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Brady N. Herman	bherman@broughlawfirm.com

July 30, 2019

Via First Class Mail and Email to heather@hbtownhall.com

Ms. Heather Finnell, Town Clerk
Town of Holden Beach
110 Rothschild Street
Holden Beach, NC 28462

Re: Holden Beach Town Attorney Statement of Interest

Dear Ms. Finnell,

The Brough Law Firm, PLLC is pleased to submit this Statement of Interest to serve as the Holden Beach Town Attorneys.

Our firm consists of seven lawyers located in offices in Chapel Hill, Concord, and Raleigh. Each attorney in our firm focuses on local government and land use law, and we serve as general counsel for nineteen North Carolina municipalities, including Aberdeen, Cameron, Carrboro, Carthage, Creedmoor, Foxfire Village, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Robbins, Roxboro, Spring Lake, Stanfield, Stem, Vass, and Whispering Pines. We also serve as general counsel to the Rockingham County Schools.

We have extensive experience, individually and collectively, in all aspects of municipal law, including zoning and land use law, board governance, ordinance drafting, contracts, public finance, employment law, and litigation in state and federal trial and appellate courts. The only local government matters we do not handle are specialized bond counsel work and real property transactions. We typically ask local real estate attorneys to conduct title searches and closings because they can do so on a more a cost-effective basis.

The firm also provides special litigation services for Brunswick County, Cabarrus County, Currituck County, Robeson County, and Rockingham County, and also for the Town of Cary and the City of Concord. Members of our firm have argued numerous cases in the N.C. Court of Appeals and N.C. Supreme Court on behalf of local governments. In addition to litigation, we frequently assist numerous other cities and counties throughout the State in matters ranging from ordinance drafting to serving as outside counsel for board of adjustment cases.

We typically designate two attorneys to serve each municipality we represent. One of them acts as the primary counsel and principal contact, and the other serves as backup and as an additional point of contact. Additionally, all seven of our attorneys work together

as a team to meet the needs of our clients. This arrangement ensures that each of our municipal clients has full access to our services not only during normal business hours but also during evenings and weekends. For Holden Beach, we are offering Mr. Brady Herman as primary counsel and Mr. Ellis Hankins as additional counsel. Between Mssrs. Herman and Hankins, we are confident that we will be able to devote the requested ten hours per month (or more if needed) to the Town's legal matters.

Our fee proposal is straightforward. We charge an hourly rate for all work performed, except for attending Board of Commissioners meetings. Our hourly rate is \$175.00 per hour for Mr. Herman and \$200.00 per hour for Mr. Hankins. We would charge a flat fee of \$750.00 per meeting to attend regular Board of Commissioners meetings, which would include our travel time to and from meetings. Although this is our preferred fee model, we are open to other arrangements such as a retainer model, if the Town would prefer that instead.

We recognize that the Board of Commissioners likely will consider other firms, and it is a fair to ask why the Town should select The Brough Law Firm over others? The short answer is experience, our team approach, and our competitive rates. Since it was founded in 1988, our firm has focused almost exclusively on local government and land use law, and every attorney in our firm focuses on these practice areas, which means there will always be an attorney available to answer questions and to attend meetings. The Mayor, Board of Commissioners, and staff will have the opportunity to work with our attorneys who not only have broad and deep experience with local government law but who also understand the practical and political realities of governance. We value public service, and we believe our job is to help our municipal clients anticipate legal issues and to avoid or resolve them.

Additionally, we have found through email and phone calls that we can effectively work with clients around the State.

We have enclosed the following materials:

- References;
- A complete listing of all past and current public sector clients; and
- Our firm resume, which provides detailed information about each attorney in the firm.

Per the Request for Proposals, our firm maintains malpractice insurance for every attorney in the firm. We will provide a copy of that policy upon request.


We would be pleased to attend a Board of Commissioners meeting to further discuss our firm's possible representation of the Town. Please let us know if additional information would be helpful.

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Ms. Heather Finnell, Town Clerk
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Thank you for your consideration.

Sincerely,


THE BROUGH LAW FIRM, PLLC



Brady N. Herman



S. Ellis Hankins



T.C. Morphis, Jr., Managing Partner

BNH/SHE:las
Enclosures

**The Brough Law Firm, PLLC
Partial Reference List**

You should feel free to contact any of the public entities we represent. Below are specific references from five of our municipal clients:

Town of Spring Lake

Daniel Gerald, Manager
(910) 436-0241
dgerald@spring-lake.org

Town of Carrboro

David Andrews, Manager
(919) 918-7309
dandrews@townofcarrboro.org

Town of Hillsborough

Eric Peterson, Manager
(919) 732-2104
eric.peterson@hillsboroughnc.org

City of Creedmoor

Korena Weichel, City Manager
(919) 764-1009
kweichel@cityofcreedmoor.org

Town of Aberdeen

Paul Sabiston, Manager
(910) 944-1115
psabiston@townofaberdeen.net

Past and Current Public Sector Entity Client Listing

The following is a complete listing of public entities our firm has represented:

