

Monroe A. Miller Jr.
2200 Camp Branch Road
Waynesville, NC 28786
January 30, 2018

Joel Mashburn
Haywood County Interim County Manager
215 N. Main Street
Waynesville, NC 28786

Subject: Request for Public Information.

For the purpose of this request and to keep confusion at a minimum, I will use interchangeably the following two terms: **David Francis Dirt Spreading Project** and **Jonathan Creek Soil Reclamation Project.**

Per your demand in your e-mail dated Tue, 30 Jan 2018 16:31:09 +0000, where you said:

“Mr. Miller, evidently we still are not communicating clearly. I do not plan to go back and read all of your email and try to decipher what records you still want. If you will list what records you still need and send the list to me either in writing or by email, then I will assure they are made available to you for you to review and will make you copies of any record you desire in accordance with state laws and county policies. I do not plan, nor is it incumbent on me to do so, to have anyone else present to respond to your questions. My understanding of the North Carolina Public Records Act is that the county must (1) allow inspection by any person or corporation of those government records not specifically exempted from disclosure; and (2) allow the public to copy promptly upon request and at minimal expense records of government. Let it be clearly understood that I am not denying you your right to view any public record, but I am just trying to clarify which records you still need since we have already made so many available to you. When I have received your request clearly stating which records you want to view, then I will assemble them for you. If I have that list by 5 PM today, then I will have them ready for you to review Thursday morning at 9 o'clock.”

I am presenting a summary of all of the Requests for Public Information that have gone unanswered. The order of presentation will be chronological, not by subject matter, to insure that all who view this request will verify that responses have not been provided within the ten (10) day period.

Here we go...

- 1/12/2018. Signing authority - limit for David Francis. From the e-mail on 1/12:

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?

I want to inspect, or receive a copy of the document which states David Francis limitation as to how high a value he can sign for on a PO. No document. HC Office/Department Fiscal Procedures were followed by submitting a purchase requisition to Finance and a PO was issued.

- 1/16/2018. Where are the bids for McGill Study for the David Francis Dirt Spreading Project?

On 1/16/2018, I was looking for evidence that McGill was not the only company that Haywood County, i.e. David Francis, notified of the McGill Study, presented as Attachment 12, 11/20/2017 county commission meeting.

I wrote:

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).

I want to inspect, or receive a copy of the document which states that Haywood County notified someone else other than McGill for this project. #1 No document. BOCC approved contract with McGill on November 20, 2017.

- 1/16/2018. Contact Information for Bidders of Dirt Spreading Project.

On 1/16/2016, I wrote:

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.

I want to inspect, or receive a copy of the document which provides the Name, Company and Contact Information set forth in Christy Browns e-mail sent on December 8, 2017. #2

- 1/16/2018. Verification of Bid Opening.

On 1/16/2018, I wrote:

Christy Brown, in that e-mail (sent on December 8th), 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?

I want to inspect, or receive a copy of the document which provides the actual, certified date of the Bid Opening for the David Francis Dirt Spreading Project. #3 The bid opening was moved to December 11th due to weather, the opening date was not changed on the bid tab. Correction was made to the bid tab.

- 1/19/2017. Request for name of Independent Soil Testing Company.

On 1/19/2018, I wrote:

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?

I want to inspect, or receive a copy of the document which provides the name of the Independent Testing Laboratory. #4 BLE

- 1/21/2018. Repeated request for Information, specifying e-mail addresses of bidders.

On 1/21/2018, I reiterated my request for outstanding information, this time specifying the Custodians of that information specifically for that information. To date, none of these people have responded, with the exception of Kathi McClure. I wrote:

- **Mr. Boyd, please respond to the following request:**

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]

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- **Ms. Corpening, please respond to the following two requests:**

On page 30 of the DBF emails.pdf file [re: <http://haywoodtp.net/pubII/180118DBF-emails.pdf>], 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?

They are:

- tommy@jlscompanyllc.com
- bensageinc@gmail.com
- tshuler@maggievalleyclub.com
- rabbitskinexcav@bellsouth.net
- cameronspressley@yahoo.com
- rbestexcavating1@bellsouth.net

Christy Brown, in that e-mail [re: Page 30], 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?

- **Ms. Davis, please respond to the following two requests:**

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?

and

All other PO's over and above PO 180545, that have been signed for the David Francis Dirt Spreading Project by David Francis or anyone else.

