

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
February 9, 2019

Subject: Open Letter to Bryant Morehead, County Manager, and Julie Davis, Finance Director.

Let's try this again.

I submitted a Public Records Request to you on January 15, 2019, which requested the following Public Information [re: e-mail sent to you on 1/15/2019].

Subject: 190115 Request for Public Information - Jonathan Creek Park.

This is a request for Public Records for any and all costs to Haywood County Taxpayers incurred by the county having purchased PIN 8607-27-9452, a.k.a., The **James Weaver "Kirk" Kirkpatrick the III** Super-Duper Sports Complex, a.k.a., the **David Francis** dirt spreading project, a.k.a. the Jonathan Creek Park.

My best estimate it that taxpayers have been soaked for close to \$3,000,000.

Please include any and all costs ever associated with this property, including, but not limited to,

- **Kevin "Adjudication" Ensley's** original survey of this swamp land,
- **Chip, a.k.a., Leon Killian's the III** Title screw-up, when he missed that there was a dowry to be contended with,
- All legal costs for any legal activity with this property, including costs of preparing leases to cattle farmers for growing corn,
- All costs paid to **McGill**,
- All costs paid to BLE,
- All costs paid to **Steve Miller** (both of them with different middle initials)
- All costs paid to **RabbitSkin**,
- All costs paid to **Avcon USA LLC**,
- Include the recently approved \$600k to spread more dirt,
- Any other costs, especially buried legal costs.

It is my understanding that Terry Ramey made a verbal request for this information, but you felt that the information you sent to me regarding BLE drilling contracts sufficed.

I hope this clarifies the extent of this request. Let me know if there is any question.

You turned this task over to **Julie Davis**, Finance Director, and on Feb. 1, 2019, she produced the following document which you forwarded to me:

<http://www.haywoodtp.net/pubII/190201J-Creek-Expenditures.pdf>


I was specific in the request, in that I requested costs be included associated with

- **Chip, a.k.a., Leon Killian's the III** Title screw-up, when he missed that there was a dowry to be contended with,
- Any other costs, especially buried legal costs.

The only cost associated with any legal fees that I detected from the **Julie Davis** response was a single line item dated 6/12/2009 for \$2,406.50 for "Counsel Fees/J Creek Closing".

Julie Davis was employed by Haywood County during the entire Jonathan Creek fiasco, as shown by a salary raise analysis I did on her on August 24, 2014.

AUG 24 2014


 Monroe A. Miller, Jr.
 19 Big Spruce Lane
 Waynesville, NC 28786

	Finance Dir Julie Davis	% Inc	Tax Administrator	Tax Collector
2014	104,436	2.0%	77,001 ✓	58,641
2013	102,389	2.0%	75,491 ✓	N/A
2012	100,381	2.0%	74,011	N/A
2011	N/A	14.5%	N/A	N/A
2010	87,710	2.0%	67,282	67,282
2009	85,991	4.4%	N/A	67,282
2008	82,409	6.1%	-	64,480
2007	77,686	10.3%	-	55,831
2006	70,417	38%	-	52,631
2005	51,045	5%	-	41,083
2004	48,679	3%	-	39,295
2003	47,261	4%	-	39,295
2002	45,443	5%	-	38,337
2001	47,689	-5%	-	36,669

FB: SOG.UNC.EDU/NOOE/518

It has come to my attention that Haywood County filed a lawsuit in 2008, Case File 08 CVS 51, entitled: **HAYWOOD COUNTY, NORTH CAROLINA and WILLIAM LUCIUS JONES, by his guardian, SAM UNDERWOOD, Plaintiffs, v. GREGORY TODD FERGUSON, Defendant.**

See the 310 page case file, 08CVS51, now on www.haywoodtp.net, contained in four contiguous files, because it is too large to scan in its entirety.

- <http://www.haywoodtp.net/pubII/190208-08CVS51-1.pdf>
- <http://www.haywoodtp.net/pubII/190208-08CVS51-2.pdf>
- <http://www.haywoodtp.net/pubII/190208-08CVS51-3.pdf>
- <http://www.haywoodtp.net/pubII/190208-08CVS51-4.pdf>

By the way, there was a personal copy cost to me of \$77.00 + \$2.73 = \$79.73, which includes a credit card processing cost, to have this file copied.

There were a ton of lawyers involved in this lawsuit, so I find it difficult to reconcile that Haywood County bore no legal expenses.

Getting legal expenses out of Julie Davis is a continuing challenge, but I was able to extract some legal expenses a while ago, as shown in this following portion of Julie's chart of account on Jan. 13, 2011, as an example.

