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February 16, 2012

VIA E-MAIL: teeth@mindspring.com

Dr. Lindsay D. Holliday, DMD
360 Spring Street
Macon, Georgia 31201

RE: Your Letter of January 3, 2012

Dear Dr. Holliday:

I have reviewed your letter along with the video and audio of the Board of Commissioner's meeting of Tuesday, January 17, 2012. According to your letter, you made the following comments at the meeting:

"I stated that no substantive changes have been made to the Forest Hill Road design since the first public meeting in 2001. I stated that Macon-Bibb Planning and Zoning Director, Jim Thomas had recently confirmed this in an e-mail to me. I further stated that the only reason the Commissioners feel that reasonable compromises have been rendered to the citizens is because the Commissioners have been repeatedly misinformed about this situation from Moreland-Altobelli as repeated to them (Commissioners) by the Bibb County Engineer, Mr. Ken Sheets."

According to your letter, following your comments Ken Sheets blurted out to say that "Doc, you should have to be under oath to talk to the Commissioners" implying that I was a liar and that I was misleading the Commissioners about the road design having no changes since 2001. You contend that Mr. Sheets' statement was slanderous and it was publicly insulting and demeaning to you; as it was spoken in front of dozens of people attending the meeting.

Upon listening to the audio tape of the meeting, what you actually stated was somewhat different than you indicated in your letter. Your words were "Van has misled Ken who's misled Commissioners." Ken Sheets then stated aloud "Doc, you are trying

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to mislead these Commissioners. You ought be under oath when you get up there. You tell just about that much (indicating with his fingers) of the truth”.

As stated, you have contended that Mr. Sheets’ statement was slanderous and you have demanded an apology from him. Based upon my review of the video and audio as well as my understanding of the law, it is my opinion that the statements made by Ken Sheets are not actionable and do not rise to the level of slander. It is therefore my opinion that there is no legal basis for a claim of slander based on statements made by Mr. Sheets and the context in which they were made. Finally, with respect to a written apology from Mr. Sheets, it is my opinion that it is not required under the law but certainly he can do so if he so chooses.

Sincerely,



Virgil L. Adams

VLA/abp

cc: Samuel F. Hart, Sr., Chairman (Via e-mail and regular mail)
Commissioner Joe O. Allen (Via e-mail and regular mail)
Commissioner Bert Bivins, III (Via e-mail and regular mail)
Commissioner Elmo A. Richardson, Jr. (Via e-mail and regular mail)
Commissioner Lonzy Edwards (Via e-mail and regular mail)
Mr. Steve Layson, Chief Administrative Officer (Via e-mail and regular mail)
Mr. Ken Sheets, Bibb County Engineer (Via e-mail and regular mail)
Ms. Shelia Thurmond, Clerk (Via e-mail and regular mail)
Ms. Janice Ross (Via e-mail and regular mail)