

CLERK OFFICE  
SUPERIOR COURT  
COWETA COUNTY, GA

IN THE SUPERIOR COURT OF COWETA COUNTY  
STATE OF GEORGIA

JULY 31 AM 11:50

CINDY C. BROWN, CLERK  
COWETA COUNTY, GA

GEORGIACARRY.ORG, INC. and :  
EDWARD A. STONE, :  
 :  
 :  
 Plaintiffs, :  
 :  
 vs. :  
 :  
 COWETA COUNTY, GEORGIA, :  
 :  
 Defendant. :

CIVIL ACTION FILE NO. 07-V-215

**COWETA COUNTY’S BRIEF IN OPPOSITION TO PLAINTIFFS’  
MOTION FOR SUMMARY JUDGMENT AND IN SURPPORT OF  
COWETA COUNTY’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Coweta County, Georgia, Defendant in the above-styled civil action (“Coweta County”), and files this its Brief in Opposition to Plaintiffs’ Motion for Summary Judgment and In Support of Coweta County’s Motion for Summary Judgment, respectfully showing the Court as follows:

**INTRODUCTION**

Coweta County ordinance 46-33 (the “Ordinance”) prohibits certain activities on its recreation grounds and facilities. Examples of prohibited conduct are: the use of alcoholic beverages, littering, gambling, fighting, using profanity and the bringing of firearms and such similar weapons onto the recreational property. Plaintiffs maintain that persons should be allowed to carry firearms onto Coweta County’s recreational properties and that the Ordinance is preempted by State law. A county ordinance that regulates an area that is also regulated by general State law is not preempted if it is (1) authorized by general laws; and (2) does not conflict with general law. General law gives Coweta

County the police power necessary to protect the public health, safety, and general welfare of its citizens. Restricting the carrying of firearms on County owned recreational property does not conflict with any general state law. There are no facts at issue, other than whether the Ordinance is a proper exercise of power by Coweta County. Contemporaneously with Coweta County's filing its response to Plaintiffs' Motion for Summary Judgment, Coweta County has filed a cross Motion for Summary Judgment.

### **FACTS**

The only issue before this Court is whether section (c) of the Ordinance is a valid exercise of Coweta County's police powers. The Ordinance seeks to prohibit certain activities on Coweta County's recreational facilities including, but not limited to: (1) possession of alcoholic beverages; (2) littering; (3) fighting; (4) using profanity by players, coaches or spectators; and (5) the bringing of firearms and such similar weapons onto the County's recreational property. Section (c) of the Ordinance specifically states "firearms, air (or spring loaded) rifles/pistols, fireworks, and any device firing or propelling a projectile are strictly prohibited [on County recreational properties and facilities]." (Coweta County Ordinance 46-33(c)(a certified copy of the Ordinance is attached hereto as Exhibit "A")). Section (c) of the Ordinance is the only fact pertinent to this Court's decision of the relief sought by Plaintiffs.

### **STANDARD OF REVIEW**

Pursuant to O.C.G.A. § 9-11-56, summary judgment is appropriate whenever a party demonstrates that there is no genuine issue as to any material facts, and that, as the moving party, it is entitled to judgment as a matter of law. The burden on summary judgment is on the moving party to demonstrate "there is no genuine issue of material

fact and that the undisputed facts, viewed in the light most favorable to the nonmoving party, warrant judgment as a matter of law.” Lau’s Corp. v. Haskins, 261 Ga. 491, 405 S.E.2d 474 (1991). A Defendant may do this by showing the court that the documents, affidavits, depositions and other evidence in the record reveal that there is no evidence sufficient to create a jury issue on at least one essential element of Plaintiff’s case. (Id.)

Applying the aforementioned standard required to prevail on a motion for summary judgment, Defendant respectfully submits that Plaintiff is not entitled to a judgment as a matter of law, but that it is, in fact, entitled to summary judgment as to all of Plaintiff’s claims.

### **ARGUMENT AND CITATION OF AUTHORITY**

#### **A. The Ordinance is not Preempted if it is Authorized by General Laws and does not Conflict with Them**

“The doctrine of state preemption is based on the concept that statutes of the State Legislature control over county ordinances.” Sturm, Ruger & Company, Inc. v. City of Atlanta, 253 Ga. App. 713, 717-718 (2002). “Generally, preemption is based on legislative intent.” Id. Under Federal Law, for example, “Congress may express an intent to preempt state law by expressly defining the area of preemption, extensively regulating an area so that preemption may be inferred, or enacting a law that directly conflicts with state law.” Id. “Similarly, state law may preempt local law expressly, by implication, or by conflict.” Id. “The practical effect of the preemption doctrine is to preclude all other local or special laws on the same subject.” Id. at 718 (citing Ga. Const. 1983, Art. III, Sec. VI, Par. IV (a); Franklin County v. Fieldale Farms Corp., 270 Ga. 272 (1998)).

