

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
(828) 456-3718
May 10, 2022

The Grievance Committee
The North Carolina State Bar
208 Fayetteville Street
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

Subject: Complaint against Frank G. Queen.

I, the undersigned hereby complain against

ID 7275
Frank G. Queen
154 North Main Street, Ste 2
Waynesville, NC 28786
(828) 452-3336
frank@queenmountainlaw.com

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

The information in this complaint raises questions of whether Frank Queen violated the North Carolina Rules of Professional Conduct, as more specifically set forth herein, or in the alternative, whether Frank Queen exhibited bias and a conflict of interest which significantly impaired his professional judgement, performance and competency as an attorney, and whether Frank Queen had engaged in conduct which is contemptuous and considered contrary to community standards of justice, honesty, or good morals, in attempting to hold an impromptu Quasi-Judicial Hearing without proper notice at a regular scheduled meeting of the Haywood County Commissioners, in having prospective witnesses administer an oath without a Bible nor witnesses placing their left hands on said Bible, and failing to have the Chair of the Haywood County Commissioners, Kevin Ensley, recuse himself for a conflict of interest in a vote during an appeal of a variance.

I am filing this grievance against Frank Queen for obstruction of Public Records.

This complaint revolves around a Request for Public Information that is being blocked regarding an individual, Rick Marvin, who has been embedded in the Haywood County Detention Center by the Haywood County Sheriff's Department, and in particular, Sheriff Greg Christopher. A second individual, CJ Deering, has been embedded in the Haywood County Detention Center, as well. Neither of these two people have any records with the Haywood County Human Resources Department. Both individuals have been assigned a title of Peer Consulting Specialists, have been provided county assigned email addresses, and been provided an office in the Detention Center. Rick Marvin is an employee of The Pathways Center, a local support program to help find jobs, rehabilitation, housing, mental and physical health assistance. Rick Marvin being paid by Pathways from a grant from VAYA Health funds.

On January 5, 2022, Rick Marvin wrote the following letter, posing as a Haywood County Sheriff's Department employee, as part of a support package for a Town of Waynesville Alderman meeting on Monday, 3/22/2022 at 6:00 pm, Item 14 in the agenda, under New Business:

14. Helping Hands of Haywood Second ARP Installment

Motion: To approve the third installment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750.

Haywood County Sheriff's Department
1620 Brown Ave
Waynesville, NC 28786
828 356 2947 office
828 550 2095 cell
Rmarvin64@gmail.com

Rick Marvin CAC, CADC II, ICADC II, NCCPSS
Addiction Counselor / Peer Support
Haywood County Sheriff's Department

January 5, 2022

To whom it may concern:

My name is Rick Marvin and I am the Addiction Counselor here at the Haywood County Detention Center. My focus and job here is to ensure all inmates who require and ask for addiction services, housing, and or mental health support, can and will receive it post release.

We have aligned ourselves with community support agencies and programs who can help us meet these post release goals and needs.

Helping Hands is now one of our partners and supporting programs to help these inmates fulfill needs upon their release. They are a vital support for inmates who are homeless and need assistance as soon as they are released.

If you have any questions or concerns, you can contact me at the number above.

Thanks,

Rick Marvin

Rick Marvin indicated his email address in the January 5, 2022 letter “To Whom It may concern” was rmarvin64@gmail.com, while an employee of the Sheriff’s Department, Captain Glen Matayabas requested Haywood County assign him a county email address on 9/17/2018 of rick.marvin@haywoodcountync.gov, for the purpose of “correspondence purposes to communicate with the detention staff”.

Any information that Rick Marvin either transmitted or received over the Haywood County computer network, using his County assigned email address, is considered public information. The custodian of that information is the Director of the County’s IT Department, Joey Webb, Jr.

I submitted a Public Request for Information to obtain Rick Marvin’s email correspondence (and additionally that of CJ Deering) to Joey Webb on April 11, 2022. After some emails clarifying the request, I received an email from Joey Webb indicating I would not be receiving this public information, at the direction of Frank Queen, County Attorney:

“The Sheriff’s Office has recommended that Frank Queen in his role as County Attorney review the records prior to release to ensure that they are in compliance with all applicable laws. I have made a request through the County Manager’s office for Frank’s expertise. Frank is only contracted to Haywood County on a part-time basis. Without having direct knowledge of his schedule or workload, I have no way to estimate how long it will take for him to review the records. I am confident however, that he will complete this task in a reasonable amount of time as required by NCGS § 132.”

I was provided the following reasons from Joey Webb why I would not be provided the Public Information I requested:

- According to NCGS § 132-2 the Sheriff, being the public official in charge of the office, is the custodian designated for this particular request and is responsible for ensuring that all information released is compliant with Federal and State laws or regulations.
- It is my belief that in the course of their duties, Ms. Deering and Mr. Marvin may be routinely exposed to information which is protected under the Health Insurance Portability and Accountability Act of 1996 (attached for your reference), and said information therefore, must be redacted by the Sheriff or his designee.
- It is also my belief that in the course of their duties, Ms. Deering and Mr. Marvin may be routinely exposed to Criminal Justice Information (CJI) which is protected under the CJIS security policy, which integrates presidential and FBI directives to govern the protection of said information. (https://www.fbi.gov/file-repository/cjis_security_policy_v5-9_20200601.pdf/view)

The Sheriff is not the custodian of these email records. Joey Webb is the custodian of this public information, i.e. email traffic flowing through the county servers and computer systems.

