

Monroe A. Miller Jr.  
2200 Camp Branch Road  
Waynesville, NC 28786  
February 17, 2018

**Subject:** Dialog - Request for Information - Bid Process - Dirt Spreading Project, Part V.

This a continuing saga of the struggle with Joel Mashburn and David Francis & Co., to extract Public Information relating to bidding irregularities associated with the David Francis Dirt Spreading Project.

Joel Mashburn continues to behave as a self-anointed Gatekeeper.

See: UPDATE 99 CVS 03497 - Dawes, Yelton and Morgan vs. Buncombe County Board of Commissioners and Wanda Green, County Manager. NC Public Records Law. Full & complete file. 8/03/2012...

or

<http://haywoodtp.net/pubII/120803-99cvs03497.pdf>

See: <http://haywoodtp.net/pubII/180113DialogAvconBiddingIrregularities.pdf>  
and <http://haywoodtp.net/pubII/180120MoreDialogAvconBiddingIrregularities.pdf>  
and <http://haywoodtp.net/pubII/180130MoreDialogAvconBiddingIrregularities.pdf>  
and <http://haywoodtp.net/pubII/180209PartIVDialogAvconBiddingIrregularities.pdf>  
to catch up on past dialog.

We continue from February 9, 2018, where we see county employees up to there ear-balls in this collusion.

Here we go again ...

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #23

Date: Fri, 9 Feb 2018 10:08:45 -0500

From: Monroe Miller

To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>, Donna Corpening <dcorpening@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, Kris Boyd <kboyd@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Don Yelton, Greg Christopher <gchristopher@haywoodnc.net>, Kathi McClure <kmcclure@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <brogers@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, David Francis <david.francis@haywoodcountync.gov>, Eddie Cabe, Terry Ramey, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>, tommy@jlscompanyllc.com, bensageinc@gmail.com, tshuler@maggievalleyclub.com, rabbitskinexcav@bellsouth.net, cameronspresley@yahoo.com, rbestexcavating1@bellsouth.net

Gatekeeper Mashburn,

What time?

Please see:

[Part IV, continued! Bidding Irregularities? Continued dialog with Gatekeeper Joel Mashburn 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. 2/9/2018...](#)

or

<http://haywoodtp.net/pubII/180209PartIVDialogAvconBiddingIrregularities.pdf>

Monroe Miller

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Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #24

Date: Fri, 9 Feb 2018 14:53:56 -0500

From: Monroe Miller

To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>, Donna Corpening <dcorpening@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, Kris Boyd <kboyd@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>

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Gatekeeper Mashburn,

This is a new Request for Public Information. The following was brought to my attention.

- County Finance Director Julie Davis not doing her job:
  - Didn't approve report for Health Department for January, so they did not get \$70,000 from state. County Taxpayers to fund this instead.
- Request emails around 1-15 to see.

**I am requesting an e-mail dump from Julie Davis e-mail account from January 1 -15, for e-mails relating to Health Department details, report approvals, expenditures, etc.. This is Request #24.**

Monroe Miller

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Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #24

Date: Sat, 10 Feb 2018 12:00:34 -0500

From: Monroe Miller

To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>, Donna Corpening <dcorpening@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, Kris Boyd <kboyd@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Don Yelton, Greg Christopher <gchristopher@haywoodnc.net>, Kathi McClure <kmcclure@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <brogers@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, David Francis <david.francis@haywoodcountync.gov>, Eddie Cabe, Terry Ramey, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>, tommy@jlscompanyllc.com, bensageinc@gmail.com, tshuler@maggievalleyclub.com, rabbitskinexcav@bellsouth.net, cameronspressley@yahoo.com, rbestexcavating1@bellsouth.net

Gatekeeper Mashburn,

I still need to know what time I can be expected to be at your office on Monday to inspect these new records that will become available.

Just to be clear, I have again summarized the list of outstanding Requests for Public Records, just so we are all on the same page. See attached.

I haven't even got to all of the missing stuff from our last meeting, but please be patient. We will get to that.

By the way, take a look at this cool video I took of the James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex. Took it yesterday, clear sunny day, but a little windy. It is the typical "before" video, showing folks what this place looks like before the dirt transfer.

[Aerial view of the James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex in Jonathan Creek. Site prep'ed, before receiving any dirt from Publix. 2/9/2018. 2/10/2018...](#)

Don't forget, let me know a time...

Monroe Miller

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Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #24  
Date: Sat, 10 Feb 2018 17:52:12 +0000  
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>  
To: Monroe Miller

You don't need to be here. What we have we will scan it to you.

Sent from my iPhone

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #24  
Date: Sat, 10 Feb 2018 22:33:00 +0000  
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>  
To: Monroe Miller

I don't know because I don't know how long it will take. Any further correspondence will come on Monday when it is ready.

Sent from my iPhone

Subject: FW: JC documents  
Date: Mon, 12 Feb 2018 16:47:24 +0000  
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>  
To: Monroe Miller

Attached are the documents you requested. No RFPs were sent out but two vendors on the vendor list were contacted by phone (copies of their quotes are attached). I was not there but I was told that both vendors met on sight with county personnel to go over the drawings sealed by McGill Engineers (copy of sealed drawing are attached). I believe this responds to your request for Public Records that I received on or about 2/9/2018.