I want to inspect, or receive a copy of the documents previously requested, but now by the Custodians of that information, and the Name, Company and Contact Information set forth in Christy Browns e-mail sent on December 8, 2017, and more specifically, who is at the other end of those e-mail addresses. Documents provided are by the custodians.

- 1/25/2018. PO# 108843.

On 1/25/2018, I wrote:

Mr. Mashburn or Mr. Chip, a.k.a. Leon, Killian III,

I'm not quite sure who to direct this question to, i.e., who is the custodian of this public record, so I am including the both of you. Follow me through on this...

- The David Francis dirt spreading contract was awarded to Avcon at the December 18, 2018 county commission meeting.
- Avcon was never included on the original e-mail bidding list sent out by Christy Brown (re: from the David Francis e-mail dump, sent December 8, 2018 at least on one occasion, but sent instead to rabbitskinexcav@bellsouth.net as one of the bidders.
- I have requested but not received contact information for the six bidders on this dirt spreading project.
- There is no company listed with the NC Secretary of State called Rabbitskin Excavating, as far as I can determine.
- There is a company listed with the NC Secretary of State called Rabbitskin Enterprises, LLC, with the single Member being listed as Steve L Miller, residing at 236 Earl Lane, Waynesville, NC 28786.
- The Mailing, Principle Office and Reg Office of Rabbitskin Enterprises, LLC is located at 4842 Jonathan Creek Road, Waynesville, NC 28785.
- Referencing the Haywood County voter registration list - [re:<http://haywoodtp.net/pubII/171113VotersAsOf11-13-2017.pdf>], there is an individual, Steven Lee Miller, located at the same address.
- A Haywood County Purchase Order #180483 was issued on 11/30/2017 to Steven J. Miller for \$8,125.00.
- WTF?

- Who the [Expletive Deleted] is Steven J. Miller, not Steven L. Miller?
- Information provided to Haywood County indicates Avcon, sosid: 1155004, lists Steve Miller (no middle initial) as the Job Foreman, (828) 421-0424.

So my questions are:

- Why is Haywood County issuing a PO to Seven J. Miller, Rabbitskin Enterprises, LLC, and not Avcon for this portion of the David Francis Dirt Spreading Project?
- Does Steven J. Miller have a Construction License?
- Does Steven J. Miller have a CDL? Does the middle initial J. stand for Jonathan?

I would like to have the vendor profiles for everyone who was considered a bidder on this project, and in particular, Sara McCoy, Jim McCoy, Steve Lee Miller and Steven J. Miller. I want the complete vendor profile (SSN redacted).

I want to know why a Haywood County PO #180483 was issued to Steven J. Miller.

I want to inspect, or receive a copy of the documents -

- **Who approved PO # 180483 to Rabbit Skin Enterprises, LLC, (not who signed for it), #5 County Manager**
- **A copy of Steven J. Miller's Construction License,**
- **A copy of Steven J. Miller's CDL (Commercial Drivers License - redacted of vital information).**

North Carolina does not require a license for work \$30,000 and under.

- 1/26/2018. Additional Vendor Profile Information.

On 1/26/2018, I wrote:

Ms. Davis, Ms. Corpening, Mr. Boyd, Mr. Mashburn and Mr. Chip, a.k.a. Leon, Killian, III,

We are getting a little backed up here, so for convenience, I am summarizing all of my outstanding Requests for Public Information in a handy form...

- Boyd: Compaction Question - 1/19/2018
- Corpening: Contact Information and Bid Tab question - 1/16/2018
- Davis: Francis sign off authority limit - 1/12/2018.
- Mashburn/Killian: Complete Vendor Profile info (redact SSN's) on -
 - Sara McCoy
 - Jim McCoy
 - Steve Lee Miller
 - Steven J. Miller
 - Why is Haywood County issuing a PO to Seven J. Miller, Rabbitskin Enterprises, LLC, and not Avcon for this portion of the David Francis Dirt Spreading Project?
 - Does Steven J. Miller have a Construction License?
 - Does Steven J. Miller have a CDL?
 - Does the middle initial J. stand for Jonathan?
 - I want to know why a Haywood County PO #180483 was issued to Steven J. Miller and not Avcon.

I want to inspect, or receive a copy of the documents (i.e., Vendor Profiles) for the following people:

- **Sara McCoy**
- **Jim McCoy**
- **Steve Lee Miller**
- **Steven J. Miller**

#6 for all

- 1/26/2018. Information on Invoices and Payments for five Haywood County PO's.