The “Uniformity Clause” of the Georgia Constitution provides:

Laws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any case for which provision has been made by an existing general law, **except that the General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws.**

Ga. Const. 1983, Art. III, Sec. VI, Par. IV (a); see also Franklin County, supra; Pawnmart, Inc. v. Gwinnett County, 279 Ga. 19 (2005) (emphasis supplied). “The first part provides the rule that general laws preempt local or special laws on the same subject; the second part **excepts from this rule local laws permitted by, and not conflicting with, the general law.**” Pawnmart, Inc., 279 Ga. 19 (emphasis supplied).

Accordingly, if an ordinance also regulates an area that is regulated by general law, that area of the law “is preempted **unless** it is (1) authorized by general laws and (2) does not conflict with them.” Id. at 20. “A special law does not conflict with a general law if it ‘does not detract from or hinder the operation of the [general] law, but rather it augments and strengthens it.’” Grovenstien v. Effingham County, 262 Ga. 45, 47 (1992) (citing City of Atlanta v. Associated Builders and Contractors of Ga., 240 Ga. 655, 657 (1978); see also Watson v. Ellis, 261 Ga. 434 (1991), Franklin County v. Fieldale Farms Corp., 270 Ga. at 275.

“The courts cannot strike down legislation, whether state or [county], unless it plainly and palpably violates some provision of the federal or state constitution, or... unless enacted without power of the [county] to pass them, or in contravention of state statutes or public policy.” City of Atlanta v. Associated Builders and Contractors of Georgia, Inc., 240 Ga. 655, 657 (1978).

Therefore, the Ordinance is not preempted if it passes the two-part test that it (1) is authorized by general laws, and (2) does not conflict with them. Coweta County respectfully submits that the Ordinance satisfies both prongs of this two-part test (as will be clearly set forth below).

**1. The Ordinance is Authorized by General Laws**

“General law gives counties the police power necessary to protect the public health, safety, and general welfare.” Pawnmart, Inc., 279 Ga. at 20 (citing Board of Commissioners v. Guthrie, 273 Ga. 1, 3 (2000)). Prohibiting firearms and other such similar weapons on County-owned recreation properties and facilities is clearly a proper exercise of the County’s police power to protect the safety and welfare of the public. Though Plaintiffs would have the Court believe that the public would be more safe if the County’s little league fields, soccer fields and gymnasiums were full of people carrying pistols, Coweta County respectfully submits that prohibiting firearms and such other weapons will most assuredly make for a more safe environment. Accordingly, the Ordinance is a proper use of the County’s police power. Next, it must be determined if the Ordinance conflicts with the applicable Georgia law relative to carrying firearms on publicly owned places; if it does not, the Ordinance is not preempted.

**2. The Ordinance does not Conflict with State Law Relative to Carrying Firearms and Other Weapons on Publicly Owned Premises**

Plaintiffs mistakenly rely on O.C.G.A. § 16-11-173 for their argument that the Ordinance is preempted. O.C.G.A. § 16-11-173 is contained in Part 5 of Article 4 of the very same title and Chapter which deals with the regulation of the transfer and purchase of firearms and is even entitled “Transfer and Purchase of Firearms.” This is important

because Part 3 of Article 4 is the section of the Code that deals with the carrying of firearms and is appropriately entitled “Carrying and Possession of Firearms.” Moreover, the case relied upon by Plaintiffs, Sturm, Ruger & Company, Inc., involves the City of Atlanta attempting to usurp the State’s regulation over the manufacture, sale, distribution and promotion of firearms which had been preempted by O.C.G.A. § 16-11-173. The Sturm, Ruger & Company, Inc. case in no way involves the issue of carrying of firearms in public places. In the instant case, Coweta County is not attempting to usurp any such power of the State relative to carrying firearms or other weapons, but rather is seeking to strengthen the State’s regulation of carrying firearms and other weapons in publicly owned places, as will be set forth below.

Because the Ordinance involves the regulation of the carrying of firearms in public places, the proper statute for the Court to consider in its preemption analysis is O.C.G.A. §16-11-127 which is found in Part 3 of Article 4 discussed above entitled “Carrying and Possession of Firearms.” Pursuant to O.C.G.A. §16-11-127, “a person is guilty of a misdemeanor when he or she carries to or while at a public gathering any explosive compound, firearm, or knife designed for the purpose of offense and defense.” O.C.G.A. §16-11-127(a). “For the purpose of this code section, ‘public gathering’ shall include, but shall not be limited to, athletic or sporting events, churches or church functions, political rallies or functions, publically owned or operated buildings, or establishments at which alcoholic beverages are sold for consumption on the premises.” Id.

The Ordinance **in no way** conflicts with O.C.G.A. §16-11-127, as they both seek to regulate the carrying of firearms in publicly owned places. As set forth above, an

ordinance is not preempted if it is (1) authorized by general laws, and (2) does not conflict with them. Pawnmart, Inc., 279 Ga. at 20 (citing Board of Commissioners v. Guthrie, 273 Ga. 1, 3 (2000)). Coweta County established above that general law gives it the police power necessary to adopt the Ordinance to promote the health, safety and general welfare of the public. Coweta County has now established the second prong of the two-part test by showing that the Ordinance does not conflict with general law. Thus, the Ordinance is a proper use of the County's police power and should be found valid and enforceable by the Court. Indeed, one may not deny the numerous incidents of violence by parents and spectators at youth sporting events. By way of example only, Coweta County attaches as Exhibit "B" three (3) articles discussing violence in youth sports. Certainly, the Ordinance is a reasonable exercise of power in order to help curtail deadly violence on its recreation facilities.

