

The Banks County Board of Commissioner held a meeting on October 16, 2012 at 5:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Charles Turk and Commissioners Danny Maxwell, Sammy Reece and Ernest Rogers. Also present were County Attorney Randall Frost, Finance Officer Randy Failyer, Personnel Officer Arlene Ivey and Banks County News Reporter Sharon Hogan.

**1. Call to Order**

Ch. Dalton called the meeting to order.

**2. Approval of Agenda**

Comm. Rogers made a motion to approve the agenda. Vice Ch. Turk seconded. All aye votes and the agenda was approved.

**3. Unfinished Business: Employee Appeal Decision – Delores McGee**

Comm. Reece made a motion to accept Ms. McGee’s resignation. Vice Ch. Turk seconded. All aye votes and motion carried.

**4. Candler Street Underground Storage Tank Closure – Environmental Monitoring**

Britt Myers of Environmental Monitoring as well as Geologist Ken Summerour was present to answer any questions concerning the closure proposal. Mr. Myers stated the contamination had pocketed at well #4 and that he was proposing a surfactant washing procedure which basically emulsifies the soil for easier extraction. He stated the particles per billion (ppb) must read below 10,000ppb and it currently reads approximately 14,000ppb. He stated he is additionally proposing two monitoring events if a “No Further Action” is issued by the EPD after the surfactant procedure is applied. The cost of the entire process would be \$35,796. Comm. Maxwell made a motion to approve the proposal for closure of the site in the amount of \$35,796 if the proposed process is approved by EPD. Comm. Reece seconded. All aye votes and motion carried.

**5. Energy Excise Tax Intergovernmental Agreement Resolution**

*Randy Failyer*

Mr. Failyer stated this resolution would authorize the Chairman to sign an intergovernmental agreement between the county and the cities of Alto, Gillsville, Homer, Lula and Maysville in order to levy and collect and disburse an energy excise tax. Vice Ch. Turk made a motion to approve the resolution. He then asked for clarification that no city that has not signed on may sign on at a later date. Mr. Failyer stated it was his understanding they could not. Comm. Reece seconded. All aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9-4) 2011-17*

**6. Energy Excise Tax Levying Ordinance**

*Randy Failyer*

Mr. Failyer stated this ordinance was for levying the tax that would begin January 1, 2013. Comm. Reece made a motion to approve the ordinance. Comm. Maxwell seconded. All aye votes and motion carried. *(Copy of ordinance filed in Attachment to Minutes Book #9-4) 2011-18*

**7. Best Health Spa – Alleged County Code Violation Hearing**

Ch. Dalton turned the hearing over to County Attorney Randall Frost. Atty Frost stated this was a hearing to consider alleged business ordinance violations by Best Health Spa and he stated that on October 12, 2012 the establishment was notified in writing of the alleged violations and of the hearing. He presented the letter as an exhibit to the minutes - *(Copy of letter filed in*

**Attachment to Minutes Book #9-4).** Kyung Cha Oliveira's attorneys, Jeff Goldberg and Greg Godsey were present to represent Ms. Oliveira. Atty Frost swore in Lead Investigator Brian Lord and Investigator Chris Holly of the Banks County Sheriff Department as witnesses and asked Agent Lord to give his testimony of the incident. Agent Lord began by stating Ms. Oliveira had previous code violations in Banks County over the past few years. He then stated this investigation began on September 24, 2012 and that he and Agent Holly had been multiple times since the investigation of the spa located at 154 Dallas Drive began and another Agent Trent Thomason had been to the spa on one occasion. He stated he had been massaged with bare hands in the buttock area. He stated there had been no other apparent violations until October 10, 2012. He stated he was not sure about the table showers being offered since the investigators did not receive those services. He also stated on October 10, 2012 Agent Holly was massaged by employee Mun Cha Powell. He then asked Agent Holly to give testimony. Agent Holly stated when he was about to leave Ms. Powell asked if he wanted more massage and she exposed his genital area by moving the towel that was covering that area. He asked how much it would cost and what kind of massage it included. She then picked up his motorcycle helmet and noticed a wire to a microphone of a recording device and got nervous then proceeded to rush him out. He left the premises. They attempted to attain an arrest warrant from the Magistrate Judge but could not. He returned on October 11, 2012 at 10:00 a.m. and asked for a 1 hour massage from another employee - Ms. OK Ram Kim Collum. She massaged his buttocks with her bare hands, brushed against his genitalia and then asked him to roll over. She then asked if he wanted more massage. She stated it would be \$60 for 30 minutes or \$80 for 1 hour. He stated yes. He paid her for an hour and she laid the money on the counter. He stated he had come back the night before and they were closed but stated he couldn't wait until the next day and she placed her finger on his lips and said "shhhh" and made him pinky swear he wouldn't tell. She then began massaging his chest and asked if he wanted "that" massaged - referring to his groin area and she removed the towel exposing the groin area. He said yes. She asked if he was the police. He stated no. She began by brushing over his penis and his scrotum and then she applied lotion to his penis and began massaging his penis. Agent Holly stopped her and identified himself, covered himself and proceeded to put his clothes back on. Ms. Collum started begging and yelling in another language and as Agent Holly went out he found that the doors were locked and that he had to unlock them to allow the other deputies into the establishment. Ms. Powell came running down the hall yelling in a different language. A search warrant was obtained and Agent Holly stated Ms. Collum was arrested for "masturbation for hire" and she and Ms. Powell were arrested for "giving a massage in certain buildings where it is not allowed". He also stated the District Attorney would be seeking indictment for Ms. Oliveira and one other employee by the grand jury on Monday for "prostitution" and "keeping a house of prostitution". Agent Lord also stated a wrong address was given on the business license application. 152 Dallas Drive was given and the address is actually 154 Dallas Drive. Atty Godsey asked if the investigation began on the first day the spa opened. Agent Lord stated yes. Atty Frost closed the hearing. Atty Godsey then stated the owner had spent \$65,000 to \$70,000 on renovations of the establishment. He further stated several attempts had been made by the agents to get the spa employees to do something wrong. He stated this was one event by one rogue employee. He said the owners looked for the chance to prove themselves and then asked the board to lean toward a warning or something that reflects only allegations not yet proven. Ch. Dalton stated there were 3 options: Release the license with no probation, release the license with probation or do not release the license. Vice Ch. Turk made a motion to suspend the business license for 90 days to allow time for the Grand Jury to consider the allegations.

Comm. Reece seconded. All aye votes and motion carried. The suspension will extend through January 14, 2013.

**8. Adjournment**

Comm. Maxwell made a motion to adjourn the meeting. Vice Ch. Turk seconded. All aye votes and the meeting was adjourned at 6:30 p.m.

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Chairman

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County Clerk

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