On 1/26/2018, I wrote:

So, Ms. Davis, Please provide copies (in a pdf format) of all invoices received by the county and payments by the county for each of the five (5) PO's that have been issued to date for the David Francis Dirt Spreading Project, for PO's -

- PO # 108475 **#8**
- PO # 108483 **#7**
- PO # 108546 - **none**
- PO # 108547 - **none**
- PO # 108545 - **none**

I want to inspect, or receive a copies of all Invoices received by the county and Payments by the county for each of the five (5) PO's that have been issued to date for the David Francis Dirt Spreading Project, as listed above. **listed above**

- 1/29/2018. Authorization to change 25,000 CY to 35,000 CY.

On 1/29/2018, I wrote:

Say, I found out some more stuff on this David Francis Dirt Spreading Project over the weekend

FIRST,

- Do you remember back at the November 20th County commission meeting when David Francis first pulled the wool over Haywood County Taxpayers when he was masquerading as a Program Administrator? Agenda Item 6.

6. Request approval of contract for McGill Associates to provide engineering and services at the Jonathan Creek property needed to move 25,000 cubic yards to be paid from Economic Development budgeted funds – David Francis, Program Administrator -ATTACHMENT 12

What was the amount of dirt we were going to get from Publix? That's right - 25,000 CY (Cubic Yards). Francis explained we were going to get it for \$1.00 a Cubic Yard.

Now, do you remember the Bidding Documents that Candy Way sent me? (It's on my website, www.haywoodtp.net)

<http://haywoodtp.net/pubII/180105-2BiddingDocuments-JonathanCreekSoilReclamationProject.pdf>

On Page 29 of that document, bidders are asked to bid on 35,000 CY of earthwork.

WTF?

Both bid submitted were for 35,000 CY of moving dirt.

Do you also remember the Bidding Drawings Candy also supplied to me?

<http://haywoodtp.net/pubII/180105-4-17.00158BiddingDrawings.pdf>

There are a couple of contour drawings, pages 3-5:

1. Existing Conditions
2. Control Plan - Minimum Fill (22,5000 CY)
3. Control Plan - Maximum Fill (35,000 CY)

There is no drawing for the bill of goods Francis was proposing of 25,000 CY.

It appears all along that 35,000 CY was planned all along. Where is this extra money going to come from?

I want to inspect, or receive a copy of the document that authorized McGill to change it's Bidding Specifications from 25,000 CY to 35,000 CY. The County received bids for 35,000 CY to spread and compact soil. The agreement between the County and MAB is for 25,000 CY. MAB informed the County that there was not likely 35,000 CY, therefore an MOU with Avcon was for 25,000 CY.

- 1/29/2018. Pre-approval for Rabbit Skin Enterprises LLC to begin work.

On 1/29/2018, I wrote:

- SECOND,
- PO 180483 to Rabbit Skin Enterprises, LLC, specifically to a Steve J. Miller, was signed on 11/30/2017. This was almost three weeks prior to county commissioners approving the Avcon project. WTF? Who authorized Rabbit Skin to start working on this project before it was approved?

I want to inspect, or receive a copy of the document that authorized Rabbit Skin Enterprises, LLC to begin work prior to the David Francis Dirt Spreading Project before it was approved by the County Commissioners at the December 18, 2017 County Commission meeting. No document. Project was approved on Nov.20th, certain necessary steps were approved by County Manager to accept soil.

- 1/29/2018. Detailed inspection of documents associated with Five Purchase Orders.

On 1/29/2018, I wrote:

FINALLY,
In your e-mail to me on 1/24/2018,

Attached are the purchase orders for the Jonathan Creek Project. I have not attached all the backup material because there is a lot of it, however, you may have received most of it already. If you want to come in and review it, I will make it available to you and will make copies in accordance with North Carolina Public Records Act.

I would like to take you up on that offer. When can I come in and inspect these documents.

I want to inspect, or receive a copy of the documents described as all the backup material to the following PO's -

- **PO # 108475 - #9**
- **PO # 108483 - (item #5)**
- **PO # 108546 - (item #4)**
- **PO # 108547 #10**
- **PO # 108545 this #11**

I hope this is clear as to what I am requesting.

Monroe A. Miller, Jr.
Haywood County Taxpayer.