Furthermore, as set forth above, a "special law does not conflict with a general law if it 'does not detract from or hinder the operation of the [general] law, but rather it augments and strengthens it.'" Grovenstien v. Effingham County, 262 Ga. 45, 47 (1992) (citing City of Atlanta v. Associated Builders and Contractors of Ga., 240 Ga. 655, 657 (1978); see also Watson v. Ellis, 261 Ga. 434 (1991), Franklin County v. Fieldale Farms Corp., 270 Ga. at 275. Clearly, the Ordinance only serves to strengthen and augment O.C.G.A. §16-11-127, as both serve the purpose of prohibiting the carrying of firearms on publicly owned premises. Thus, the Ordinance should be found to be a valid.

#### **B. Similar Preemption Analyses by the Georgia Supreme Court**

The Supreme Court of this state has many times performed similar preemption analyses similar to the one to be made by this Court relative to the Ordinance. In

Pawnmart, Inc., the plaintiff was challenging a Gwinnett County ordinance which required pawn brokers to maintain certain records and obtain certain information from persons pawning property, including finger prints, digital photographs and sales receipts for new merchandise. 279 Ga. at 19. The ordinance in question was intended to impede the sale of stolen property. The plaintiffs maintained that the Gwinnett County ordinance in question was preempted because it conflicted with O.C.G.A. §§ 44-12-130-44-12-138. A purpose of these statutes was likewise to impede the sale of stolen property. The Supreme Court first looked to determine whether Gwinnett County was authorized by general laws to enact the ordinance in question. The Supreme Court found that general law gives counties the police power necessary to protect the public health, safety, and general welfare. The Supreme Court then found that the purpose of the ordinance in question were to impede the sale of stolen property, which promotes the public health, safety, and general welfare. Therefore, the Supreme Court found that the ordinance in question was a proper use of Gwinnett County's police power and, thus, authorized by general law. Id. at 20.

Next, the Supreme Court turned to the analysis of whether the ordinance in question conflicted with general law. Because certain of the measures set forth in the ordinance in question were useful to protect the public welfare by impeding the sale of public property, the ordinance in question did not conflict with state law. Moreover, the Supreme Court found that the ordinance in question "served to strengthen [the state law's] requirements as to the records that pawn brokers must keep." The Supreme Court further held that "there is no conflict when the local law did not impair the general law's



operation, but rather augmented and strengthened it.” Id. at 21. Accordingly, the ordinance in question was found to be valid.

In Grovenstien, the plaintiff challenged an Effingham County ordinance which provided that any holder of a license authorizing the sale of malt beverages or wine at retail in the county could not sell beer or wine to any person under the age of 21, or otherwise they would lose the license authorizing the sale of such beverages. 262 Ga. at 45. The plaintiff argued that the ordinance in question was preempted by O.C.G.A. § 3-3-23, which prohibited the sale of alcoholic beverages to any person under 21 years of age.

First, the Grovenstien Court found that O.C.G.A. § 3-3-2(a) expressly authorized by general law Effingham County to exercise by local ordinance the police power of revoking licenses for the sale of beer and wine so long as it did not conflict with general law. Id. at 47. Next, the Grovenstien Court noted that the ordinance in question does not conflict with general law if it “does not detract from or hinder the operation of the general law, but rather augments and strengthens it.” Id. The Grovenstien Court then looked to purpose of the ordinance in question and found it was to prohibit the sale of alcohol to minors and did so under more specific circumstances than did O.C.G.A. § 3-3-23’s general prohibition against furnishing alcoholic beverages to minors. Finding such, the Grovenstien Court held “in so doing (the ordinance in question) only augments and strengthens O.C.G.A. § 3-3-23, and does not conflict with O.C.G.A. § 3-3-23 in any manner.” Id. Accordingly, the ordinance in question was held valid.

Coweta County respectfully submits that the instant case is no different than the Pawnmart, Inc. and Grovenstien cases. As with the ordinances in question in those cases,

the Ordinance does not conflict with any general law, but rather only serves to strengthen and augment the general law, specifically O.C.G.A. § 16-11-127. Accordingly, the Ordinance is valid and Plaintiff's Motion for Summary Judgment should be denied and Coweta County's Motion for Summary Judgment should be granted.

**C. The Ordinance is not a Wholesale Ban on Carrying Firearms**

It is important to recognize that Coweta County it is not attempting to regulate the carrying of firearms everywhere in the County, but only on County-owned property. This is no different than prohibiting people from smoking or carrying alcoholic beverages on County owned property. While Coweta County respects and applauds Plaintiffs wanting to protect their Constitutional rights<sup>1</sup>, it simply makes no sense to find that Coweta County cannot prohibit persons from bringing firearms onto County owned property, such as little league baseball fields and gymnasiums.

There is no expectation that one may carry a pistol into a professional or college sporting event, why should the analysis be any different for carrying a pistol to a little league game? Moreover, under the Plaintiffs analysis, the Ordinance may properly prohibit the carrying of knives and explosives onto its recreational properties, but not firearms. Again, such an interpretation of the law cannot stand.