1103 8 I WAL JAN 13 2011

01/11/2011 11:42 | HAYWOOD COUNTY | PG 1
 11 | YEAR-TO-DATE BUDGET REPORT | glytdbud

FOR 2011 06 JOURNAL DETAIL 2011 1 TO 2011 7

ACCOUNTS FOR:	ORIGINAL	TRNFRS/	REVISED	AVAILABLE	PCT
11 GENERAL	APPROP	ADJSTMTS	BUDGET	BUDGET	USED
114150 LEGAL					
114150 519200 PROF SERVICES-RETAIN	43,223	-1,223	42,000	21,000.00	100.0%*
2011/01/000014 07/06/2010 POE	42,000.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	
2011/01/000048 07/09/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	358885
2011/01/000048 07/09/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/01/000698 07/01/2010 BUC	43,223.00	REF		ORIGINAL BUDGET 2011	
2011/02/000002 08/02/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	359563
2011/02/000002 08/02/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/03/000014 09/03/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	360605
2011/03/000014 09/03/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/04/000020 10/01/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	361596
2011/04/000020 10/01/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/05/000003 11/01/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	362554
2011/05/000003 11/01/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/06/000033 12/02/2010 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	363718
2011/06/000033 12/02/2010 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
2011/06/000442 12/30/2010 BUA	-1,223.00	REF LIT		LIT-CURRENT LEGAL INVOICES	
2011/07/000041 01/07/2011 API	3,500.00	VND 013407 VCH	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTORNEY	364776
2011/07/000041 01/07/2011 POL	-3,500.00	VND 013407 PO 110027	LEON M. KILLIAN, III	MONTHLY RETAINERS-CO. ATTO2011	
114150 519201 PROF SERVICES-LITIGAT	100,000	-77,543	22,457	21,741.65	96.8%*
2011/01/000698 07/01/2010 BUC	100,000.00	REF		ORIGINAL BUDGET 2011	
2011/03/000054 09/08/2010 BUA	-20,000.00	REF LIT		LIT-NELSON, MULLINS & OTHERS	
2011/03/000218 09/17/2010 API	2,950.40	VND 017650 VCH	NELSON MULLINS	KIHNEL/ALLEN LITIGATION	361116
2011/03/000218 09/17/2010 API	828.00	VND 017650 VCH	NELSON MULLINS	PURCHASE TELECOMMUNICATIONS AS	361116
2011/03/000272 09/20/2010 BUA	-30,000.00	REF LIT		LIT-ATTORNEY FEES-NELSON, MULL	
2011/03/000360 09/24/2010 API	46.00	VND 017650 VCH	NELSON MULLINS	LITIGATION	361326
2011/04/000244 10/15/2010 BUA	-10,000.00	REF LIT		LIT-MEYNARDIE INVOICES/COURTHS	
2011/04/000483 10/29/2010 API	46.00	VND 017650 VCH	NELSON MULLINS	EMPLOYMENT MATTERS	362500
2011/04/000483 10/29/2010 API	1,103.30	VND 017650 VCH	NELSON MULLINS	KIHNEL/ALLEN LITIGATION	362500
2011/04/000483 10/29/2010 API	2,235.00	VND 017650 VCH	NELSON MULLINS	LITIGATION	362500
2011/04/000483 10/29/2010 API	752.50	VND 017650 VCH	NELSON MULLINS	PURCHASE TELECOMMUNICATIONS	362500
2011/05/000161 11/12/2010 BUA	-1,000.00	REF LIT		LIT-MEYNARDGIE & NANNEY FEES	
2011/05/000448 11/29/2010 API	1,353.30	VND 017650 VCH	NELSON MULLINS	KIHNEL/ALLEN LITIGATION	363416
2011/05/000448 11/29/2010 API	3,501.30	VND 017650 VCH	NELSON MULLINS	PURCHASE OF TELECOMMUNICATIONS	363416
2011/05/000448 11/29/2010 API	2,136.35	VND 017650 VCH	NELSON MULLINS	DISPUTE W/ARCHITECT	363416
2011/05/000448 11/29/2010 API	1,412.20	VND 017650 VCH	NELSON MULLINS	LITIGATION	363416
2011/05/000448 11/29/2010 API	1,957.00	VND 017650 VCH	NELSON MULLINS	MATHIS, DENISE/LITIGATION	363416
2011/05/000448 11/29/2010 API	170.00	VND 017650 VCH	NELSON MULLINS	PURCHASE OF TELECOMMUNICATIONS	363416
2011/05/000448 11/29/2010 API	775.00	VND 017650 VCH	NELSON MULLINS	DISPUTE W/ARCHITECT	363416
2011/05/000448 11/29/2010 API	2,475.30	VND 017650 VCH	NELSON MULLINS	KIHNEL/ALLEN LITIGATION	363416
2011/06/000219 12/13/2010 BUA	-16,543.00	REF LIT		LIT-INVOICES FOR LEGAL EXP	

