

Monroe A. Miller Jr.
2200 Camp Branch Road
Waynesville, NC 28786
January 20, 2018

Subject: Dialog - Request for Information - Bid Process - Dirt Spreading Project, Continued...

This reflects a continued dialog with County Officials who have now progressed to the Stonewalling mode.

See: <http://haywoodtp.net/pubII/180113DialogAvconBiddingIrregularities.pdf> for dialog up to and through January 12, 2018.

Whenever the County Commissioners or David Francis attempt to steam-roll a project through the county commission approval process, red flags go up. It was brought to my attention after approval of the David Francis Dirt Spreading Project for the James Weaver “Kirk” Kirkpatrick III Super Duper Sports Complex in Jonathan Creek, that there may be some possible bidding irregularities with how this project was shoved through the process.

[**Editor’s Note:** Ever since the county purchased this little wasteland for \$1.6 Million Dollars, (re: <http://haywoodtp.net/pubTP/T150703.pdf> and <http://haywoodtp.net/pubTP/T160130.pdf>), James Weaver “Kirk” Kirkpatrick III has been itching to have this park named after him, as was Mark Swanger for the “Susan and Mark Swanger Glorified Dog Pound”.]

We continue from January 13, 2018, where ultimately, Candace Way is instructed by Joel Mashburn to punch out (because she is not the custodian of the Public Information I am requesting), and directing me to request future public information from this piece of work, David Francis, the person who the whole bidding irregularity investigation is targeted. Ha!

Here we go...

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #4

Date: Sat, 13 Jan 2018 12:25:51 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwkllaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnl.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmcclure@haywoodnc.net>, Eddie Cabe, Terry Ramey

All,

See: [Avcon\[?\]. Bidding Irregularities? Dialog with County Employees to determine how Avcon became the vendor for the David Francis Dirt Spreading Project, re: The James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. 1/13/2018...](#)

or

<http://haywoodtp.net/pubII/180113DialogAvconBiddingIrregularities.pdf>

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: Public Records Request Policy
Date: Sat, 13 Jan 2018 16:07:57 -0500
From: Monroe Miller
To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>
CC: Candace Way <ecway@haywoodnc.net>

Mr. Mashburn,

Please find the link to this Public Records Request Policy on your website that was specifically created for me.

http://haywoodnc.net/downloads/public_information/Public_Information/pubcreq_2010.pdf

I've made the suggestion over a half-dozen times that Julie Davis should create in her Chart of Accounts, a special account just for me, so that people have a specific account they can charge their time to when responding to my requests for public information, but no one listens.

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #5

Date: Sun, 14 Jan 2018 08:58:29 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmcclure@haywoodnc.net>, Eddie Cabe, Terry Ramey

Ms. Way,

Can you please acknowledge my request for:

Attachment 12 from the 11/20/2017 county commission meeting shows a letter from Scott Burwell of McGill Associates, thanking David Francis, County Administrator, for requesting McGill to provide this proposal. Please provide all e-mail or any other correspondence between David Francis and McGill, and all other people that were invited to provide a proposal to David Francis prior to the 11/20/2017 county commission meeting.

and

On another matter, I have a question regarding the signing limit David Francis has. If you look at my website, www.haywoodtp.net,

[McGill Documents for David Francis' Dirt Spreading Project for the James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Purchase Order. 1/11/2018...](#)

or

<http://haywoodtp.net/pubII/180111-PurchaseOrderDOC011018-01102018152214.pdf>

On page three (3) of the pdf file, it shows David Francis signing off on this PO. The Interim County Manager only has discretionary limit of \$20K. What amount can David Francis sign off on?

