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February 17, 2007

VIA FACSIMILE
& U.S. MAIL

Mr. Martin N. Ervin
Smith Moore LLP
P.O. Box 21927
Greensboro, NC 27420

RE: *Randall Brady and Scott Sanders*

Dear Martin:

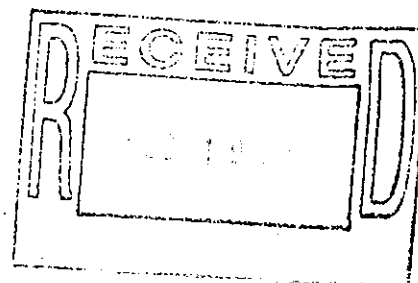
It is my understanding that the City has already or will in the future release information gathered during its investigations of Randall Brady and Scott Sanders. More specifically, it is my understanding the City will release certain tape recordings. I certainly hope this is not true.

Pursuant to N.C.G.S. § 160A-168(a), information gathered by a city with respect to an employee or former employee with regard to his or her performance, demotion, transfer, suspension and other disciplinary actions is a part of that employee's or former employee's personnel file. This information cannot be released except as provided in N.C.G.S. § 160A-168(c). The only subsection in that section which could possibly justify the release of the information I have referred to would be found in subsection 7; however, that subsection only allows the council to "inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action." Again, it is my understanding that the City intends to release evidence in the form of tape recordings or transcripts gathered as part of investigations of Mr. Brady and Mr. Sanders. This information is not covered by N.C.G.S. § 160A-168(c)(7).

Violation of N.C.G.S. § 160A-168 is a Class 3 misdemeanor. See N.C.G.S. § 160A-168(e). If this information is released without a court order, see N.C.G.S. § 160A-168(4), and it is determined that the information violates N.C.G.S. § 160A-168, as I believe it does, we will ask the District Attorney to prosecute those responsible for the release.

Yours sincerely,


Seth R. Cohen



cc: Ms. Linda A. Miles
Mr. Randall Brady
Mr. Scott Sanders