To date, I have not received CJ Deering’s email address from Joey Webb, nor any emails from either Rick Marvin or CJ Deering that they either sent or received for the entire time period from 9/17/2018 to the present time. Why? Frank Queen is obstructing release of any of these emails. These emails, according to the Sheriff, were for the purpose of “correspondence purposes to communicate with the detention staff”.

If only Rick Marvin has put his proper title and address (Peer Support Specialist, The Pathways Center) and used his personal email address, rmarvin64@gmail.com, there would never have been a problem. I would go away. But look where we are now, the county is in complete lock-down about this whole secret project, protecting who knows. Frank Queen has imposed a lock-down of public information flow to me (i.e. obstruction), and has instructed a county employee, Joey Webb, to cease communication about the status of this Request for Public Information. Please deal with Frank Queen accordingly.

Supportive emails follow, relating to facts about this complaint.

Subject: Request for Public Information - Rick Marvin
Date: Sat, 2 Apr 2022 09:03:57 -0400
From: Monroe Miller
To: Kathi McClure <kathi.mcclure@haywoodcountync.gov>
CC: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Rick Marvin <rmarvin64@gmail.com>

Ms. McClure,

This is a Request for Public Information about a Rick Marvin, who states that he is an employee of the Haywood County Sheriff's Department. See the attachment, which is a letter that he wrote "To whom it may concern", using the Sheriff's Departments address. This letter appeared as part of the Agenda Package for a Town of Waynesville Aldermen meeting, Item 14. See the link on my website, www.haywoodtp.net :

[CONFIDENTIAL! Nicole Kott, of Helping Hands of Haywood, is about to get another \\$8,750, courtesy of Gary Caldwell, Mayor of the Town of Waynesville. Nicole Kott still hiding her receipts, declaring them as CONFIDENTIAL. 3/19/2022...](#)

Please provide the following information:

Is this person employed by Haywood County?

If so, what is his beginning and current salary, title, date of employment, his job title?

Is this individual a "Navigator" or "Thru Care" employee?

If this person is not an employee of Haywood County,

Who gave him authority to claim he is part of / represents the Haywood County Sheriff's Department?

Thank you.

Monroe A. Miller, Jr.
Haywood County Taxpayer

Subject: RE: Request for Public Information - Rick Marvin
Date: Mon, 4 Apr 2022 11:53:50 +0000
From: Kathi McClure <kathi.mcclure@haywoodcountync.gov>
To: Monroe Miller
CC: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>

Mr. Miller,

Good morning. I hope you are doing well. According to our current records, Mr. Marvin is not an employee of Haywood County and is not listed in our systems.

Best regards,
Kathi

Kathi McClure, PHR, SHRM-CP
Haywood County Human Resources Director
215 N. Main Street
Waynesville, NC 28786
828-452-6764
County Internal Extension 2620
Fax: 828-452-6636
Cell: 828-593-2100

Subject: Re: Request for Public Information - Rick Marvin

Date: Mon, 4 Apr 2022 08:02:59 -0400

From: Monroe Miller

To: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>, Kathi McClure <kathi.mcclure@haywoodcountync.gov>

Sheriff Christopher,

I see a problem with an individual claiming he is part of and represents the Sheriff's Department, when he is not . Shall I go to the DA on this and find out what possible penalties there are for misrepresentation?

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information - Rick Marvin
Date: Mon, 4 Apr 2022 15:39:01 +0000
From: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>
To: Monroe Miller
CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov> Tracy Wells <Tracy.Wells@haywoodcountync.gov>
Kathi McClure <kathi.mcclure@haywoodcountync.gov> Mandy Haithcox <mandy@haywoodpathways.org>

Good morning Mr. Miller

Rick Marvin is one of two peer support specialists (addiction counselor) that works in the detention center full-time. He is an employee of The Pathways Center. VAYA Health funds this position to help find jobs, rehabilitation, housing, mental and physical health assistance as well as connecting some of the inmates with family again. HE also teaches classes daily in the detention center. He has been provided a county email address for correspondence purposes to communicate with the detention staff but is not an employee of Haywood County.

Rick does a tremendous job in helping the inmates prepare for leaving our detention center in so many ways. He is a hard worker that takes his duties very seriously.

Respectfully,
Greg

Sheriff Greg Christopher
Haywood County Sheriff's Office
1620 Brown Avenue
Waynesville, NC 28786
828-356-2850

Subject: Re: Request for Public Information - Rick Marvin

Date: Mon, 4 Apr 2022 11:48:08 -0400

From: Monroe Miller

To: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>, Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Mandy Haithcox <mandy@haywoodpathways.org>

Hello Sheriff Christopher,

What about the part where he is impersonating an officer? I passed this information on to Ashley Welch this morning to see if there is a problem.