Thank you,

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #5

Date: Sun, 14 Jan 2018 11:20:06 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmcclure@haywoodnc.net>, Eddie Cabe, Terry Ramey

All,

New Toeprints! See: [Vol # 9, Issue # 1: Jan 14, 2018 Avcon USA, LLC](#),

or

<http://haywoodtp.net/pubTP/T180114.pdf>

Thank you,

Monroe Miller

Subject: RE: Request for Information - Bid Process - Dirt Spreading Project, Request #5
Date: Tue, 16 Jan 2018 19:10:42 +0000
From: Candace Way <candace.way@haywoodcountync.gov>
To: Monroe Miller

Mr. Miller,

Attached are the emails you requested.

Thank you,

Candy

[Editor's Note: Candy forwarded David Francis e-mails. There is a treasure trove of stuff here, and is located at <http://haywoodtp.net/pubII/180118DBF-emails.pdf>]

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #6

Date: Tue, 16 Jan 2018 14:44:50 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>

Ms. Way,

Thank you for sending me the DBF e-mails. I was unable to locate where DBF sent any e-mails to any or **all other people that were invited to provide a proposal to David Francis prior to the 11/20/2017 county commission meeting.** I take it that there were no other companies that were asked to participate when McGill thanked DBF for requesting McGill Associates provide this proposal (re: McGill letter dated 11/15/2017, Attachment 12, 11/20/2017 county commission meeting).

Additionally, please check on DBF's sign off limit. I have a question regarding the signing limit David Francis has. If you look at my website, www.haywoodtp.net,

McGill Documents for David Francis' Dirt Spreading Project for the James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Purchase Order. 1/11/2018...

or

<http://haywoodtp.net/pubII/180111-PurchaseOrderDOC011018-01102018152214.pdf>

On page three (3) of the pdf file, it shows David Francis signing off on this PO. The Interim County Manager only has discretionary limit of \$20K. What amount can David Francis sign off on?

Thank you,

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #7

Date: Tue, 16 Jan 2018 16:04:24 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmcclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Way,

On page 30 of the DBF emails.pdf file, there is an e-mail from Christy Brown at McGill sent on December 8. There are six e-mail addresses that this bid was sent to, but it is cryptic.

Please provide the Name, Company and Contact Information for all of these companies. They should be on the Vendor Registration Forms. By the way, Donna Corpening was not included on any of this correspondence from Christy Brown - I wonder why?

Christy Brown, in that e-mail, indicated that the Bid Opening had been moved from Dec 8 to Dec 11.

The BidTab, on my website: [McGill Documents for David Francis' Dirt Spreading Project for the James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Bid Tabulation. 1/11/2018...](#)

a certified document from McGill on McGill letterhead, indicates that the bids were opened on December 8. What is right? Dec. 8 or Dec. 11?

Don't forget -

Additionally, please check on DBF's sign off limit. I have a question regarding the signing limit David Francis has. If you look at my website, www.haywoodtp.net,

[McGill Documents for David Francis' Dirt Spreading Project for the James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Purchase Order. 1/11/2018...](#)

or

<http://haywoodtp.net/pubII/180111-PurchaseOrderDOC011018-01102018152214.pdf>

On page three (3) of the pdf file, it shows David Francis signing off on this PO. The Interim County Manager only has discretionary limit of \$20K. What amount can David Francis sign off on?

Thank you,

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #8

Date: Thu, 18 Jan 2018 13:20:35 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Way,

In addition to the two open Requests for Public Information, I would like to receive a copy of any and all other PO's over and above PO 180545, that have been signed for the David Francis Dirt Spreading Project, signed by him or anyone else. Questions are being raised that since the total bid amount was \$263,982.75 and PO 180545 was for \$167,802.75, and according to "DBF emails.pdf", McGill seems to be paying for some of the fees themselves, where is this money going to come from. I would like to see a PO(s).

Looking forward to receiving these three (3) items (2 in the hopper, and this new request).

Thank you,

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #9

Date: Fri, 19 Jan 2018 09:45:08 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Way,

Please provide the new Request for Public Information, regarding the David Francis Dirt Spreading Project. Please refer to the 249 page document (the one I received from Donna Corpening, not you) -

CONTRACT DOCUMENTS
JONATHAN CREEK
SOIL RECLAMATION PROJECT
HAYWOOD COUNTY, NORTH CAROLINA

[Page 242 of 249]

3.08 FIELD QUALITY CONTROL

A. Soil Testing and Inspection Service: Compaction tests of all fill areas will be made by an independent testing laboratory. Such tests will be provided and paid for by the Owner, except that tests that reveal nonconformance with the specifications and all succeeding tests for the same area shall be at the expense of the Contractor until conformance with the PROJECT #17.00158 312010 - Page 16 specifications is established. The Owner will be responsible for paying for only the successful tests.

Who is the Independent Testing Laboratory?

In addition, since my list of previously requested information has not been answered, I have summarized the requests into a handy "bullet" form. Please refer to previous e-mails for exact wording of the requests.

- Name, Company and Contact Information for six companies that bid on Dirt Spreading Project.
- BidTab - When were bids opened? Dec. 8th of Dec 11th ?
- David Francis Sign off Limitation, re: PO 180545 for \$167,802.75?
- All other PO's over and above PO 180545, that have been signed for the David Francis Dirt Spreading Project.

Looking forward to receiving this information from you soon.

Thank you,

Monroe Miller

Subject: RE: Request for Information - Bid Process - Dirt Spreading Project, Request #9
Date: Fri, 19 Jan 2018 15:41:06 +0000
From: Candace Way <candace.way@haywoodcountync.gov>
To: Monroe Miller
CC: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>

Mr. Miller,

I am not the custodian of any of these records, I will pass these requests on to the Mr. Francis who has all of this information. I have copied Mr. Mashburn on this request.

Thank you,

Candy

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #9

Date: Fri, 19 Jan 2018 10:51:49 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkinsley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Way,

Based on my inability to get a simple 2 year old McGill study on the Life of the White Oak Landfill from this character (David Francis), I can't imagine that this piece of work is going to be the least bit cooperative in providing any of the information I have requested from you. Pending Francis being forthcoming with any of these public records, I will start seeking assistance from County and State Authorities to see if we can nudge this guy.

Thank you,

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #10

Date: Fri, 19 Jan 2018 11:26:38 -0500

From: Monroe Miller

To: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>

CC: Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmcclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Way and Mr. Mashburn,

One of my current requests to you is:

"On another matter, I have a question regarding the signing limit David Francis has. If you look at my website, www.haywoodtp.net,

[McGill Documents for David Francis' Dirt Spreading Project for the James Weaver 'Kirk' Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Purchase Order. 1/11/2018...](#)

or

<http://haywoodtp.net/pubII/180111-PurchaseOrderDOC011018-01102018152214.pdf>

On page three (3) of the pdf file, it shows David Francis signing off on this PO. The Interim County Manager only has discretionary limit of \$20K. What amount can David Francis sign off on?"

Are you telling me that David Francis is the custodian of this responsibility (Request for Public Information), so he alone is the one who establishes what his PO signing authority is? Pushing this off to David Francis to respond to this is akin to asking the fox to guard the hen house. You have got to be kidding me.

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #9

Date: Fri, 19 Jan 2018 11:29:32 -0500

From: Monroe Miller

To: Greg Christopher <gchristopher@haywoodnc.net>, Janice Corn <JCorn@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Joel Mashburn <joel.mashburn@haywoodcountync.gov>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Brandon Rogers <bcrogers@haywoodnc.net>, Donna Corpening <dcorpening@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, David Francis <david.francis@haywoodcountync.gov>, Kathi McClure <kmclure@haywoodnc.net>, Eddie Cabe, Terry Ramey, Kris Boyd <kboyd@haywoodnc.net>, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>

Ms. Corn,

The Sheriff has been copied on all of this dialog. Now the county is attempting to funnel all information to me from the very person at the center of this question regarding bidding irregularities regarding the David Francis Dirt Spreading Project. I would like to have you set up an appointment with me to meet with the Sheriff on this matter. Please let me know when he is available.

Thank you,

Monroe Miller