judge to the jury a "misstatement of law" that would have prejudiced the jury against Heaton?

2) Is the very language of the law "unconstitutionally vague?"

3) Was the evidence presented by the government "sufficient to sustain a conviction" under the law?

"This is a case about the general medical practice of a small-town doctor," Heaton's attorneys write in the filing. "For some patients without insurance, Dr. Heaton would allow them to delay payment. He met with patients at his office, after hours, at their homes, and at the hospital.

"He delivered babies, cared for patients at the local nursing home and treated a wide variety of ailments in between. He was the quintessential country doctor."

At the heart of his case are prescriptions written to three of his many patients, which a jury found him guilty of filling out illegally, or more specifically, "outside the usual course of professional practice or not for a legitimate medical purpose."

Regarding this either/or standard for illegality, Heaton's attorneys refute the second half

of the standard by arguing that his conduct was legal in that each of his patients received medication "for a legitimate medical purpose: chronic pain management."

In terms of the other element of the jury instructions, his legal team says there is "no clear definition of 'outside the course of medical practice,'" making the standard "unconstitutionally vague" such that even trial judge Richard W. Story is on record admitting it isn't clear.

"With no definable standard of what it means to prescribe medication 'outside the scope of medical professional practice,' Dr. Heaton was given no notice as to whether or not he was violating a rule of professional conduct or committing a federal crime," his attorneys write.

The appeals document admits that the case against Heaton paints a picture of a man who sometimes flouts the rules of his profession, but his attorneys point out that breaking the rules of a profession is not necessarily a violation of the law.

"Taken in the light most favorable to the government," the document reads, "the evidence against Dr. Heaton showed that he was a sloppy doctor who consistently failed to chart his patients' visits.

"He often met with patients after hours and, on two occasions, he had a sexual relationship with a patient while he was prescribing medication – clearly a violation of the rules of medical professionalism."

But, his attorneys argue, the government failed to prove that his prescribing pain killers to these patients "lacked a legitimate medical purpose," thereby justifying the reversal of his convictions due to lack of illegality in his actions.

Overall, the appellate brief is 38 pages long and relies on highly specific legal argumentation in making the appeal, much of which appears to hang on the uses of the words "and" and "or" in standards applied in Heaton's case.

The indictment enumerating charges against Heaton, for instance, says his activities were conducted "outside the scope of professional practice and not for a legitimate medical purpose," while the jury, for the purposes of reaching a verdict, was instructed to consider whether his conduct was "outside the scope of professional practice or not for a legitimate medical purpose."

This "and" versus "or" distinction is important, as Heaton's attorneys argue that the second standard is not only "a misstatement of the law" but also overly broad, with the effect of blurring the lines on "what makes a doctor a drug dealer."

"Cases throughout the country require that the government prove both of the two elements beyond a reasonable doubt," the legal team writes. "Omitting an element of the offense – stating that 'outside the usual course of medical practice' is sufficient to convict the defendant – misled the jury and misstated the law, and Dr. Heaton's convictions must be overturned."

Ultimately, it seems the jury may have reached a verdict without having to consider if Heaton's conduct was both "outside the scope" and "without legitimate purpose," which his attorneys believe constitutes serious problems warranting a new trial and the vacating of his convictions.

A hearing date for the appeal had yet to be scheduled by press time Monday.

NGTC President...from Page 1A

Education. Prior to being elected State Senator, Wilkinson was a program manager at the Georgia Department of Education, where he oversaw the state's agricultural education programs.

He also worked as the executive secretary for the Georgia Future Farmers of America Association.

"I am truly honored to be chosen to lead North Georgia Technical College," Wilkinson said. "Technical education is near and dear to my heart, as I have seen how it transforms the lives of students.

"It is my goal to continue in the footsteps left by Dr.

Mark Ivester by providing business and industry with a skilled workforce and by helping more students realize their full potential through postsecondary education."

In 2017, Sen. Wilkinson was presented the Outstanding Service Award by the Georgia Vocational Agriculture Teachers Association and was later named the Region V national award winner by the National Association of Agricultural Educators.

The University of Georgia College of Agricultural and Environmental Sciences honored Sen. Wilkinson with an Award of Excellence in 2009.

He is a member of the Georgia Agricultural Education Hall of Fame and was recognized as the Outstanding Member of the National Association of Supervisors of Agricultural Education in 2006.

A lifelong advocate of CTAE, Wilkinson began his career teaching Agriculture and serving as an FFA advisor in Banks County and Forsyth County public high schools. Wilkinson received his Bachelor of Science in Agriculture and Masters in Education at the University of Georgia.