

# BRMEMC ...from Page 1A

advancements without first ensuring that the statutory requirements are satisfied. This is not only what Code Section 46-3-306 requires, but it also comports with the public interest in ensuring that the Director Defendants and Akins do not unjustifiably receive the reward of a free defense in the face of allegations of wrongdoing by BRMEMC members," according to the motion.

Overall, the group asks for a judgment in favor of the membership against General Manager Matthew Akins, and directors Ronald Burch, William Prather, Robert Ensley, Kenneth Lance, Jerry Nichols and Greg Owenby, according to the suit.

The suit also seeks the dismissal of Akins, legal counsel Lawrence Sorgen, and auditor Gene Allen, according to the suit.

The suit also seeks a judgment in favor of the plaintiffs for the benefit of the membership against the six directors and Akins for breach of fiduciary duty in an amount to be proven at trial.

The suit claims that the membership has been damaged by a result of the actions of the six named Board of Directors and Akins.

The suit claims the directors named in the suit failed to discharge their duties in good faith and with the

degree of diligence, care, and skill, which ordinarily prudent men would exercise under similar circumstances in like positions and are therefore liable to the membership for breach of fiduciary duty under O.C.G.A. Sections 46-303 and 46-3-303-1.

The suit stems from the disclosure that former BRMEMC President Terry Taylor was allowed to carry a significant debt, and retain electrical service to both his commercial operation and residential dwelling for a number of years.

The suit also alleges that Taylor, who first became BRMEMC president in 1997, was in conflict with the Board of Directors for having commercial contracts that allowed the president to benefit financially from the construction of the BRMEMC headquarters project.

The suit claims that more than one of the Board of Directors knew about the debt incurred by Taylor and Taylor Construction, and Terry Taylor's residential account, which also was in arrears.

The suit claims that Akins, in addition to allowing Taylor to continue the indebtedness to BRMEMC, perjured himself and damaged BRMEMC by filing false reports in 2011 and 2012 on IRS Form 990. The claim is that Akins had knowledge of

a conflict of interest arising out of Taylor receiving compensation from BRMEMC at the same time that Taylor and Taylor Construction and Taylor personally, had an unpaid balance with BRMEMC; as well as Taylor and Taylor Construction doing work on the BRMEMC corporate headquarters project.

The happenings led to a change in three directors at the annual BRMEMC Meeting in September. Charles Jenkins, Steven Phillips, and Chris Logan unseated three incumbent directors by election of the membership.

Their historic elections (the first board members elected but not nominated by the BRMEMC Board of Directors) followed news that former longtime EMC President Terry Taylor was severely in arrears on his EMC commercial account.

Taylor also had a history of not paying his residential account. The most recent debt was more than \$48,000, according to documents obtained by the *North Georgia News* and *Towns County Herald*.

According to the suit, Attorney Sorgen failed to inform the Board of Directors of Taylor's debt after discovering the debt through a meeting with Akins in May or June 2013.

Sorgen's failure to in-

form the Board of Directors of Taylor and Taylor Construction's unpaid balances, and correct the timing of the demotion of Director of Operations Chris Kelley, who, blew the whistle on the unpaid debt, indicates that it is in the best interest of BRMEMC to terminate Sorgen as BRMEMC's legal counsel, according to the suit.

Allen, who continues to serve as auditor for BRMEMC, allegedly failed to include Taylor's debt in audit reports submitted to BRMEMC, according to the suit. Allen's failure to include information of Taylor's debt in audit reports of BRMEMC's financial records indicates that it is in the best interest of BRMEMC to terminate Allen as BRMEMC's accountant and auditor, according to the suit.

Despite being made aware of the need to terminate Allen in a derivative action demand letter from the membership, the six named directors have failed to terminate Allen as BRMEMC's accountant and auditor.

In total, the plaintiffs ask the court for judgment for the benefit of the membership requiring the termination of Akins, Sorgen and Allen and for damages in an amount to be proven at trial to account for the six named directors' official misconduct, according to the suit.