	Entity	Position Held	Years of Service
1	Town of Aberdeen, NC	Town Attorneys	Approx. 2000 – present
2	City of Asheboro, NC	Outside Litigation Counsel	Approx. 1991 – 1992
3	Town of Ayden, NC	Outside Litigation Counsel	Approx. 1999
4	Town of Bath, NC	Outside Litigation Counsel to the Board of Adjustment	Approx. 2009
5	Town of Boone, NC	Outside Litigation Counsel	Approx. 1991 - 1992
6	City of Burlington, NC	Outside Litigation Counsel	Approx. 1993 – 1994
7	Cabarrus County, NC	Outside Litigation Counsel	2011 – 2012
8	Town of Cameron, NC	Town Attorneys and Litigation Counsel	Approx. 1998 – present
9	Town of Canton, NC	Town Attorneys	2012 – 2014
10	Town of Cape Carteret, NC	Outside Litigation Counsel	Approx. 1999
11	Town of Carolina Beach	Outside Counsel regarding a personnel matter	2015
12	Town of Carrboro, NC	Town Attorneys	Approx. 1980 – present
13	Town of Carthage, NC	Town Attorneys	2014 – present
14	Town of Cary, NC	Outside Litigation Counsel	Approx. 2000 – present
15	Chatham County, NC	Outside Litigation Counsel	2000
16	Chatham County, NC Board of Adjustment	Board Attorney	2016 - present
17	City of Concord, NC	Outside Litigation Counsel and Counsel to the Board of Adjustment Mr. Benshoff served as in house City Attorney	2004 – present 2003 to 2014
18	Cumberland County	Special Counsel	2019
19	Currituck County, NC	Outside Litigation Counsel	Approx. 2012; 2014 – present
20	Town of Duck	Outside Counsel for a zoning matter	2015
21	Town of Elizabethton, NC	Outside Litigation Counsel	2004 – 2005
22	Foxfire Village, NC	Village Attorneys	2010 – present
23	Gaston County, NC	Outside Litigation Counsel	Approx. 1992 – 1993
24	Town of Green Level, NC	Town Attorneys	Approx. 2007 – 2010

25	City of Hamlet, NC	City Attorneys	2014 – present
26	Henderson County, NC	Outside Litigation Counsel	Approx. 1988 – 1989
27	City of Hickory, NC	Economic development issue; board training	2014; 2015
28	Town of Hillsborough, NC	Town Attorneys and Litigation Counsel	Approx. 1988 – present
29	Town of Hoffman, NC	Town Attorneys	2014 – present
30	Town of Holly Springs	Prepared development ordinance amendments	1995-1996
31	Town of Hope Mills, NC	Town Attorneys and Litigation Counsel	2012 – 2016
32	City of Jacksonville, NC	Outside Litigation Counsel	2015 – present
33	City of Kannapolis, NC	Outside Litigation Counsel	2014 – present
34	Town of Kill Devil Hills, NC	Outside Litigation Counsel	Approx. 1996 – 1997
35	Town of Landis, NC	Outside counsel for an annexation matter	Approx. 2005
36	Lumberton Visitors Bureau; Lumberton Airport Authority	Attorney	Approx. 1999-2003
37	City of Lumberton	City Attorney	1997 to 2003
38	Town of Maiden, NC	Outside Counsel for code rewrite	2009 – 2011
39	Village of Marvin, NC	Outside Litigation Counsel	2018 – present
40	Town of Mocksville	Town Attorney	2017 to present
41	Town of Nags Head, NC	Outside Litigation Counsel	Approx. 1997 – 1998
42	City of New Bern, NC	Outside Litigation Counsel	Approx. 2007 – 2008
43	Town of Oakboro, NC	Town Attorney	2015 – present
44	Town of Pinebluff, NC	Town Attorneys and Litigation Counsel	Approx. 2000 – present
45	Town of Princeville, NC	Town Attorneys	2018 – 2019
46	Robeson County, NC	Outside Litigation Counsel	2018 - present
47	Town of Robbins, NC	Town Attorneys	2014 – present
48	Rockingham County, NC	Outside Litigation Counsel	2013 – 2015
49	Rockingham County Board of Education	General Counsel	2019 – present
50	City of Roxboro, NC	City Attorneys and Litigation Counsel	Approx. 1998 – present
51	Town of Rutherfordton, NC	Outside Counsel for code rewrite and Outside Litigation Counsel	Approx. 1999; 2002
52	City of Sanford, NC	Attorney to the Board of Adjustment and Historic Properties Commission.	2015 – present
53	City of Salisbury, NC	Outside Litigation Counsel	2005 – 2007
54	Town of Sedalia, NC	Outside Counsel	2015 – present
55	City of Shelby, NC	Outside Litigation Counsel	Approx. 2001 – 2002

56	Siler City, NC	City Attorneys	Approx. 1996 – 2014
57	Town of Spring Lake, NC	Town Attorneys	2018 – present
58	Town of Stem, NC	Town Attorneys	2012 – present
59	Town of Tarboro, NC	Town Attorneys and Litigation Counsel	Approx. 1992 – 2013
60	Town of Taylortown, NC	Town Attorneys	Approx. 2000 – 2014
61	City of Trinity, NC	City Attorneys	2015 – 2017
62	City of Troy, NC	Outside Litigation Counsels	2014 – 2015
63	Town of Unionville, NC	Outside Litigation Counsel	2006 – 2009
64	Town of Vass, NC	Town Attorneys	2014 – present
65	Village of Whispering Pines	Village Attorneys and Litigation Counsel	Approx. 2002 – present
66	City of Wilmington, NC	Outside Litigation Counsel	1997; 2010
67	Warren County, NC	Outside Litigation Counsel	Approx. 1993 – 1994
68	Town of Waxhaw, NC	Outside Counsel for code rewrite	2015 - present
69	City of Wilson, NC	Outside Litigation Counsel	2011 – 2013
70	Town of Yadkinville, NC	Outside Counsel to the Board of Adjustment	2014 – 2015



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CONCORD (980) 622-6440
RALEIGH (919) 349-8988
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morphis@broughlawfirm.com

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S. Ellis Hankins
hankins@broughlawfirm.com

Kevin R. Hornik
khornik@broughlawfirm.com

Brady N. Herman
bherman@broughlawfirm.com

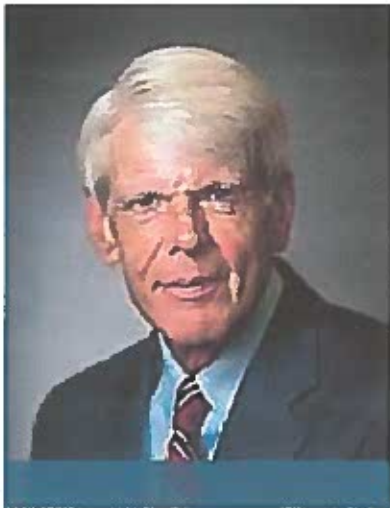
Lori Stuart
Office Administrator
office@broughlawfirm.com

Michael B. Brough (now retired) founded the Brough Law Firm in 1988 in Chapel Hill, North Carolina. Today, the Principals of the firm are G. Nicholas (Nick) Herman, Robert E. (Bob) Hornik, Jr., and T.C. Morphis, Jr. The other attorneys in the firm are Albert M. Benshoff, S. Ellis Hankins, Kevin R. Hornik, and Brady N. Herman. With offices in Chapel Hill, Concord, and Raleigh, North Carolina, the firm has a statewide practice primarily devoted to land use, local government, and other public entity work.

The firm regularly assists developers in obtaining zoning and other land use entitlements, and we also represent individuals, citizen groups, businesses, and other corporations in a broad range of capacities relating to planning, zoning and land-use related matters. We regularly assist clients with rezonings, variances, special and conditional use permits, annexations, condemnations, vested rights, subdivision development, historic district designations, and regulations under the N.C. Coastal Area Management Act, as well as other State and federal land use and environmental laws.

The firm also has a robust local government and school board law practice. We serve as general counsel to nineteen North Carolina municipalities, including Aberdeen, Cameron, Carrboro, Carthage, Creedmoor, Foxfire Village, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Robbins, Roxboro, Spring Lake, Stanfield, Stem, Vass, and Whispering Pines. We represent the Rockingham County School System, and the firm also provides special litigation services for the Town of Cary, City of Concord, Currituck County, Rockingham County, Cabarrus County, Robeson County, and Brunswick County. We regularly assist numerous other cities and counties throughout the State in matters ranging from ordinance drafting to litigation, and we regularly handle matters as outside counsel that are considered too delicate for an inhouse attorney to handle alone.

The members of the firm have extensive expertise in litigation and appellate matters, and they have argued over 135 cases in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit. In addition, members of the firm have taught on the adjunct faculties at the University of North Carolina School of Law, North Carolina Central University School of Law, Duke University School of Law, Campbell University School of Law, North Carolina State University, Elon University, National Institute for Trial Advocacy, and at the School of Government in Chapel Hill. Collectively, the members of the firm have published 13 books and monographs, and over 100 articles (including Continuing Legal Education papers) on various areas of law in which the firm practices.



G. NICHOLAS (NICK) HERMAN

Nick Herman received his Bachelor of Arts degree from the University of North Carolina at Chapel Hill as a Morehead-Cain Scholar and his law degree from Duke University School of Law. He has extensive litigation experience in state and federal court in a wide variety of areas of law, including municipal and county defense, zoning issues, constitutional law, civil rights, eminent domain, and employment law. He has also argued over 40 cases

in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit.

Mr. Herman is also an Adjunct Professor at North Carolina Central University School of Law, Campbell Law School, and Elon University, and he has taught on the adjunct faculties at Duke Law School and UNC-CH Law School. He teaches courses in trial practice, the law of evidence, legal counseling and negotiating, arbitration, appellate advocacy, civil procedure, alternative dispute resolution, and pretrial litigation, among other courses. He has also taught on the faculty of the National Institute of Trial Advocacy in trial practice, negotiation and mediation, and deposition-taking skills. He is the author of six law books: *North Carolina Civil Trial Practice* (Juris Publishing, Inc. 2012); *Navigating the First Year of Law School* (Carolina Academic Press 2016); *Practical Evidence: The Law, Foundations, and Trial Techniques* (2d ed. West Group 1999); *Plea Bargaining* (4th ed. Juris Publishing Inc. 2017); *Legal Counseling, Negotiating & Mediating: A Practical Approach* (Carolina Academic Press 2009); and *A Practical Approach to Client Interviewing, Counseling, and Decision-Making: For Clinical Programs and Practical-skills Courses* (Carolina Academic Press 2009). He has also written over 60 articles on various subjects of law, litigation, and appeals.

Mr. Herman has been a lecturer at numerous Continuing Legal Education programs on topics such as land-use regulation powers, civil litigation and trial advocacy, eminent domain, the law of damages, witness preparation, disability law, and ethical considerations in civil litigation and appellate practice. He now serves as general counsel to the Town of Carrboro, the City of Roxboro, and the Rockingham County School System. He has served as special litigation counsel for Cabarrus County, Rockingham County, Brunswick County, Chatham County, Currituck County, Robeson County, the City of Concord, the City of Wilmington, the Town of Unionville, and the Town of Garner. His practice is otherwise primarily devoted to general representation and complex litigation and appeals involving areas such as county and municipal law, zoning issues, land use regulation, condemnation cases, nuisance abatement, constitutional law, employment law, disability law, and business litigation.

ROBERT E. (BOB) HORNIK, JR.

Bob Hornik received his Bachelor of Arts degree, with honors, in Political Science from LeMoyne College in Syracuse, New York, and his law degree from The Washington & Lee University School of Law in Lexington, Virginia. Before becoming a principal in the Brough Law Firm, he engaged in the private practice of law in Syracuse, New York, representing local governments and real estate developers.



Mr. Hornik's practice emphasizes municipal law, zoning and land use law, litigation, and ordinance drafting. He serves as general counsel to the Towns of Hillsborough, Hoffman, Pinebluff, and Stem, and supports others in the firm in their capacities as counsel for the Firm's other municipal clients. Mr. Hornik has represented and advised municipalities in New York and North Carolina on issues including local finance, employment, annexation, zoning, planning and environmental law, and private developers in administrative and judicial proceedings at the State and Federal levels.

Mr. Hornik has extensive litigation experience in municipal, land use, and annexation matters in trial and appellate courts, including the North Carolina Supreme Court and the United States Supreme Court. He has also counseled clients in various commercial real estate transactions, including site acquisition, leasing and financing of multimillion-dollar commercial, retail and office ventures, and large scale residential subdivisions. Mr. Hornik's practice has included representation of several regional and national wireless telecommunication providers in the site acquisition and permitting processes for wireless telecommunications facilities, including State and Federal court actions brought under the Telecommunications Act.

Mr. Hornik is admitted to practice not only in North Carolina and New York, but also in the federal courts in the Northern and Western Districts of New York; in the Eastern, Middle and Western Districts of North Carolina; in the United States Court of Appeals for the Fourth Circuit; and in the United States Supreme Court. He is a member of the North Carolina, New York, and American Bar Associations. Mr. Hornik is active in the North Carolina Bar Association's Zoning, Planning, and Land Use Section, having served as a member of the Section's first Section Council. He served two terms as Chairman of the Section's Continuing Legal Education Committee, and he has presented continuing legal education programs for municipal attorneys and newly admitted attorneys on numerous occasions.



T.C. MORPHIS, JR.

T.C. Morphis grew up in Hickory, North Carolina. He received a Bachelor of Arts in Philosophy and History from UNC-Chapel Hill and his Law Degree and a Master's Degree in City and Regional Planning from UNC-Chapel Hill.

Mr. Morphis' primary practice areas include municipal, zoning, land use, employment, code enforcement, environmental, and coastal area management law. He provides general legal counsel for the

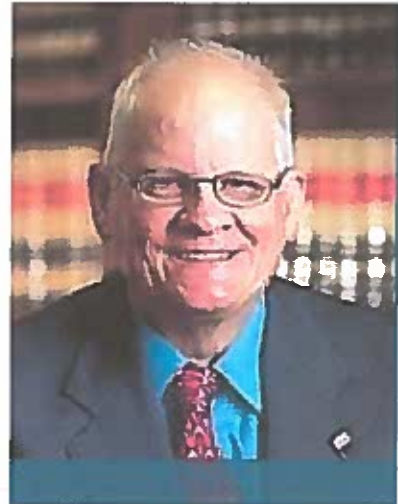
Cities of Creedmoor and Hamlet; the Towns of Aberdeen, Cameron, Carthage, Pinebluff, Robbins and Vass; and the Village of Whispering Pines. He also serves as outside counsel to the Concord and Chatham County Boards of Adjustment, and regularly represents citizen groups and other private clients in land-use litigation throughout North Carolina. Mr. Morphis has experience at all stages of litigation, from quasi-judicial hearings before local boards to trial court work and appellate advocacy before the North Carolina Court of Appeals and North Carolina Supreme Court. Mr. Morphis also regularly advises local government clients on code enforcement and board governance issues.

Early in his career, Mr. Morphis served as a clerk with the Charlotte City Attorney's Office and as an extern for the Honorable Judge Linda McGee of the North Carolina Court of Appeals. Mr. Morphis' Masters-Degree Project compared land trusts and resource conservation efforts in North Carolina with forest conservation in India, and he was a recipient of a U.S. Department of Education Foreign Language Area Studies scholarship for the study of Hindi and Urdu. Mr. Morphis also received, at UNC-CH Law School, the Gressman-Pollitt Award for Oral Advocacy, the Best Overall award in the UNC Environmental Negotiation Competition, and recognition as a finalist in the Merhige National Environmental Negotiation Competition.

Mr. Morphis is admitted to practice in the State courts in North Carolina and in the United States District Court, Middle District of North Carolina. He is a member of the North Carolina Bar Association, and he has previously served as the Chair of the North Carolina Bar Association's Zoning, Planning and Land Use Section Council and as the Co-Editor of the North Carolina Bar Association's *Land Use Law Quarterly*. He also previously served on the Triangle Land Conservancy's Land Protection Committee and as the Chairman of the Advisory Committee to the City of Durham's Community and Family Life Center at Lyon Park.

ALBERT M. BENSHOFF

Al Benshoff graduated from the University of Michigan with a Bachelor of Science in Natural Resources. He briefly worked as a contractor for the US Department of the Interior, Bureau of Outdoor Recreation (now the National Park Service) before working in environmental compliance for National Steel Corp. He later received a Master's Degree in Regional Planning from the University of Michigan.



For many years, he worked as a planner, first for the Beaufort County, SC Planning Commission, and then for the City of Cary, NC. where he oversaw the adoption of the first Unified Development Ordinance, the construction of the first five miles of greenway, and several comprehensive plans. While working in Cary, he attended the evening law program at NC Central University School of Law, in Durham, NC.

After receiving his law degree, Mr. Benshoff became the City Attorney for Lumberton, NC and then served as the City Attorney for Concord, NC. Some of his accomplishments in Concord include litigating a major zoning challenge to the new Cabarrus County jail, re-writing the Concord Development Ordinance, obtaining and defending Inter-Basin Transfer Permits from the Yadkin and Catawba Rivers to Concord and Kannapolis, assisting with the redevelopment of "Brownfield" sites, and organizing community development and the construction of the joint Albemarle-Concord- Kannapolis water pipeline.

Mr. Benshoff provides general legal counsel to the Towns of Oakboro, Mocksville and Stanfield, as well as the City of Sanford Board of Adjustment and Historic Preservation Commission. He has worked with other local government clients, including the Towns of Aberdeen, Carthage, Carrboro, Creedmoor, Selma, Holly Springs, Pinebluff, Robbins, the Lumberton Convention and Visitors Bureau, the Cities of Kannapolis and Roxboro, and the Village of Pinehurst. He practices in the areas of real estate development, code enforcement, contracts, economic development, annexation, land use and zoning, eminent domain, housing authorities, personnel, and community development, including U.S. Housing and Urban Development programs.

Mr. Benshoff is licensed in the North Carolina state courts and U.S. District Courts of the

Eastern, Middle and Western Districts of North Carolina, as well as the US Court of Appeals for the Fourth Circuit. He is a member of the NC Bar Association, where he is a member of the Zoning, Planning and Land Use Section and on the Board of Directors of the Government & Public Sector Section. He also serves as the President of the Board of Directors of two nonprofit corporations providing housing to low income seniors in Cabarrus County, the Methodist Episcopal Senior Housing, Inc. and Housing Episcopal Methodist Presbyterian, Inc.



S. ELLIS HANKINS

Ellis Hankins earned his Bachelor of Arts, Master of Regional Planning, and Law degrees from UNC-Chapel Hill. As an attorney with the firm based in Raleigh, his practice focuses primarily on local government representation and appellate advocacy.

Mr. Hankins provides general legal counsel to the Town of Spring Lake and the Rockingham County School System, and serves as special counsel to Cumberland County. He also teaches as a visiting

professor in graduate public policy and management programs at UNC-Chapel Hill, NC State, and Duke University, in the areas of state and local government, tax policy and public finance, public law and ethics, and intergovernmental relations. He also has assisted cities, counties, public risk pools, state municipal leagues, and county associations with executive searches and other management needs, as a member of a nationwide public sector consulting firm.

Mr. Hankins served as Executive Director of the North Carolina League of Municipalities, the statewide municipal association, and previously as the League's General Counsel and chief state legislative lobbyist. He has represented municipalities and other public and private sector entities and associations in state and federal trial and appellate courts and before congressional committees, as a member of the League staff and in private law practice. He is licensed to practice law in North Carolina and is admitted to practice before the US District Court for the Eastern District of North Carolina and the US Court of Appeals for the Fourth Circuit.

He is a former member of the National League of Cities Board of Directors; the NLC Mutual Insurance Company Board of Directors and Executive Committee (reinsurance company); the NCLM Risk Management Services Board of Trustees; the UNC School of Government Foundation Board of Directors; and the Wake County Parks and Recreation Commission. He assisted with the transition of North Carolina Governor-Elect Roy Cooper, leading the assessment team that evaluated the Governor's Office, Department of Administration and Office of State Human Resources.

Mr. Hankins is a lifetime honorary member of the NC Municipal Attorneys Association, the NC City-County Management Association, and the NC League of Municipalities, and he received the Grainger Barrett Award for Excellence from the NC Bar Association Government and Public Sector Section. He is a member of the Order of the Long Leaf Pine, bestowed by Governor Pat McCrory for exemplary service to the State of North Carolina.

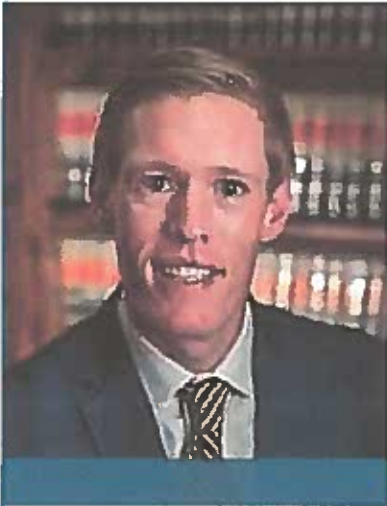
KEVIN R. HORNIK

Kevin Hornik received his Bachelor of Arts degree, with honors, in History from Queens University of Charlotte in Charlotte, North Carolina in 2013. He received his law degree in 2016, and was admitted to practice in all courts of this State in 2017.

While in law school, Mr. Hornik worked as a legal writing consultant and instructor, assisting and advising students on their legal writing assignments. He also worked as an intern at the school's Community and Economic Development Clinic, providing pro bono legal services to nonprofit and community and economic development organizations in the Charlotte area and in the surrounding communities. He also was a member of the World Affairs Council of Charlotte, participating in and attending a lecture series in the greater Charlotte area through both the law school and The Magellan Society.

Mr. Hornik currently serves as the Creedmoor Assistant City Attorney and the Spring Lake Assistant Town Attorney, and his experience includes local government and municipal land use matters, as well as non-profit and community economic development work. He practices with the firm by counseling the firm's numerous local government clients in land-use, regulatory, and employment matters, including all operational and transactional aspects of those local governments. In addition, he provides integral legal research, and litigation representation and support for cases litigated by the firm on behalf of local governments. This includes counsel and representation in administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the NC Court of Appeals, NC Supreme Court, the federal district courts of North Carolina, and the US Court of Appeals for the Fourth Circuit.





BRADY N. HERMAN

Brady Herman received his B.A. degree from Elon University and his J.D. degree from Campbell University School of Law. While in law school, he concentrated his studies in litigation. He was also a named contributor to *Navigating the First Year of Law School*, a nationally-distributed book published by Carolina Academic Press.

His practice is devoted to assisting private clients obtain zoning and land use entitlements and advising local government clients in a wide range of areas, zoning and planning matters, code-enforcement, quasi-judicial functions, ordinance drafting and interpretation, police and fire functions, storm water and other public-utility matters, employment matters, and contract and other transactional matters for local governments. Mr. Herman also provides legal research and litigation representation and support for cases litigated by the firm. This includes counsel and representation in negotiation and mediation, administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the North Carolina and federal courts.

Brady is a contributing author to the regular updates for *North Carolina Civil Trial Practice—With Application of the N.C. Rules of Evidence*—which is North Carolina's leading trial-practice treatise published by Juris Publishing Company. He is admitted to practice in all North Carolina courts.

APPELLATE CASES BY FIRM MEMBERS

Adoption of P.E.P., 100 N.C. App. 191, 395 S.E.2d 133 (1990), rev'd, 329 N.C. 692, 407 S.E.2d 505 (1991)

Albright v. Nash County, 222 N.C. App. 634, 731 S.E.2d 276 (2012) (unpublished)

Allen v. City of Burlington Bd. of Adjustment, 100 N.C. App. 615, 397 S.E.2d 657 (1990)

Amward Homes v. Town of Cary, 365 N.C. 305, 716 S.E.2d (2011)

Angell v. City of Sanford, 106 N.C. App. 90, 415 S.E.2d 589 (1992)

Anthony v. City of Shelby, 152 N.C. App. 144, 567 S.E. 2d 222 (2002)

Ashby v. Town of Cary, 161 N.C. App. 499, 588 S.E.2d 572 (2003)

Ashley v. The City of Lexington, 209 N.C. App. 1, 704 S.E.2d 529 (2011)

Barnett v. Karpinos, 119 N.C. App. 719, 460 S.E.2d 208 (1995)

Batch v. Town of Chapel Hill, 92 N.C. App. 601 (1989), 376 S.E.2d 22, rev'd, 326 N.C. 1, 387 S.E. 2d 655 (1990)

Bradley Co. v. Town of Chapel Hill, 112 N.C. App. 135, 435 S.E.2d 375 (1993)

Capricorn Equity Corp. v. Town of Chapel Hill Bd. of Adjustment, 106 N.C. App. 134, 415 S.E.2d 752 (1992), rev'd, 334 N.C. 132, 431 S.E.2d 183 (1993)

Casella v. Alden, 200 N.C. App. 24, 682 S.E.2d 455 (2009)

Caswell County v. Town of Yanceyville, 170 N.C. App. 124, 611 S.E.2d 451 (2005)

Chapel Hill Title v. Chapel Hill, 362 N.C. 649, 669 S.E.2d 286 (2008)

Chapel Hill Title & Abstract v. Chapel Hill, 178 N.C. App. 561, 631 S.E.2d 893 (2006)

City of Concord v. Duke Power, 346 N.C. 211, 485 S.E.2d 278 (1997)

City of Lumberton v. U.S. Cold Storage, Inc., 178 N.C. App. 305, 631 S.E.2d 165 (2006)

City of Hillsboro v. Hughes, 140 N.C. App 714, 538 S.E.2d 586, rev. denied, 353 N.C. 370, 547 S.E.2d 4 (2000)

County of Durham v. Roberts, 145 N.C. App. 665, 551 S.E.2d 494 (2001)

Clark v. Red Bird Cab Co., 114 N.C. App. 400, 442 S.E.2d 75 (1994)

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- "The Future of Impact Fees in Light of *Quality Built Homes, Inc. v. Town of Carthage*, 789 S.E.2d 454 (N.C. 2016)," N.C. Bar Association, 2017 Zoning Planning & Land Use Section Annual Meeting (April 6, 2017).
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- "Flexibility Without Arbitrariness in the Zoning System: Observations on North Carolina Special Exception and Zoning Amendment Cases," 53 *N.C. Law Review* 925-958 (1975).

PRESENTATIONS BY FIRM MEMBERS

- Faculty Presenter, "The 2019 Zoning, Planning and Land Use Debate," Zoning, Planning & Land Use Law Section Annual Meeting (NC Bar Association, April 5, 2019)
- "Amotion, Off the Rails and Then Some," NC Carolina Municipal Attorney's Association Winter Conference (UNC-School of Government, March 22, 2019)
- Faculty Presenter, "Local Government Compliance With the "Reasonable Accommodation" Requirement of the FHA, ADA, and RA," NC Municipal Attorney's Association Summer Conference, August 2-4, 2018
- "Quasi-Judicial Procedure: Evidence and Building a Record," City of Creedmoor Board of Adjustment (July 12, 2018)
- "Code Enforcement," N.C. Municipal Attorney's Association Winter Conference (UNC-School of Government, March 23, 2018)
- "Wireless Telecommunication Zoning after H.B. 310," NC Association of Zoning Officials (February 19, 2018)
- "Wireless Telecommunications Workshop," sponsored by the Town of Carthage and The Brough Law Firm, PLLC (NC Chapter of the American Planning Association, December 12, 2017)
- "Reexamining Checks and Balances: Legislative Changes to State and Local Government," Government and Public Sector Section (NC Bar Association, November 17, 2017)
- Telecommunication and Public Rights-of-Way Ordinances, Town of Carthage Board of Commissioners and Planning Board (August 23, 2017)
- "The Future of Water and Sewer Impact Fees," Zoning, Planning & Land Use Law Section Annual Meeting (NC Bar Association, April 6, 2017)
- "Local Government Overview," City of Creedmoor Board of Commissioners (May 17, 2016)
- "Illegal Fees and Attorneys' Fees," Zoning, Planning & Land Use Section Annual Meeting (NC Bar Association, March 18, 2016)
- "Trial Advocacy Tips," Campbell Law School Trial Advocacy Program (Campbell Law School, March 25, 2015)
- "Professionalism Issues for Local Government Counsel," Professionalism for New Attorneys Program (NC Bar Association, October 14, 2015)
- "Protecting Endangered Properties - Prevention of Demolition by Neglect and Other Preservation Tools," Preservation North Carolina Annual Conference. (Salisbury, NC, September 17, 2015)
- "A Reluctant Acceptance of Public Private Partnerships in North Carolina," Zoning Planning and Land Use Law Section Annual Meeting (NC Bar Association, March 27, 2015)
- "A Discussion of *Lanvale Properties v. County of Cabarrus*," NC Association of County Attorneys Winter Conference (U.N.C.-School of Government, February 6, 2015)

- "Quasi-Judicial Procedures," Town of Aberdeen Planning Board and Historic Preservation Commission (January 15, 2015)
- "Fair Housing and Local Government Land-use Regulations Affecting Persons with Disabilities," Town of Cary Board of Adjustment (October 6, 2014)
- "Fair Housing and Reasonable Accommodations by Local Governments," 2014 North Carolina Planning Conference (October 2, 2014)
- "Managing the Attorney-client Relationship and Organization of a Legal Department," Professionalism for New Admittees Program (NC Bar Association, May 15, 2014)
- "The State of Local Government Powers after *Lanvale Properties, LLC v. Cabarrus County* and into the Future," Joint Zoning, Planning & Land Use Section and Government/Public Sector Section C.L.E. Program (NC Bar Association, March 28, 2014)
- "The Aberdeen Board of Commissioners," Town of Aberdeen Board of Commissioners (February 27, 2014)
- "The Aberdeen Planning Board: An Introduction," Town of Aberdeen Planning Board (October 17, 2013)
- "Quasi-Judicial Procedure," City of Concord Board of Adjustment (August 28, 2012)
- "*Lanvale Properties, LLC v. Cabarrus County* and the City of Locust and Its Implications," N.C. Municipal Attorney's Association Winter Conference (UNC-School of Government, March 14-15, 2013)
- "Quasi-Judicial Procedure," Town of Cary Board of Adjustment (March 22, 2011)
- "Town of Aberdeen Historic Preservation Commission," Town of Aberdeen Historic Preservation Commission (March 21, 2011)
- Lecture on "Litigation in Real Estate Development Process" course at Kenan-Flagler School of Business (UNC-Chapel Hill, January 27, 2011)
- Testimony on behalf of the National League of Cities, National Association of Counties, National Sheriffs Association, National School Boards Association, International City-County Management Association, International Public Management Association for Human Resources, et. al. in Opposition to H.R. 413, Public Safety Employer-Employee Cooperation Act of 2009, before the U.S. House of Representatives Subcommittee on Health, Employment, Labor and Pensions, 111th Congress (March 10, 2010)
- "With a Little Help From My Friends—Negotiation Techniques," NC Bar Association CLE, "We Can Work It Out—15th Dispute Resolution Section Annual Meeting," (April 11, 2008)
- Leadership Lecture (Elon University Center for Leadership, March 12, 2008)
- "Constitution Day," Lecture to Elon University, College of Arts & Sciences: "Exploring Some Common Constitutional Myths" (September 19, 2007)
- "The Legal Responsibilities of the Landlord Under NC Law," Housing Workshop (City of Roxboro, N.C., July 23, 2007)
- "Professionalism in Your Practice" (Orange County Bar Association CLE Second Celebration of Professionalism, January 26, 2006)

- "Law Students and Lawyers in Professionalism" (Orange County Bar Association CLE on Professionalism, February 12, 2004)
- "Update on the City of Hickory Unified Development Ordinance" (Catawba County Bar Association meeting, June 12, 2009)
- "Development Agreements and Conditional Zoning in North Carolina" (Moore County Planning Retreat, August 15, 2008)
- "Origin, History, And Status Of Bill Dealing With Quasi-Judicial Land Use Decisions" (Law Seminars International Two-Day Conference, July 24-25, 2008)
- "Senate Bill 212: Land-Use Permit Appeals" (N.C. Bar Foundation, May 3, 2007)
- "Governmental Immunity" (UNC-School of Government, October 27, 2005)
- "Judicial Review of Quasi-Judicial Zoning Decisions" (NC Bar Foundation, May 7-8, 2004)
- "Getting the Most Out of Your Appraiser (Updated)" (CLE International Eminent Domain Conference, August 14-15, 2003)
- "Local Regulation of Intensive Livestock Operations After *Craig v. County of Chatham*" (NC Bar Association CLE Program October 4, 2002)
- "Getting the Most Out of Your Appraiser" (CLE International Eminent Domain Conference, June 27-28, 2002)
- "Neither Fish Nor Fowl: Conditional Use Zoning" (NC Bar Foundation, 2002)
- "The Law of Depositions in North Carolina" (N.C. Academy of Trial Lawyers CLE Program January 11, 2002)
- "A Proposed Statute Dealing With Appeals of Quasi-Judicial Land Use Decisions" (NC Bar Foundation, 2001)
- "How Land Use Regulations Can Affect Property Values" (NC Bar Foundation, 1999)
- "Appealing to and From the Board of Adjustment" (NC Bar Foundation, 1997)
- "Update in Telecommunications Law with an Emphasis on Cell Tower Permitting," NC Municipal Attorneys' Conference (August, 1997)
- "Punitive Damages," Seventh Annual Festival of Legal Learning (UNC-School of Law CLE, 1997)
- "Enforceability of Manager Employment Agreements," NC City-County Management Association Winter Conference (Chapel Hill, February 9, 1996)
- "Overview of the Telecommunications Act of 1996," NC Association of Municipal Attorneys Summer Conference (Pinehurst, August 3, 1996)
- "Ethics of Witness Preparation" (UNC-School of Law CLE, 1996)
- "Rate Regulation and Other Issues Affecting NC Municipalities in the Cable Television Consumer Protection and Competition Act of 1992 and FCC Regulations and Rulings," NC League of Municipalities Annual Convention (Asheville, October 18, 1994)

- “*Dolan vs. Tigard: The Supreme Court Advances Taking Law*” (NC Bar Foundation 1994)
- “Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances” (Wake Forest CLE, 1992)
- “Liability of Local Governments for Damages for Unlawful Land Use Decisions” (NC Bar Foundation, 1991)
- “Recent Developments in N.C. Land Use Law” (National Business Institute, Inc., 1990)
- “Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances” (Wake Forest CLE, 1990)
- “Local Watershed Protection Programs, Water Rights Resources and Quality,” NC Bar Foundation and Environmental & Natural Resources Law Section, NC Bar Association (1990)
- “Ethical Considerations in Civil Litigation & Appellate Practice” (NCCU School of Law CLE, 1990)
- “Land Use Litigation Procedural Issues, Land Use Regulation and Planning,” NC Bar Foundation and Real Estate Section, NC Bar Association (1988)
- “Vested Rights,” Land Use Litigation Seminar (NC Academy of Trial Lawyers, 1987)

ORGANIZATIONAL AFFILIATIONS OF FIRM MEMBERS

- North Carolina Bar Association, Zoning, Planning, Land Use Law Section
- North Carolina Bar Association, Real Property Section
- North Carolina Bar Association, Government and Public Sector Section
- North Carolina Association of Municipal Attorneys
- Scribes - The American Society of Writers on Legal Subjects
- North Carolina Council of School Attorneys

BAR MEMBERSHIPS FOR FIRM MEMBERS

- North Carolina State Bar
- US District Court, Eastern District, N.C.
- US District Court, Middle District, N.C.
- US District Court, Western District, N.C.
- US Court of Appeals for the Fourth Circuit
- United States Supreme Court