Pursuant to Article I, Section 1, Paragraph 8 of the Georgia Constitution, "the right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have the power to prescribe the manner in which arms may be borne." "The right to bear arms, like other rights of person and property, is to be construed in connection with the general police power of the state, and as subject to legitimate

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<sup>1</sup> In fact, former Commissioner Greg Tarbutton, whom Plaintiff Stone interfaced with on this matter, was a card carrying member of the National Rifle Association.

regulation thereunder. Where a state constitution in terms provides, in connection with the right to bear arms, that the state may regulate this right, or may regulate the manner of bearing arms, these words expressly recognize the police power in direct connection with the constitutional declaration as to the right.” Landers v. State, 250 Ga. 501, 503 (1983). In Landers, a criminal defendant was challenging the constitutionality of O.C.G.A. § 16-11-131 (prohibiting possession of firearms by convicted felons). The Landers Court acknowledged that the General Assembly had the power to enact reasonable regulations dealing with the keeping and carrying of weapons and found that O.C.G.A. § 16-11-131 was a reasonable regulation authorized by the State’s police power and thus not violative of the Georgia Constitution.

Accordingly, the General Assembly likewise had the authority to enact O.C.G.A. § 16-11-127 which prohibits the carrying of firearms at public gatherings. If the State may legally regulate the carrying of firearms on publicly-owned properties, then Coweta County may legally do the same by ordinance so long as its ordinance do not conflict with State law. As the Ordinance does not conflict with State law, it is not preempted.


### CONCLUSION

For the reasons set forth above, Coweta County respectfully submits that the Ordinance is valid. Therefore, Coweta County respectfully requests that this Court deny Plaintiffs’ Motion for Summary Judgment and grant Coweta County’s Motion for Summary Judgment.

Respectfully submitted this 31<sup>st</sup> day of May, 2007.

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PAUL POOLE  
1st District

RANDOLPH M. COLLINS  
3rd District

L. THERON GAY  
County Administrator

## Coweta County Commissioners

TIMOTHY HIGGINS  
Chairman  
5th District

TIM LASSETTER  
2nd District

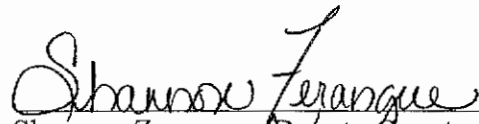
LEIGH SCHLUMPER  
4th District

MITCH POWELL  
County Attorney

### CERTIFICATION

I, Shannon Zerangue, the duly appointed Deputy Clerk of the Coweta County Board of Commissioners, do hereby certify that the attached copy is an excerpt from Chapter 46 *Parks and Recreation* of the *Coweta County Zoning Ordinance* and is a true and correct copy of the ordinance on file in the office of the Coweta County Board of Commissioners.

In testimony whereof, I have hereunto set my hand and seal of Coweta County, Georgia this 23<sup>rd</sup> day of May 2007.

  
Shannon Zerangue, Deputy County Clerk

SEAL

(7) All independent leagues using county recreation facilities shall establish rules governing the conduct of players, coaches and spectators while attending or participating in recreational activities on county property in a form acceptable to the county and shall post or otherwise distribute those rules to all participants.

(Ord. of 6-2-98)

**Sec. 46-32. Uses.**

The use of outdoor recreation facilities or sports fields is prohibited when, according to the National Weather Service, the following conditions exist:

- (a) A tornado warning or watch;
- (b) A thunderstorm warning or watch;
- (c) A severe weather or winter weather advisory.

NOTE: Leagues must monitor the National Weather Service when conditions exist that may lead to the issuance of any of the above notices.

(Ord. of 1-5-99, § 1)

**Sec. 46-33. Prohibited.**

The following are prohibited on or about Coweta County recreation facilities, sports fields, or any surrounding areas being property of the county:

- (a) No alcoholic beverages are allowed.
- (b) No littering.
- (c) Firearms, air (or spring loaded) rifles/pistols, fireworks, and any device firing or propelling a projectile are strictly prohibited.
- (d) Pets are prohibited unless the activity is approved by the county administrator.
- (e) Bicycles and skateboards are allowed in designated areas only.
- (f) Gambling will not be tolerated.
- (g) No smoking allowed unless in parking lots or designated areas.
- (h) No player, official, spectator, or coach shall be guilty of verbal or physical abuse for any reason.
- (i) No fighting will be tolerated.
- (j) No profanity will be allowed by players, coaches, or spectators on the premises.
- (k) Rules governing storm warnings and watches will be strictly adhered. Leave field immediately in event of an electrical storm.
- (l) In the event of severe weather, the decision will be made by the county as to whether games are played. County decision shall be final.

- (m) No admission or entry fees may be charged unless approved by county administration and the recreation department director. All proceeds from these type fees must be applied toward event cost, with complete accounting of all fees collected presented to the recreation department.
- (n) No fees shall be charged for parking.
- (o) All tournaments must be pre-approved by the county recreation department.
- (p) During approved tournament events, league officers or designee shall be present at all times.
- (q) Tournaments must originate with organization.
- (r) At Whitlock Park, five parking spaces shall be reserved for the county visitor's center at all times.
- (s) All vendors associated with tournaments, training, or coaching events must be pre-approved.
- (t) Coweta County recreation fields and facilities shall not be used for personal profit or sales.
- (u) No glass containers.