-----Original Message-----

From: Candace Way  
Sent: Monday, February 12, 2018 11:33 AM  
To: Joel Mashburn  
Subject: JC documents

Candy

[**Editors Note:** See: [David Francis Dirt Spreading Project. I got one lousy new tidbit of information \(page 2\) in response to my extensive Request #24 to Joel Mashburn. 2/12/2018. 2/17/2018... or <http://haywoodtp.net/pubII/180212-DOC021218-02122018123554.pdf> \]](#)

Subject: emails  
Date: Mon, 12 Feb 2018 17:47:09 +0000  
From: Candace Way <candace.way@haywoodcountync.gov>  
To: Monroe Miller

Mr. Miller,  
Attached are Ms. Davis's emails that you requested.  
Thank you,

Candy

[**Editors Note:** I received 17 pages of e-mail dialog from Julie Davis e-mail account through Jan. 15<sup>th</sup>, detailing a password problem. Not yet posted on [www.haywoodtp.net](http://www.haywoodtp.net), pending additional e-mails. This is from my Request #24.]



Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #25 + #26

Date: Tue, 13 Feb 2018 10:38:15 -0500

From: Monroe Miller

To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>, Donna Corpening <dcorpening@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, Kris Boyd <kboyd@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Don Yelton, Greg Christopher <gchristopher@haywoodnc.net>, Kathi McClure <kmcclure@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <brogers@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, David Francis <david.francis@haywoodcountync.gov>, Eddie Cabe, Terry Ramey, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>, tommy@jlscompanyllc.com, bensageinc@gmail.com, tshuler@maggievalleyclub.com, rabbitskinexcav@bellsouth.net, cameronspressley@yahoo.com, rbestexcavating1@bellsouth.net

Gatekeeper Mashburn,

Are you living in an Alternative Universe? What do you mean you "believe this responds to my your request for Public Records that I received on or about 2/9/2018" by sending me DOC021218-02122018123554.pdf?

Didn't you even bother to read the nice summary I sent you on 2/10/2018? [See re-attached].

You never sent me anything on the following two (2) Requests!

- 2/2/2018. Request #17. MOU. From the information on 2/2.
- 2/4/2018. Request #20. Names and Contact information for Bidders.

Did you forget about those? Please get on those.

Did you forget that the material that you sent to me, DOC021218-02122018123554.pdf, [also re-attached], you had already sent to me with the exception of a single proposal from Pressley Contracting and Excavating, that looked like the image was snapped with a camera. The 7 page McGill document was dated November 2017, which is prior to commissioners approving this project. I am pretty good, but I don't see how anyone could estimate the line of silt fence at 2,000 feet from those 8-1/2 x 11 inch drawings, and I certainly don't see how Steve Miller was able to accurately place all of that silt fence without doing a survey and more accurate drawings than the ones you provided. So here is my Request #25.

**Request #25 - I would like to inspect the actual drawings that Steve Miller used to place the entrance and the 2,000 feet of Silt Fence.**

The last Request for Public Information was regarding Julie Davis, and whether Haywood County Taxpayers were going to foot a \$70,000 bill for Julie Davis not approving the report for the Health Department for January. All I got were a bunch of e-mails indicating Julie Davis was having e-mail password problems. Since I did not get a bunch of Righteous Indignation from anyone about this, I am assuming that it happened, and either Julie Davis is withholding e-mails pertinent to this, or the window that I had requested was too small. Therefore, here is my Request #26.

**Request #26 - I am requesting an e-mail dump from Julie Davis e-mail account from January 1 through today, 2/13/2018, for e-mails relating to Health Department details, report approvals,**

**expenditures, etc., which now includes a copy of the e-mail to Julie Davis requesting this e-mail dump, and her response.**

You owe me four requests. How about an acknowledgement?

Request #17, #20, #25 and #26.

Monroe Miller

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Subject: RE: Request for Information - Bid Process - Dirt Spreading Project, Request #25 + #26  
Date: Tue, 13 Feb 2018 21:56:07 +0000  
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>  
To: Monroe Miller

Mr. Miller, one of us is living in an Alternative Universe but I am not sure which one it is.

Request #17 – you have a copy of that MOU already. It was incorporated into the contract and the contract was signed by both parties. That is all there is. You have a copy of the full contract.

Request # 20. – You have everything we have on the bidders.

Request # 25 – you have what I have.

Request # 26 – I did not send the request to Mrs. Davis, but to our IT section. I will again request IT to provide the additional email you have requested. However, you have already been provided the email up to 1/15. Just so you know, the county will not be out \$70,000 but it will be delayed 1 month.

Subject: FW:  
Date: Thu, 15 Feb 2018 13:38:47 +0000  
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>  
To: Monroe Miller

Attached are the copies of the email you requested.