FINAL

JAN 13 2011

01/11/2011 11:42 HAYWOOD COUNTY
jhd | YEAR-TO-DATE BUDGET REPORT

PG 2
glytdbud

Fiscal year

FOR 2011 06

JOURNAL DETAIL 2011 1 TO 2011 7

ACCOUNTS FOR:	ORIGINAL APPROP	TRANFRS/ ADJSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
11 GENERAL							
114150 519204 PROF SERVICES-OTHER A	6,000	48,623	54,623	53,380.17	.00	1,242.83	97.7%*
2011/01/000698 07/01/2010 BUC	6,000.00	REF					ORIGINAL BUDGET 2011
2011/02/000308 08/20/2010 API	370.05	VND 025681 VCH	MCANGUS GOUDELOCK				GENERAL EMPLOYMENT MATTERS 360247
2011/03/000014 09/03/2010 API	5,957.00	VND 017650 VCH	NELSON MULLINS				GENERAL MATTERS 360607
2011/03/000014 09/03/2010 API	6,693.00	VND 017650 VCH	NELSON MULLINS				GENERAL MATTERS 360607
2011/03/000054 09/08/2010 BUA	20,000.00	REF LIT					LIT-NELSON,MULLINS & OTHERS
2011/03/000218 09/17/2010 API	3,611.00	VND 017650 VCH	NELSON MULLINS				OLD HOSPITAL RFP 361116
2011/03/000218 09/17/2010 API	1,127.00	VND 017650 VCH	NELSON MULLINS				ACQUISITION OF LEASE FAIRBOARD 361116
2011/03/000218 09/17/2010 API	15,597.20	VND 017650 VCH	NELSON MULLINS				LANDFILL RFP 361116
2011/03/000218 09/17/2010 API	115.00	VND 017650 VCH	NELSON MULLINS				CHAF GRANT 361116
2011/03/000218 09/17/2010 API	1,000.15	VND 025681 VCH	MCANGUS GOUDELOCK				GENERAL EMPLOYMENT MATTERS 361114
2011/03/000272 09/20/2010 BUA	30,000.00	REF LIT					LIT-ATTORNEY FEES-NELSON, MULL
2011/03/000360 09/24/2010 API	1,173.00	VND 017650 VCH	NELSON MULLINS				209 WATER&SEWER PROJECT 361326
2011/03/000360 09/24/2010 API	644.00	VND 017650 VCH	NELSON MULLINS				RGC WAYNES.LLC TAX APPEAL 361326
2011/03/000360 09/24/2010 API	115.00	VND 017650 VCH	NELSON MULLINS				209 WATER&SEWER PROJECT 361326
2011/04/000244 10/15/2010 BUA	-10,000.00	REF LIT					LIT-MEYNARDIE INVOICES/COURTHS
2011/04/000323 10/22/2010 API	333.00	VND 025681 VCH	MCANGUS GOUDELOCK				GENERAL EMPLOYMENT MATTERS 362312
2011/04/000483 10/29/2010 API	184.00	VND 017650 VCH	NELSON MULLINS				LANDFILL RFP 362500
2011/04/000483 10/29/2010 API	230.00	VND 017650 VCH	NELSON MULLINS				OLD HOSPITAL RFP 362500
2011/04/000483 10/29/2010 API	46.00	VND 017650 VCH	NELSON MULLINS				LANDFILL EXPANSION PROJECT 362500
2011/04/000483 10/29/2010 API	529.00	VND 017650 VCH	NELSON MULLINS				CHAF GRANT 362500
2011/04/000483 10/29/2010 API	966.00	VND 017650 VCH	NELSON MULLINS				GENERAL 362500
2011/04/000483 10/29/2010 API	4,328.25	VND 017650 VCH	NELSON MULLINS				FAIRGROUNDS BOARD 362500
2011/05/000108 11/12/2010 API	556.50	VND 025681 VCH	MCANGUS GOUDELOCK				GENERAL EMPLOYMENT MATTERS 363036
2011/05/000448 11/29/2010 API	472.00	VND 017650 VCH	NELSON MULLINS				LANDFILL RFP 363416
2011/05/000448 11/29/2010 API	230.00	VND 017650 VCH	NELSON MULLINS				OLD HOSPITAL RFP 363416
2011/05/000448 11/29/2010 API	3,599.20	VND 017650 VCH	NELSON MULLINS				HAY.CO.COUNCIL ON AGING 363416
2011/05/000448 11/29/2010 API	115.00	VND 017650 VCH	NELSON MULLINS				LANDFILL EXPANSION PROJECT 363416
2011/05/000448 11/29/2010 API	874.00	VND 017650 VCH	NELSON MULLINS				GENERAL 363416
2011/05/000448 11/29/2010 API	106.82	VND 017650 VCH	NELSON MULLINS				GENERAL 363416
2011/05/000448 11/29/2010 API	3,657.00	VND 017650 VCH	NELSON MULLINS				OLD HOSPITAL RFP 363416
2011/05/000448 11/29/2010 API	322.00	VND 017650 VCH	NELSON MULLINS				ACQUISITION OF LEASE 363416
2011/05/000448 11/29/2010 API	429.00	VND 017650 VCH	NELSON MULLINS				HAY CO COUNCIL ON AGING 363416
2011/06/000219 12/13/2010 BUA	7,400.00	REF LIT					LIT-INVOICES FOR LEGAL EXP
2011/06/000442 12/30/2010 BUA	1,223.00	REF LIT					LIT-CURRENT LEGAL INVOICES
114150 519210 PROF SRVS-LIT-COURTHO	10,000	30,000	40,000	37,220.08	.00	2,779.92	93.1%*
2011/01/000698 07/01/2010 BUC	10,000.00	REF					ORIGINAL BUDGET 2011
2011/02/000130 08/13/2010 API	500.00	VND 026224 VCH	MEYNARDIE LAW FIRM				HISTORIC COURT HOUSE 360037
2011/03/000218 09/17/2010 API	184.00	VND 017650 VCH	NELSON MULLINS				HISTORIC COURTHOUSE 361116
2011/03/000218 09/17/2010 API	4,325.00	VND 026224 VCH	MEYNARDIE LAW FIRM				HISTORIC COURTHOUSE RENOVATION 361144
2011/04/000244 10/15/2010 BUA	20,000.00	REF LIT					LIT-MEYNARDIE INVOICES/COURTHS
2011/04/000323 10/22/2010 API	13,485.50	VND 026224 VCH	MEYNARDIE LAW FIRM				HISTORIC COURTHOUSE RENOVATION 362316
2011/04/000483 10/29/2010 API	230.00	VND 017650 VCH	NELSON MULLINS				HISTORIC COURTHOUSE LITIGATION 362500
2011/05/000161 11/12/2010 BUA	1,000.00	REF LIT					LIT-MEYNARDIE & NANNEY FEES
2011/05/000251 11/19/2010 API	11,575.58	VND 028495 VCH	MEYNARDIE & NANNEY				HISTORIC COURTHOUSE RENOVATION 363396
2011/06/000219 12/13/2010 BUA	9,000.00	REF LIT					LIT-INVOICES FOR LEGAL EXP