A violation of this section shall be punished as a misdemeanor in the same manor as are other ordinances of the county with a fine of not more than \$1,000.00 and a maximum term in the county jail of not more than six months.

(Ord. of 1-5-99; Ord. of 7-1-03)

#### **Sec. 46-34. Schedule.**

The use of Coweta County recreation facilities and sports fields will begin no earlier than 8:00 a.m. and end at 11:00 p.m.

(Ord. of 1-5-99)

#### **Sec. 46-35. Independent leagues.**

All independent leagues using Coweta County recreation facilities and sports fields will comply with the following:

- (a) Establish rules governing the conduct of players, coaches, umpires/referees, league officials, and spectators that will participate on Coweta County property.
- (b) Before each season, meet with all coaches, league officials, and umpires/referees to discuss Coweta County regulations for the use of county facilities and sports fields.
- (c) Before each season, conduct background checks on all coaches, umpire/referees and league officials.
- (d) Meet with county officials, the recreation director or designate, prior to beginning each season for the purpose of validating that the requirements as set out above have been satisfied.

## Violence Plagues Youth Sports

### *Overbearing Parents Creating Dangerous Situations on the Field*

By **TIM DAHLBERG**

*The Associated Press*

LAS VEGAS -- Excitement suddenly turned to fear for the 49ers youth football team as players ran off the field holding their stomachs and began vomiting violently on the sideline.

Parents and coaches helped the eight boys, ages 12 to 14, into cars and headed to the hospital, ending the practice for a championship game a few days later.

No one knew it at the time, but the sick 49ers had been poisoned, casualties in an epidemic of parental rage sweeping through youth sports.

Coaches are being threatened, referees assaulted and kids hurt more than ever by the parents of some of the estimated 30 million young players in organized sports.

From parents brawling at a T-ball game in Florida while 4- and 5-year-old children watched to a father being beaten to death at a hockey game in Massachusetts, anger is growing.

Leagues are responding by banning rowdy parents from the stands, holding silent games and trying to teach coaches and parents how to behave.

When that fails, authorities are putting the worst offenders in jail.

"From road rage to airplane rage to cell phone rage, children in sports aren't immune to all of this. Now we have sideline rage," said Fred Engh, head of the National Alliance for Youth Sports.

Violence against umpires and referees has prompted many states to get tougher. The Illinois Legislature recently passed a bill mandating penalties for people who assault sports officials, while 15 other states have similar laws.

Experts from across the country will meet in Chicago on June 8-9 for a summit on how to control violence in youth sports. They hope to create national guidelines for parents.

In the meantime, the number of cases continues to rise.

"It's a reflection of when the parents grew up in recent years with violence in their childhood being the norm," said Richard Lapchick, who runs Northeastern University's Center for the Study of Sports and Society. "It would be unrealistic to think all of them have matured enough so that this violence didn't carry over."

Bad calls can lead to attacks and near riots. Sometimes, though, parents become dangerous by using misguided logic to try to help their children.

In San Fernando, Calif., a father was sentenced last year to 45 days in jail for beating and berating a coach who took his 11-year-old son out of a baseball game.

"How dare you make my son a three-inning player," the parent said before slamming the coach against a car, according to police.



In Albuquerque, N.M., in 1996 a dentist sharpened the face guard of his son's football helmet so he could slash opposing players. Five players and a referee were hurt and the father was sentenced to two days in jail and community service.

A police officer in Pennsylvania was convicted last year of giving a pitcher \$2 to hit a fellow 10-year-old Little Leaguer with a fast ball during a game. The man, not related to players on either team, was sentenced to up to 23 months in jail for corruption of minors and solicitation to commit simple assault.

A parent in Reading, Mass., was beaten to death while supervising his son's hockey pickup game last July. Authorities say another father, Thomas Junta, became upset at rough play and fought with Michael Costin, a single father of four. Junta is charged with manslaughter and awaits trial.

"At what point did sports become not just for the kids and fun?" said Marshall Mathews, a parent and assistant coach on the 49ers youth football team in Las Vegas.

"All my years in sports my parents cheered me. No one could have imagined doing something like this," he said, referring to the poisoning of the eight players on the 49ers.

Parent Jerome Breland made them sick while trying to get back at a player who picked on his 12-year-old son. Breland put Ipecac, an herbal extract that induces vomiting, into his son's juice and told him to have the teammate drink it during practice.

The team didn't have enough water, however, and other players ended up drinking the juice. Breland was given six months' house arrest and ordered to perform a year of community service.

One of the sickened players, Stephen Boggione, was so traumatized he doesn't want to play sports anymore. On the way to sign up for baseball practice this spring, he began crying.

"He was afraid he would have to drink the water," the elder Stephen Boggione said.

Lincoln Coverdale, a 17-year-old high school senior in Shaker Heights, Ohio, has played organized hockey for much of his life and knew many parents who put too much pressure on their children.

