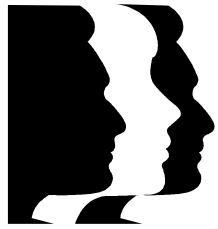


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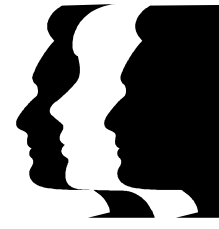


The People News

OF BRADLEY COUNTY

www.thepeoplenews.com

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DECEMBER

VOL 12 ISSUE 11

2009

Former Bank Examiner Walks Again

Local resident violates terms of pre-trial diversion but avoids charges of official misconduct.

by Tonya Brantley
Managing Editor

On December 6, 2008, a Bradley County deputy pulled a vehicle over traveling 58 mph in a 45 mph zone. Upon making contact with the driver, John Mark Stewart, 33 a Cleveland, TN resident, the officer observed a strong odor of alcohol. Stewart had consumed five alcoholic beverages prior to the traffic stop. He was asked to perform standardized field sobriety tests which he failed. The blood alcohol (breathalyzer) test revealed his breath sample was 0.10. In the State of Tennessee, a result of a blood alcohol content of 0.08 or higher is considered under the influence. Stewart was arrested at 4:35 a.m. and booked into the Bradley County Jail for DUI and released at 12:41 p.m. after

posting a \$1,500 bond.

Prior to his DUI arrest, on June 19, 2008, the Tennessee Bureau of Investigation (TBI) arrested Stewart, a former bank examiner for the TN Department of Financial Institutions (TDFI), and



John Mark Stewart
Booking photo from DUI arrest

booked him into the McMinn County Jail on a \$20,000 bond after he was indicted by the McMinn County Grand Jury on four counts of official misconduct. He attempted to use his position to gain an unfair advantage by

offering to fix the books of an Athens, TN finance company for a fee of \$25,000. Stewart's offer was to work secretly and check the books twice monthly and insure that the business would always pass an examination by the TDFI and avoid any current or future fines levied by the department.

John Mark Stewart, son of prominent Cleveland banker, Southern Heritage Bank President and CEO, John Lee Stewart, avoided going to trial when Criminal Court Judge Carroll Ross granted him a one year pre-trial diversion on September 29, 2008 because he had not been previously convicted of any felony or misdemeanor crimes. Pre-trial diversion involves an agreement to suspend prosecution up to two years while the defendant completes a probationary period. Stewart was to abide by

the following conditions: Refrain from any violations of the law, and conduct himself in a manner consistent with good citizenship, cooperate with the pre-trial diversion project; i.e. follow probationary requirements, and pay for court costs. If the conditions were met, the four counts of

official misconduct would be dismissed. District Attorney (DA) for the 10th Judicial District, Steve Bebb said, "The law says that you just about have to grant pre-trial diversion to somebody that doesn't have a prior record. DA's across the state would like to

do away with pre-trial diversion and leave judicial diversion where the judge decides. We actually believe that's the judge's job and not ours anyway. A defendant has to plead guilty with judicial diversion."

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Children Labor to Fund Education

by Ashley Murphy

Extreme fundraising: take \$20 donations from kids at school in exchange for 20 test points. No, this isn't a farce. Rosewood Middle School in Goldsboro, NC actually set this up as a school fundraiser to bring in money. The 20 extra test points could be split up to use on two separate tests. This means that 10 points could be added to two separate tests and bring a child's grade up one full letter. However, the "fundraiser"

was quickly stopped after concerns arose, and the school will now have to return all donations that had been previously collected and no extra points will be issued to students.

The recent economy has driven cities and counties to cutting school budgets and with that comes more fundraising efforts. Most of these efforts are falling on students and parents to produce the needed funds for their child's school. Many of the fundraisers consist of individuals selling candy, fruit,

magazines, candles, and other items. The majority of fundraisers only yield a 40-50 percent or less profit to the intended school or organization and, according to many parents, can be very time consuming and can be a large imposition.

Concerns over school fundraisers have recently been discussed among local government as well, this time regarding safety. Cleveland City Board of Education (BOE) member Steve Morgan noticed that two fundraising activities involved the

sale of cookie dough. He

asked the principal to confirm that the cookie dough was not the Nestle brand that had been recalled. Also discussed was a fundraiser for the sale of fireworks, which had already taken place prior to the board's approval. During their regular board meeting on November 2, 2009, the Cleveland City BOE unanimously approved wording changes to their Student Solicitations/Fundraising Activities Policy 6.701 to include: No fundraising activities shall involve the sale of hazardous materials, such as fireworks, and requires fundraising activities be approved in ad-

vance. High schools tend to leave the fundraising activities up to the athletic teams, clubs, organizations, and individual departments that need funds for certain outings or particular projects. Elementary schools, on the other hand, have school wide fundraisers. With these fundraisers, all students are asked to participate at any given point during the school year. They are set up to help pay for classroom supplies, text books, and other everyday necessities that the school should provide for students. A nationwide survey of more than 1,000 principals in

the area of K-8 education was conducted by the National Association of Elementary School Principals (NAESP) in 2007, and it revealed that 94% of principals rely on fundraisers to "supplement monies received from district, state, and federal resources." In addition to the learning supplies needed for the students, raised funds are also used to pay for playground equipment, field trips, and extracurricular activities.

Other answers by respondents show 64% of principals would stop fundraising if they could.

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