Julie Davis provided information from two (2) accounts for J Creek Expenditures, 484920 and 486120. Nothing from her legal account of 114150, or whatever it is now.

So let's go about this a different way.

I am making another Request for Public Records, but this time, specifically for any and all legal costs the county incurred with the lawsuit filed in 2008, 08CVS51, **HAYWOOD COUNTY, NORTH CAROLINA and WILLIAM LUCIUS JONES, by his guardian, SAM UNDERWOOD, Plaintiffs, v. GREGORY TODD FERGUSON, Defendant.**

This way, we can begin to find the real costs of the county purchasing the **James Weaver "Kirk" Kirkpatrick the III** Super-Duper Sports Complex, a.k.a., the **David Francis** Dirt Spreading Project.

In addition, over the years, the County had been leasing the land to various farmers, for varying amounts, typically around \$5,000 a year, so farmers could use the land to grow corn for their cattle. Each time, there was an extensive legal document involved, usually by **Chip, a.k.a., Leon Killian the III.** I will be expecting to find all of these legal costs down the road. By the way, the county leasing land for profit runs counter to AMJUR § 471, 56 AM Jur. 2d Municipal Corporation, Etc.

<http://www.haywoodtp.net/pubII/190208AmJur417MunicipalCorporations.pdf>

<http://www.haywoodtp.net/pubII/150603Updated-UpdateDenOfThieves.pdf>

So have Julie save us all some time and have her include all the legal costs this time for the **James Weaver "Kirk" Kirkpatrick the III** Super-Duper Sports Complex, a.k.a., the **David Francis** Dirt Spreading Project.

Thank, you,

Monroe A. Miller, Jr.
Haywood County Taxpayer