"The kid just has to sit there and be mortified because all the people around him are watching him get yelled at by his parents," he said.

Overbearing parents are also getting to referees, according to a recent survey by the National Association of Sports Officials. Seventy-six percent of respondents from 60 high school athletic associations said increased spectator interference is causing many officials to quit.

The organization keeps a list of attacks, such as when the coach of a Nebraska peewee flag football team punched a 16-year-old referee during a game and a fan in Ohio threatened a soccer referee with a gun.

"It's not worth risking your life for \$50 a game," said NASO spokesman Bob Still, who works as a high school baseball umpire in Wisconsin.

"What we're concerned about is the tone and tenor have changed. Now they

come at you with a bat in hand and a real intent to hurt."

In rare cases, stressed-out referees fight back. In Atlanta earlier this year a youth basketball referee slashed a coach with a knife, later telling police he was berated throughout the game and that the coach tried to choke him. In Jackson, Miss., last year an umpire in a men's league game stabbed a fan who had been shouting at him.

"The parent of today is much different than the parent of five years ago," said Engh, whose West Palm Beach, Fla.-based association has 2,200 chapters nationwide. "It used to be maybe 5 percent of the people stepped over the line. It's grown now to about 15 percent."

His group has expanded its focus from training coaches and league officials to training parents.

In Jupiter, Fla., about 2,000 parents showed up earlier this year at a spring training facility to listen for an hour on how to behave at games. In order for their children to play in the league, parents also had to sign a pledge they would support their kids and not cause problems on the field.

The program is being expanded to about 250 other leagues and Engh hopes to institute it nationwide.

The National Alliance for Youth Sports is not alone in trying to keep parents and coaches under control.

In California, the Positive Coaching Alliance holds workshops for coaches to stress that being a positive role model is more important than winning. And Olympic gold medalist Marion Jones is the spokesman for Time Out for Better Sports for Kids, which runs a national program to teach parents and coaches how to behave.

In El Paso, Texas, city officials initiated a program where more than 800 parents went to mandatory sportsmanship training last year. In Scarsdale, N.Y., the village's board of trustees last month banned booing, taunts and other verbal attacks at games.

Individual leagues have also taken action. The Northern Ohio Girls Soccer League began a Silent Sunday two years ago that forced parents to keep their cheers and criticisms to themselves one game a season.

It was eerily quiet but effective.

"It was the greatest time-out in American sports," Engh said.

Dec. 3, 2000

## Violence and sports: A growing concern

By Rich Thomaselli  
FLORIDA TODAY

Emotions churning inside him, rage filling his head, Patrick Bishop was at his wit's end.

Incensed by what he perceived to be poor officiating at a junior varsity high school soccer match in Gahanna, Ohio, in September, Bishop rose from his seat in the bleachers and screamed four words that chilled players, parents, coaches, referees and spectators alike:

"I have a gun!"

"Why I chose those four words," Bishop said at his sentencing last month, "I'll never know."

**Threats, perceived or real.** Fights in the stands between spectators. Fights in the stands between players and fans. Violence between parents and coaches. Death, in one instance, on the ice of a Massachusetts youth hockey practice.

From little league to the big leagues, violence at sporting events is no longer startling. Unsettling, yes. Surprising, no.

No more is the hooliganism of European soccer the only place where violence lives on the athletic field. So prevalent is the idea of hostility at sporting events, it is even expected in some places. Joe Louis Arena in Detroit, for instance, was one of the first of a growing number of professional venues to use metal detectors at every entrance.

And, so rampant is the specter of violence that it forces some to pause out of concern.

In Satellite Beach last month, the old children's favorite - the telephone game - was in full swing. You remember the telephone game. A message begins with one child and is whispered one-by-one from the front of the line to the end.

By the time it reaches the final child, the challenge is to see if 'The quick brown fox jumped over the lazy dog' has morphed into 'Your quick dog is as brown as a lazy fox.'

By the time the telephone game got to Kelly Sidowski last month, it was a mish-mash of rumor, innuendo, wild speculation and partial truths.

Sidowski is a board member of the Satellite Beach Youth Football Organization, and the mother of two boys who play on the various teams. Several years ago,

another local youth league in Brevard County had played a game against a program in Orlando in which fights allegedly took place at the field.

When Satellite Beach was scheduled to play there this year, the stories, however true, caused a problem.

"We had people and parents who said they would refuse to go," Sidowski said. "They didn't want to put their kids in jeopardy."

To that end, the team did not take its cheerleaders or spirit boosters, and parents were told to be quiet and non-confrontational.

When Satellite Beach arrived in Orlando, "it turned out to be the most hospitable team we've played in my three years here," Sidowski said. "It was really blown out of proportion."

She paused.

"But," Sidowski said, "I think in this day and age, you've got to be careful and at least consider the possibilities. As a mom, yes, I was concerned."

**In Torrance, Calif., on Oct. 20,** South High School football coach Brett Peabody told police he was punched and kicked by the relatives of John Martinez, Jr., a senior running back on the team who had been relegated to a lesser role with the emergence of a younger player.

In Westport, Conn., coaches from opposing youth football teams refused to shake hands after a game last week. After a heated exchange, they fought. They were due in court on Nov. 1 and 2, respectively.

Earlier this year, members of the Los Angeles Dodgers went into the stands at Wrigley Field and brawled with fans after one spectator attempted to steal the cap from one of the players.

**Many have said that sports** and its games are a reflection of society. The competitiveness, the struggles, the goal-oriented climb to success.

If that is true, is there a subsequent cause and effect?

Does sports violence also reflect society?

"To some extent, yes," says Richard Lapchick, the founder and director of Northeastern University's Center for the Study of Sport in Society. Lapchick is one of the most influential experts in the country when it comes to issues in sports.

"Anger is prevalent everywhere," Lapchick said. "There's no reason to think it wouldn't manifest itself in sports no more than to think it wouldn't manifest itself in other places. Look at all the instances of work-place violence, disgruntled employees, that sort of thing. I'm not saying that sports is like that, per se, but you have to remember that the playing field is just like an office. It's somebody's place

of business. Things can happen on the field, in the stands."

Significant research has been done violence in sports and spectator violence, and according to authors Peter Terry and John J. Jackson - authors of "The Determinants and Control of Violence in Sport" - two forms of aggression are the most common.

Instrumental aggression is non-emotional and task oriented. Reactive aggression has an underlying emotional component, with harm as its goal. Violence is an outcome of reactive aggression.

Yet to be determined, however, is whether fans incite player violence or if the fans are the ones taking the cues from those on the field. Valerie Debenedotte, author of an article entitled "Spectator Violence at Sports Events: What Keeps Enthusiastic Fans in Bounds?" said spectators often derive a sense of social identity and self-esteem from a sports franchise.

And, yes, the media does play a role in all of this, at least according to Wilbert Leonard, author of "A Sociological Perspective of Sport."

"The media occupies a paradoxical position," Leonard said. "On the one hand, it affords ample exposure to sports-related violence via television, magazines, newspapers and radio, thus providing numerous examples to children who may imitate such behavior. . . On the other hand, the exposure given to sports violence by the media has stimulated increased efforts to control and prevent such behavior."

**Professional hockey player Marty McSorley** was recently convicted of assault after his on-ice attack of Donald Brashear.

Fans in Los Angeles joined the growing club of cities that erupted in violence after a professional sports franchise won a championship. It happened in Chicago after the Bulls won, in Denver after the Broncos won, and twice in Detroit after the Pistons and Tigers won. It happened again in June after the Lakers won their first NBA championship in 12 years.

In July in Hollywood, Fla., an assistant baseball coach was charged with punching an umpire and breaking his jaw. This came just a week after a confrontation between youth hockey parents ended in one man's death, a beating that took place on the ice in front of several youngsters.

**Lately, it seems, the efforts to control** and prevent such behavior seem about as lax as enforcing jaywalking.

Lapchick said that fighting has become more common as parents put increasing pressure on their children to succeed.

Ron Allen, an assistant commissioner with the Florida High School Activities Association, said he sees a "trend toward more violence and more pressure on game officials. I'm talking about players, I'm talking about parents and spectators."

Bob Still, spokesman for the National Association of Sports Officials, said he receives "two or three" calls a week from officials assaulted by an angry parent or fan.

Where does it end?

"People in charge have to step up," Lapchick said.

People like the board of directors of the Jupiter, Fla., Little League, where parents must sign a sportsmanship contract and attend a session on sportsmanship before their children can play.

People like Bernie Pascall, who headed a report on the intrusion of violence in amateur hockey in British Columbia. Some of the report's recommendations included parent contracts and fair-play committees; zero tolerance policies for facilities and venues; enhancing coach and official education; and reducing game vs. practice ratios to enhance skill development.

Better still, Pascall found allies in the citizens and hockey fans of British Columbia.

"People across B.C. love the game, and they want to do whatever they can to ensure young players continue to enjoy it," he said. "I found a common desire among British Columbians to instill greater levels of safety in our rinks, fields and gymnasiums to allow our young athletes to develop their skills and strive for their personal best in an environment free from violence and intimidation."

But can the people of Jupiter and people of British Columbia influence the rest of the continent and the world?

That remains to be seen.

"Everybody has to work together," said Sidowski, the Satellite Beach youth football mother and board member. "I think in our case, for instance, if we, as parents, had done a little more then maybe we wouldn't have been so reluctant (to go to Orlando). Or maybe we would have found something that would have prevented us from going. I don't know. All I know is, we have to do something."

It starts at the top, with the parents and the players and the coaches and the general managers, people who set the examples that others follow.

"No one ever talked about sportsmanship," said George Young, the former general manager of the New York Giants who now works in the NFL's office of football operations. "That's why we've tried to regulate what happens on the field. We've been criticized as the No Fun League, but the fun in the game is to prove you're on a better team than the other guy. It's not whether you can outdance him or all this other stuff.

"That is what sports is supposed to teach - sportsmanship."

