

**Dennis Boyles**

**From:** Don Wright [don.wright@ncmail.net]  
**Sent:** Tuesday, June 28, 2005 1:20 PM  
**To:** Dennis Boyles  
**Cc:** Susan Nichols; Ifuller@mail.jus.state.nc.us; Gary Bartlett; Johnnie McLean; Joyce@iogmail.iog.unc.edu  
**Subject:** RE: Conflict of Authority

Dennis:

We can not come up with consensus answer. Susan Nichols, our assigned AG and myself, differ on the answer.

At this point, we think it is best that Topsail Island requests an official Attorney General's opinion on this issue. This agency will be interested in the answer. I will be copying Lori Fuller with previous e-mails and draft opinions.

Have the request sent ASAP to :

Assistant Attorney General Lori Fuller  
P.O. Box 629  
Raleigh, N.C. 27602-0629

Fax: (919) 716-6755  
Phone : (919) 716-6800

What to do if you do not get an answer prior to the opening of filing? Call me.

-----Original Message-----

**From:** Dennis Boyles [mailto:boylesd@pender-county.com]  
**Sent:** Wednesday, June 22, 2005 2:02 PM  
**To:** Don Wright  
**Subject:** RE: Conflict of Authority

Don,

This is a response from the Topsail Beach attorney in regards to your question yesterday morning.

Dennis Boyles  
Pender BOE

Mr. Boyle: Joe asked that I e-mail you regarding the Topsail Beach Charter. This charter is in Chapter 67 of the Special Laws of 1963. If you need anything else, please let us know. Joe and I will both be out of the office tomorrow and Friday but back in on Monday, June 27, 2005. Have a great weekend.

Kim

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9/28/2005

-----Original Message-----

**From:** Don Wright [mailto:don.wright@ncmail.net]

**Sent:** Tuesday, June 21, 2005 7:38 AM

**To:** Dennis Boyles

**Subject:** RE: Conflict of Authority

What was the Session Law that passed the town charter?

-----Original Message-----

**From:** Dennis Boyles [mailto:boylesd@pender-county.com]

**Sent:** Thursday, June 16, 2005 4:23 PM

**To:** Don Wright

**Subject:** Conflict of Authority

Don,

The Mayor of Topsail Beach resigned in late April or early May of this year, his term was not up until 2007. While trying to get a press release ready announcing the filing period for the offices/contests open for the November municipal elections, I wasn't sure how to handle this Mayors race. I could not find anything in the law book except if they died between filing and Election Day. I called Frances Pinion at her new office in Gaston County and she did not know how to handle this Mayors office, she referred me to Johnnie McLean at the state board. Johnnie could not help due to not knowing what was in the town charter. She referred me to the Town of Topsail Beach's attorney. I talked to the attorney and they were going to research the situation and get back with us. When the attorney called back he had a problem, he didn't know how to handle replacing the mayor due to a conflict of authority between the Town Charter and the General Statute. Attached are 4 PDF files faxed from the attorney's office. Included is a fax letter, town charter and the general statue he sent. He would like your opinion on what controls this office.

Thank You,

Dennis Boyles  
Pender BOE

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authorized state official.  
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