From: IT SUPPORT  
Sent: Wednesday, February 14, 2018 3:15 PM  
To: Joel Mashburn  
Cc: Candace Way  
Subject:

**[Editors Note:** Attached were a significant number of e-mails between Julie Davis and others, confirming that there was a problem with a payment from the state to DSS. These will be forthcoming ...]

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #24

Date: Thu, 15 Feb 2018 16:13:51 -0500

From: Monroe Miller

To: Joel Mashburn <joel.mashburn@haywoodcountync.gov>, Donna Corpening <dcorpening@haywoodnc.net>, Julie Davis <jhdavis@haywoodnc.net>, Kris Boyd <kboyd@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Don Yelton, Greg Christopher <gchristopher@haywoodnc.net>, Kathi McClure <kmclure@haywoodnc.net>, Cory Vaillancourt <cory@smokymountainnews.com>, Vicki Hyatt <vhyatt@themountaineer.com>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Brandon Rogers <brogers@haywoodnc.net>, David Francis <dbfrancis@haywoodnc.net>, David Francis <david.francis@haywoodcountync.gov>, Eddie Cabe, Terry Ramey, Mark Cathey <mark.cathey@mcgillengineers.com>, Scott Burwell <scott.burwell@mcgillengineers.com>, Christy Brown <christy.brown@mcgillengineers.com>, tommy@jlscompanyllc.com, bensageinc@gmail.com, tshuler@maggievalleyclub.com, rabbitskinexcav@bellsouth.net, cameronspressley@yahoo.com, rbstexcavating1@bellsouth.net

Gatekeeper Mashburn,

Your belligerence is staggering. Let's again go through these like a teacher with an elementary school student.

**Request #17.** "you have a copy of that MOU already. It was incorporated into the contract and the contract was signed by both parties. That is all there is. You have a copy of the full contract."

My new Request for Public Information relating to the MOU signed by McCoy on December 13, 2017 is as follows:

- I want to see the cover page(s) of this MOU.
- Since an MOU is an agreement between 2 people or entities, I want to see the signature page for whoever signed this for the County.
- The MOU references (at the end), some enclosures:
  - Revised Drawing and Detail,
  - Sheet R-1 and R-2, dated December 13, 2017
- Who was present when this MOU was discussed with McGill and Steve Miller?
- Which Steve Miller was present? Steve Lee Miller, or Steve J. Miller?

The MOU is incorporated into the contract, but only on page 53, where it is listed as an Exhibit to the Agreement, not the MOU itself. The entire MOU is not in the contract. The only thing that magically appears in the contract from the MOU is the new price, on page 48.

You had e-mailed Chip Killian on 2/5/2018:

"Chip, please advise if all the request below meet the criteria as Public Records. David, was there a cover letter for the MOU. If so, please provide. Also, If the enclosures he request were not part of the lengthy contract we have already provided, please do so. If there is a document that list those in attendance at the discussion referred to, please provide. "

I want the MOU!

**Request #20.** "You have everything we have on the bidders."

Please see my new Toeprints, <http://haywoodtp.net/pubTP/T180204.pdf>. It is a renewed Request for Public Information to obtain the Names and Contact Information for all of the bidders for the David Francis Dirt Spreading Project.

Item #2 that you provided from Scott Burwell, only had the names of companies, and one of those was non-existent.

Scott Burwell had placed a company name before each of the six (6) e-mails. There was no Name of any individual, nor was there any Contact Information. Why was I getting an e-mail sent by Scott Burwell to David Francis, turned over to Joel Mashburn to be given to me, when all anyone had to do it simply go to the Haywood County Vendor Inquiry program and simply print them out, as they did for Avcon and Rabbit Skin Enterprise?

I want the Names of the people the bids were sent to, the company names, and the contact information, printed out from the County's Vendor Inquiry program.

**Request # 25.** "you have what I have."

I have what you have? You see, that is the problem dealing with a self anointed GateKeeper. I could care less what you have, I am requesting the information from the Custodians of those records, in this case David Francis and Kris Boyd. I know [expletive deleted] Steve Miller did not lay that fence line with the 8 1/2 x 11 " paper you sent to me.

**Request #25 - I would like to inspect the actual drawings that Steve Miller used to place the entrance and the 2,000 feet of Silt Fence.**

**Request #26.**

The last Request for Public Information was regarding Julie Davis, and whether Haywood County Taxpayers were going to foot a \$70,000 bill for Julie Davis not approving the report for the Health Department for January. All I got were a bunch of e-mails indicating Julie Davis was having e-mail password problems. Since I did not get a bunch of Righteous Indignation from anyone about this, I am assuming that it happened, and either Julie Davis is withholding e-mails pertinent to this, or the window that I had requested was too small. Therefore, here is my Request #26.

**Request #26 - I am requesting an e-mail dump from Julie Davis e-mail account from January 1 through today, 2/13/2018, for e-mails relating to Health Department details, report approvals, expenditures, etc., which now includes a copy of the e-mail to Julie Davis requesting this e-mail dump, and her response.**

I am in receipt of e-mails on this request, and am evaluating them. It appears there was a problem with \$70,000. Let's see if the e-mails you provided clarifies this.

Let me know when you plan to send the full and complete public records on these requests.

Monroe Miller

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