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### It's no longer a spectator sport: eight ways to get involved and help fight parental violence in youth sports

*Parks & Recreation, March, 2004* by [Dennis M. Docheff](#), [James H. Conn](#)

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Imagine watching a father become incensed when his 10-year-old boy receives an elbow to the nose during a body check from another hockey player. Immediately, this irate parent screams at the coach to curtail the violence. When the coach skates off the ice, he is confronted by the enraged parent. After some verbal sparring, the agitated parent is asked to leave the premises. Later, the stressed father returns to the rink, challenges the coach again, and begins beating him while young athletes yell helplessly for the crazed parent to stop. It's too late. Two days later, a spokesperson for the hospital announces that the coach has died.

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It's difficult to visualize this incident occurring at a youth sport activity. The parent was arguing with the coach about the violent behavior at the practice, and then, ironically, he turned to violence to solve the problem. Sadly, this story is true and took place on July 5, 2000, in Reading, Mass. The coach supervising the practice was beaten to death by the parent of the 10-year-old hockey player.

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The parents of millions of youth participating in organized sports today threaten coaches, assault referees and hurt kids. Horrific events like this often referred to as "Little League

parent syndrome" or "sport rage" demonstrates a pattern of violence and verbal abuse orchestrated by adults at youth sporting events upon children, coaches and officials. While there is little scientific support demonstrating that sport rage is increasing, anecdotal evidence seems to indicate that sport rage is on the rise.

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There are many examples that seem to indicate that parental behavior is, in fact, out of control at youth sporting events. In May 2003, a little league secretary in "Wakefield, Mass., faced criminal charges of assault and battery for allegedly kicking and swearing at an 11-year-old boy who had been fighting with her son at the baseball field. In September 2003, a Toronto father was charged with assault after grabbing and shaking his 10-year-old daughter's face mask at a youth hockey game. These are not lone incidents. Every year we hear stories about parental violence in youth sports: a soccer dad punched a 14-year-old in the face because he had scuffled with his son over the ball; a father dressed in slacks and a shirt leaped into the pool to slap the water by his child mad starting yelling at his son for losing a race at a swim meet; a mother slapped her 9-year-old daughter in front of everyone at a swim meet because she missed her race, and more. Perhaps one of the most widely reported cases of violence involved a woman who was jailed for trying to hire a hit man to kill the mother of her daughter's cheerleading rival, which eventually led to a made-for-TV movie, "Willing to Kill: the Texas Cheerleader Story," which aired on ABC in 1992.

The violence at youth sporting events is not just directed toward children. Parents are also attacking each other, coaches and officials. In fact, parental violence is so threatening that many referees have turned to buying "assault insurance," while some state legislatures (Okla., N.M., Tenn., Ala., Pa., Mo., Ky., Wash., R.I., Miss., Ore.) have passed laws prohibiting assaults on referees and umpires. According to a recent survey by the National Association of Sports Officials, 76 percent of the respondents from 60 high school athletic associations reported that increased spectator interference has caused many officials to quit. Even though this survey is related to high school officials, it is clear that officiating in parks and recreation programs is much more difficult. Their lack of training and development leaves them open to greater criticism. If parks and recreation sport managers are not careful, they may lose officials as well.

**Reasons for Parental Behavior**

Youth sports events generate a forum where parents struggle to balance their paternal instincts with their hunger for victory. It is time for sports managers to focus on the violent behavior exhibited by parents at youth sports events and reduce the violence with proactive measures. What causes parents to misbehave at youth sporting events? Youth sports has been studied for years, and writers have opined possible reasons for violent parental behavior.

1. Living Vicariously Through the Child Parents are elated when their child succeeds and they rarely fail to let everyone know that it was their kid who was the star, often infuriating other people, leading to an escalation of tension and confrontation. This action can trigger unreal expectations when parents perceive



their dreams through their children's sport participation.

2. Visions of Superstardom Some parents dream of producing the next superstar or Olympic gold medalist. They foresee their child as the next LeBron James or Venus Williams. In reality, a very small percentage of young athletes make it to the big time. Although the occasional sport prodigy like Tiger Woods emerges, it is unrealistic to predict the athletic ability in young athletes before the age of twelve. These visions of superstardom can cause parents to act violently when their child doesn't receive enough playing time, or they don't want to share minutes with other, less capable kids. Melissa Kelly, a parent and president of a local PTA in Blue Springs, Mo., claimed, "They [parents] won't admit it, but by the way they talk you know that have dreams of their kids becoming superstars." She continued to say that some parents get quite angry when another player is substituted for their child, reducing the minutes he or she gets to play.

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STATE OF GEORGIA

2007 MAY 31 AM 11:50

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COWETA COUNTY, GA

GEORGIACARRY.ORG, INC. and  
EDWARD A. STONE,

Plaintiffs,

vs.

COWETA COUNTY, GEORGIA,

Defendant.

CIVIL ACTION FILE NO. 07-V-215

**CERTIFICATE OF SERVICE**


This is to certify that I have this day served the foregoing "COWETA COUNTY'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND IN SURPPORT OF COWETA COUNTY'S MOTION FOR SUMMARY JUDGMENT" by depositing a copy of same in the United States mail in an envelope with sufficient postage attached thereto and addressed to:

John R. Monroe, Esq.  
Attorney at Law  
9640 Coleman Road  
Roswell, Georgia 30075

This 31<sup>st</sup> day of May, 2007.

GLOVER & DAVIS, P.A.

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