

The Lake Use Regulations require appealed penalties to be paid and if appeals are successful, the money is of course returned. Recently, a fine was not paid and it didn't sit very well with the Commission members. The appeal was denied. I can't say it was directly due to the penalty remaining unpaid but it didn't help. I don't know if your guys have paid yet. Just thought I would pass along the information. That appeal was also heard without the appellant at the meeting. Again, this was frowned upon.

Thanks,

William

On Wed, Jun 23, 2021 at 2:36 PM Jarald Willis <[jwillis@arledgelegalnc.com](mailto:jwillis@arledgelegalnc.com)> wrote:

William:

I hope your post-covid life is proceeding nicely!

Please find attached copies of the appeals taken by Fred Stepp and Michael McCraw, from the civil citations issued by the Town of Lake Lure. Copies were also hand-delivered to Lake Lure town hall today.

I am hopeful that some type of compromise can be reached.

Mr. Stepp lives in Sunny View across the line in Polk County and Mr. McCraw lives in Lake Lure. They have lived here pretty much all their lives.

They have never received any such violation in the past.

They both contend that they have never received a dime for taking anyone fishing.

Mr. McCraw has had a regularly permitted boat that has on its side the phrase "Lake Lure Fishing." And recently Mr. McCraw was recently persuaded to create a website that advertised him as a fishing guide, but this was done in contemplation of starting such a business, he says, but he has taken the website down now.

Mr. Stepp has a regularly permitted boat that has no phrasing on its side, and while his name may have been mentioned in the erstwhile fishing guide website, he says that website was created without his involvement or knowledge, even though he was contemplating such a side business as well.

Both of these gentleman love to fish and fish often, sometimes with friends and family on board. But, again, they both contend they had never been paid for being a "guide" and that before they did so, they would have gotten their commercial fishing license. It's apparently only a few hundred more.

My clients love Lake Lure, and they do not want to fight city hall. Can an accommodation be reached where they can pay for a commercial fishing license, etc.? I am not sure what the status of their regular boat privileges is, but they seem to think that those privileges have been revoked, even before a formal adjudication. And they have each been fined \$1500.00.

I look forward to hearing your response, and I am hopeful that a practical, affordable solution can be reached

Thank you,

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Thank you, William. I will look forward to hearing from you on possible hearing dates for their appeal.

So far as paying in the \$1500 pending the appeal, it is not an insignificant amount for most citizens, especially for those who protest their innocence.

However, that is what the regulations seem to require, and your observations on the point of payment pending the appeal are appreciated and noted.

Are you and Town Manager Shannon Baldwin able to address the issue of my clients' non-commercial boating privileges?

If, pending the appeal, my clients each pay in their \$1500 civil fine for the alleged commercial boating, what would be the status of their non-commercial boating privileges pending the appeal?

Jarald

**From:** William Morgan <[wcmorganlaw@gmail.com](mailto:wcmorganlaw@gmail.com)>  
**Sent:** Monday, June 28, 2021 7:41 PM  
**To:** Jarald Willis <[jwillis@arledgelegalnc.com](mailto:jwillis@arledgelegalnc.com)>  
**Subject:** Re: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

Jarald:

I passed along your email to Town Manager Shannon Baldwin. The Marine Commission is meeting July 13 at 4:00 for a public hearing which will be recessed at 5:00 for the regular Town Board meeting and then reconvened after the Town Board meeting. The subject is a HOT topic issue in Lake Lure right now regarding regulation of wake surfing due to the heavy boats required for this relatively new sport. Therefore, the Manager and I thought your clients' appeal would be too much given this public hearing. I think the next regularly-scheduled Marine Commission meeting is not until September. But I could have that wrong. The Commission can also hold a special meeting. Typically, these are also at 4:00 prior to a regularly-scheduled Town Board meeting. I will get with you once I know more as to when your clients' appeals might be heard.

I am following up on my email below.

**If, pending the appeal, my clients each pay in their \$1500 civil fine for the alleged commercial boating, will their non-commercial boating privileges remain intact?**

I reiterate that each of my clients insist that they have never engaged in a commercial fishing enterprise on Lake Lure and that \$1500 not an insignificant sum for either of them.

Thanks,

Jarald Willis

Managing Attorney

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**From:** Jarald Willis <[jwillis@arledgelegalnc.com](mailto:jwillis@arledgelegalnc.com)>

**Sent:** Tuesday, June 29, 2021 8:45 AM

**To:** 'William Morgan' <[wcmorganlaw@gmail.com](mailto:wcmorganlaw@gmail.com)>

**Cc:** 'Receptionist' <[receptionist@arledgelegalnc.com](mailto:receptionist@arledgelegalnc.com)>; 'Martin Jarrard' <[mjarrard@arledgelegalnc.com](mailto:mjarrard@arledgelegalnc.com)>

**Subject:** RE: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

**From:** William Morgan [mailto:wcmorganlaw@gmail.com]

**Sent:** Tuesday, July 6, 2021 2:45 PM

**To:** Dean Givens <loa@townoflakelure.com>

**Subject:** Fwd: FW: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

Dean

Can you review this email exchange between me and Jarald Willis and comment on his questions?

Thanks,

William

----- Forwarded message -----

**From:** William Morgan <[wcmorganlaw@gmail.com](mailto:wcmorganlaw@gmail.com)>

**Date:** Tue, Jul 6, 2021 at 2:42 PM

**Subject:** Re: FW: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

**To:** Jarald Willis <[jwillis@arledgelegalnc.com](mailto:jwillis@arledgelegalnc.com)>

Let me check with the Town. I will get back to you. While losing the privilege to use the Lake is a possibility, only the Marine Commission can impose it and I have only seen it done once so I think in the meantime (pending appeal) they can continue to use the Lake with their current licenses. But I will confirm and get back to you.

William

On Tue, Jul 6, 2021 at 2:35 PM Jarald Willis <[jwillis@arledgelegalnc.com](mailto:jwillis@arledgelegalnc.com)> wrote:

William: