

Monroe A. Miller Jr.
2200 Camp Branch Road
Waynesville, NC 28786
February 24, 2018

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

You can't make this stuff up.

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>
and <http://haywoodtp.net/pubII/180217PartVDialogAvconBiddingIrregularities.pdf>
to catch up on past dialog.

We continue from February 15, 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 #27

Date: Sat, 17 Feb 2018 13:20:26 -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,

This is a new Request for Public Information (#27).

Request #27. Please provide each Salary Increase for Kathi McClure since her hire with the County (i.e. date and amount of increase). Additionally, please provide Bonus information for each Haywood County employee for the past year (since 2/17/2017) who received a bonus, stating the name of the employee, the date the bonus(s) were given, and the amount of the bonus.

Also, don't forget to see: Part V, 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. 2/17/2018...

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #27

Date: Sun, 18 Feb 2018 14:30:29 -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,

Thank you for supplying e-mails related to Request #26. As I understand, Julie Davis was locked out of the DSS system (password did not work), via the NCID system. The password reset was done by Kathy Gibson, a computer systems administrator in IT. The report was late, the payment was missed, and will have to be re-submitted. Presumably, DSS was paid via the Fund Balance and will be repaid back into it when the payment finally is received. It always pays not to wait until the last minute to submit these reports, to take into account any unexpected glitches.

See how easy that was? Everything was explained, and I go away (on that one). Now be a pal, and provide the rest of the information I have requested.

Monroe Miller

Subject: Re: Request for Information - Bid Process - Dirt Spreading Project, Request #28

Date: Mon, 19 Feb 2018 10:37:15 -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 <bcrogers@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,

This is a new Request for Public Information (#28).

Please take a moment to look at this cool aerial photo I took of the work site with my P3P Drone on 2/9/2018...



The work site appears to have the complete layer of top soil scraped, removed, and deposited in piles of dirt at the upper right hand portion of the photo.

Who authorized that work be done? I can find no evidence of this work being ordered or authorized in the public records you have sent to me -

- You have never provided me with an RFP (Request for Proposal).
- Neither proposal submitted (Rabbitskin or Pressley) have anything about removing a layer of topsoil. (11/28/2017).
- The PO # 180483 does not mention anything about removing and piling up topsoil. (11/30/2018).
- The invoice submitted by Rabbitskin does not mention work done removing topsoil (#12417, 12/4/17).
- The payment check written by Julie Davis says nothing about moving topsoil. (12/8/2017).

This work was done before the Bids were opened on December 11, 2017, and before county commissioners approved the project at the December 18th county commission meeting.

Did Steve Miller (no middle initial) do this work for free. i.e. a quid pro quo?

Request #28. Please provide documentation that Haywood County ordered and authorized the removal of top soil from the David Francis Dirt Spreading Project at the work site.

Monroe Miller

Subject: RE: Request for Information - Bid Process - Dirt Spreading Project, Request #28

Date: Tue, 20 Feb 2018 16:00:31 +0000

From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>

To: Monroe Miller

In response to your request for request for records, you have a copy of the contract with Avcon which is the authority you requested.

Subject: RE: Request for Information - Bid Process - Dirt Spreading Project, Request #27

Date: Tue, 20 Feb 2018 16:08:43 +0000

From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>

To: Monroe Miller

We are trying to determine if we have the information you requested in an electronic form or paper only. If we have it electronically, we will submit it in that form. If it is in paper form we will make them available for you to review and make copies for you in accordance with our county policy which you have a copy of already. Our employees do not receive a bonus, however, at Christmas, the board authorizes the finance office to issue a check to employees as a gift (this year it was \$200.)

Subject: K.McClureSal.History1997-2018.xlsx
Date: Tue, 20 Feb 2018 18:06:42 +0000
From: Joel Mashburn <Joel.Mashburn@haywoodcountync.gov>
To: Monroe Miller
CC: Chip Killian <Chip.Killian@haywoodcountync.gov>, Kathi McClure
<kathi.mcclure@haywoodcountync.gov>

Per your Request for Records re: Salary History for Kathi McClure. This is what we have in electronic format. If you desire to review the paper records, please contact me to set a convenient time for us to make the available for you to view as per the Haywood County Public Records Request Policy.

Subject: Re: Request for Public Records - Bid Process - Dirt Spreading Project, Request #29

Date: Sat, 24 Feb 2018 10:19:37 -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 <Chip.Killian@haywoodcountync.gov>, David Francis <david.francis@haywoodcountync.gov>

CC: Candace Way <candace.way@haywoodcountync.gov>, 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 <bcrogers@haywoodnc.net>, 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,

WRONG ANSWER!

Eye witness accounts have Steve Miller (no middle initial) scraping off the topsoil and piling into neat little piles prior to the Bids being opened!

See: <http://haywoodtp.net/pubII/180111-1700158CertBidTab-J-Crl-Soil-Prj.pdf> and backdated BidTab document <http://haywoodtp.net/pubII/180201MashburnDoc3.pdf>.

I am now amending my Request #28, which was

"Please provide documentation that Haywood County ordered and authorized the removal of top soil from the David Francis Dirt Spreading Project at the work site." to add - "Additionally any Public Record which shows a payment to Steve Miller (no middle initial) or Avcon for the removal of top Soil from the David Francis Dirt Spreading Project at the work site".

Let's make this **Request #29**. Please provide documentation that Haywood County ordered and authorized the removal of top soil from the David Francis Dirt Spreading Project at the work site. Additionally any Public Record which shows a payment to Steve Miller (no middle initial) or Avcon for the removal of top Soil from the David Francis Dirt Spreading Project at the work site.

Don't forget to take a look at www.haywoodtp.net for a couple of new links after the thrashing I took from you, Killian, Kirkpatrick and Francis at the last county commission meeting.

[My Public Comment at the 2/19/2018 County Commission Meeting. No wonder Chairman James Weaver 'Kirk' Kirkpatrick III, Gatekeeper Joel Mashburn and Chip Killian got so defensive, and enraged Administrative Project Evaluator David Francis. 2/19/2018. 2/22/2018...](#)

[Public Records Request #24 & #26 \(in a series\). E-mail dump from Haywood County Finance Director Julie Davis regarding DSS Health Monthly Reimbursement Report, and why it was delayed. 2/19/2018. 2/22/2018...](#)

[§ 132-6.2. Provisions for copies of public records; fees. Chip, a.k.a. Leon Killian being helpful and providing me with NC General Statutes on how to request Public Records. 2/19/2018. 2/22/2018...](#)

Monroe Miller

Subject: Re: Request for Public Records - Bid Process - Dirt Spreading Project, Request #29

Date: Sat, 24 Feb 2018 10:28:04 -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 <Chip.Killian@haywoodcountync.gov>, David Francis <david.francis@haywoodcountync.gov>

CC: Candace Way <candace.way@haywoodcountync.gov>, 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 <bcrogers@haywoodnc.net>, 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,

WRONG ANSWER AGAIN!

You said "If it is in paper form we will make them available for you to review and make copies for you in accordance with our county policy which you have a copy of already."

If it is not in paper form, you will put the records into a form where you can scan the records, and send them to me via e-mail, at no charge to me. Please see the handy sheet of paper that Chip, a.k.a. Leon Killian came chasing me out of the last county commission meeting and handing me his scribbled notes. It is on my website: <http://haywoodtp.net/pubII/180222KillianPublicRecords.pdf>

It says:§ **132-6.2**. Provisions for copies of public records; fees.

(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.

If the county does not have a paper copy of any record that I request, perhaps they ought to make a paper copy anyway, for their own use. You never know, they may have to produce these records to a Grand Jury, or some other entity from the County or State in the very near future.

Monroe Miller

Subject: Re: Request for Public Records - Bid Process - Dirt Spreading Project, Request #29 (+ #17, #20 & #25)

Date: Sat, 24 Feb 2018 10:34:59 -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 <Chip.Killian@haywoodcountync.gov>, David Francis <david.francis@haywoodcountync.gov>

CC: Candace Way <candace.way@haywoodcountync.gov>, 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 <bcrogers@haywoodnc.net>, 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, cameronpressley@yahoo.com, rbestexcavating1@bellsouth.net

Gatekeeper Mashburn,

Per my Public Comment at the last county commission meeting, you (or the Custodians of Public Records) owe me responses to my Requests #17, #20, and #25. Look back in this e-mail dialog to re-familiarize yourself with those requests. Also, see my public comment -

[My Public Comment at the 2/19/2018 County Commission Meeting. No wonder Chairman James Weaver 'Kirk' Kirkpatrick III, Gatekeeper Joel Mashburn and Chip Killian got so defensive, and enraged Administrative Project Evaluator David Francis. 2/19/2018. 2/22/2018...](#)

Monroe Miller

Subject: Re: Request for Public Records - Bid Process - Dirt Spreading Project, Request #29 (+ #17, #20 & #25)

Date: Sat, 24 Feb 2018 10:43:13 -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 <Chip.Killian@haywoodcountync.gov>, David Francis <david.francis@haywoodcountync.gov>

CC: Candace Way <candace.way@haywoodcountync.gov>, 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 <bcrogers@haywoodnc.net>, 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!

Dump trucks started pulling out dirt from the Publix site yesterday. But it is not going to the James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex. There is a bulldozer blocking the entrance to the David Francis Dirt Spreading Project site, with an additional load of dirt dumped at the end of the little gravel entrance. Terry Ramey followed the trucks (about 7-8) moving fast into Maggie Valley, up the mountain past the Old Maggie Valley Playhouse. Looks like they laid a nice gravel road to get dirt up there.

What the [Expletive Deleted] happened to Haywood County PO #180547 to MAB-RGA Waynesville LP for hauling 25,000 CY, Item 1 "JONATHAN CREEK SOIL RECLAMATION PROJECT - HAULING" ???

These guys are hauling it to the wrong location! Are you going to pay them for that? Perhaps you and David Francis ought to be calling the Sheriff's Department for someone absconding with Publix Dirt.

Monroe Miller

Subject: Re: Request for Public Records - Bid Process - Dirt Spreading Project, Request #30

Date: Sat, 24 Feb 2018 10:57:42 -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 <Chip.Killian@haywoodcountync.gov>, David Francis <david.francis@haywoodcountync.gov>

CC: Candace Way <candace.way@haywoodcountync.gov>, 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 <bcrogers@haywoodnc.net>, 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

Ms. McClure,

Since you are the Custodian of the Public Records I am requesting (#30), this request is addressed to you.

As you may recall from the BOCC meeting held on August 7, 2017, (<https://www.youtube.com/watch?v=S-XLnG6q6-w&feature=youtu.be>), David Francis at 28:04 into the video recording of that meeting, indicating he was retiring, and his last day would be at the end of the month.

Request #30. I am requesting any Public Record where David Francis submitted any Retirement Paperwork, and records of any payments the county made to David Francis in connection with his submitting any Retirement Paperwork.

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