## Tricia...from Page 1A

we're out here."

The 5K race was divided into several categories of competition. There were male and female overall winners, followed by winners of varying age groups, divided into male and female categories.

Overall Male went to Adam Urbaniuk, age 17, with a time of 19:26.

The Overall Female winner was Crystal McClure, age 29, who ran the course in 25:36.

For 14 and under Male, first place was Thomas Melendorf with 25:57, second place Tim Stone with 26:51 and third place Max Boykin with 31:56.

Ages 15 through 19 Male winners were Jared Shelton in first place, with a race time of 19:40, followed by Austin Adams in second place with 22:20.

Lydia Peugh had the singular distinction of repre-



Locals attend the Tribute to Tricia Luncheon at the Community Center.

senting the 15 through 19 Female age group.

For males aged 20 to 29, Ben Newell took first with 23:14, Harrison Garner clenched second with a time of 27:40 and Alex Adams won third place with 32:02.

For the 20-29 Female group, Molly Kirksey placed first with 26:19, Kristen Fuhs took second place with 26:37 and Susan Anderson went home as a third place victor with a 26:47 finishing time.

Representing the 30-39 Male category, Chad Brooks finished first with 22:54 and Andrzej Arnista finished second with 25:53.

Gedgit Davis finished first with 33:10 for the 30-39 Female group, followed closely by Tina Lane at second with 36:55 and Stefany Kay at third with 36:56.

Serving the 40-49 Male demographic, Brian Kinnersley took first place with a time of 22:44, while Steven Jarrard finished second with 23:26 and Chris Urbaniuk won third place with 25:03.

Keleen Cody cemented her first place spot with a time of 32:10 in the 40-49 Female group, with Catharine Dunlap taking second place with 35:47 and Lora Beeler taking third with 36:42.

The 50-59 Male group had a first place winner in John Kirksey with 19:53, second place in Bob Buckner with 25:30 and third place in Steve Gallucci with 30:35.

Females racing in the 50-59 age group were led by first place winner Beth Linn at 28:12, second place winner Jill Davies at 33:34 and third place finisher Nancy Vandiver at 47:32.

Representing the 60 plus Male group, Bob Hurd finished first with a time of 32:36, David Snell came in second with 40:38 and Dan Easton rounded out the category at third with 54:22.

In the corresponding 60 plus Female group, Molly Christman came in first with 30:39, Pat Tomczyk finished first with 35:21 and Kathy Bozeman took third place with her time of 36:30.

"It's just heartwarming to see all these people here today, and knowing they're all here for one reason, and that's for her support," said Blairsville Mayor Jim Conley. "There's no accolades to be given for the runners or the walkers other than probably a trophy or a ribbon, but that's not what they're here for. They're here to show their feelings and support for

Hospital, and nearly 60 more sponsors helped to make the event possible.

McDonalds provided coffee and apple slices for runners and walkers, while Foodland donated bananas for the event.

And Jim's Smokin' Que prepared meals for everyone, selling its specialty barbecue for \$5 a plate. All proceeds from the sale of the barbecue went toward Tricia's Recovery Fund.

Initially, Urbaniuk expected to raise closer to \$3,000 with the race, but with an ultimate total of more than \$11,000 raised, the No Greater Love 5K was a smashing success for Tricia and the community that loves her.

"I don't think she'd believe it," said Urbaniuk of the show of support on Saturday. "I don't think she realizes how many lives that she's touched, and how many people love her. I just don't think she'd believe it."

Tricia's family welcomes all prayers, and asks that people pray especially for Tricia's strength to continue to grow.

Also, approximately 40 people attended a luncheon at the Union County Community Center to pay tribute to Tricia and contribute to her cause.

her, and to help her however we can."

This sentiment was echoed all throughout the community leading up to the No Greater Love 5K, especially during the month-long organization period, in which businesses and individuals donated monetary support or offered special discounts for the event.

Presenting sponsors of the event were United Community Bank, the Blairsville Cruisers and Union General