I thought county email addresses ended with: haywoodcountync.gov. His email address is marvin64@gmail.com. What is his county email address?

Who is the other peer support specialist?

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information - Rick Marvin
Date: Mon, 4 Apr 2022 15:55:18 +0000
From: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>
To: Monroe Miller
CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>, Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Mandy Haithcox <mandy@haywoodpathways.org>

Mr. Miller

I don't see where he identified himself as an officer in the documentation I have.

His county email is rick.marvin@haywoodcountync.gov

CJ Deering is our other peer support specialist.

Respectfully,
Greg

Sheriff Greg Christopher
Haywood County Sheriff's Office
1620 Brown Avenue
Waynesville, NC 28786
828-356-2850

Subject: Re: Request for Public Information - Rick Marvin

Date: Mon, 4 Apr 2022 12:03:04 -0400

From: Monroe Miller

To: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>, Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Mandy Haithcox <mandy@haywoodpathways.org>

Sheriff Christopher,

Here is the document I turned over to Ashley Welch this morning. See attached.

Monroe A. Miller, Jr.

Haywood County Sheriff's Department
1620 Brown Ave
Waynesville, NC 28786
828 356 2947 office
828 550 2095 cell
Rmarvin64@gmail.com

Rick Marvin CAC, CADC II, ICADC II, NCCPSS
Addiction Counselor / Peer Support
Haywood County Sheriff's Department

January 5, 2022

To whom it may concern:

My name is Rick Marvin and I am the Addiction Counselor here at the Haywood County Detention Center. My focus and job here is to ensure all inmates who require and ask for addiction services, housing, and or mental health support, can and will receive it post release.

We have aligned ourselves with community support agencies and programs who can help us meet these post release goals and needs.

Helping Hands is now one of our partners and supporting programs to help these inmates fulfill needs upon their release. They are a vital support for inmates who are homeless and need assistance as soon as they are released.

If you have any questions or concerns, you can contact me at the number above.

Thanks,

Rick Marvin

Subject: RE: Request for Public Information - Rick Marvin
Date: Mon, 4 Apr 2022 16:09:39 +0000
From: Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>
To: Monroe Miller
CC: Rick Marvin <rmarvin64@gmail.com>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Tracy Wells <Tracy.Wells@haywoodcountync.gov>, Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Mandy Haithcox <mandy@haywoodpathways.org>

I do not find in reading the document that he identified himself as an officer. I am sure our District Attorney will look at this and hand down a fair ruling.

Respectfully,
Greg

Sheriff Greg Christopher
Haywood County Sheriff's Office
1620 Brown Avenue
Waynesville, NC 28786
828-356-2850

Subject: Request for Public Information
Date: Mon, 11 Apr 2022 08:48:59 -0400
From: Monroe Miller
To: Lori Tomlin <lori.tomlin@haywoodcountync.gov>, Joey Webb
<joey.webb@haywoodcountync.gov>
CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead
<bryant.morehead@haywoodcountync.gov>

Ms. Tomlin and Mr. Webb,

It has come to my attention that a Rick Marvin was issued a Haywood County Government email address, of rick.marvin@haywoodcountync.gov. Haywood County Human Resources has no record of this individual. Additionally, a CJ Deering may have been issued a Haywood County Government email address as well. These two individuals are "embedded" in the Haywood County Detention Center, working as "peer support specialists". It is presumed that there are no records on CJ Deering with HR either.

For a photo of these two individuals,
see:<https://smokymountainnews.com/archives/item/25511-peer-specialists-go-inside-jail-to-assist-inmates>

I would like to request two (2) things:

The date Rick Marvin was issued a county email address (applies to CJ Deering as well, if she was issued an email address),

I would like to request any and all emails on the Haywood County computer system, servers, back-up devices, etc. for any email's To or From these individuals since their being issued a County Government email address.

Let me know if I need to bring in a flashie drive for you to copy the contents onto.

Thank you,

Monroe A. Miller, Jr.
Haywood County Taxpayer

Subject: RE: Request for Public Information

Date: Mon, 11 Apr 2022 13:34:05 +0000

From: Joey Webb <joey.webb@haywoodcountync.gov>

To: Monroe Miller

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead
<Bryant.Morehead@haywoodcountync.gov>

Mr. Miller,

I have received your request for records. Ms. Tomlin retired, and therefore no longer works for Haywood County.

Thanks,

Joey

Subject: RE: Request for Public Information

Date: Wed, 20 Apr 2022 15:24:20 +0000

From: Joey Webb <joey.webb@haywoodcountync.gov>

To: Monroe Miller

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead
<Bryant.Morehead@haywoodcountync.gov>

Mr. Miller,

The detention center is currently reviewing the records to be released to ensure that no confidential information is released. I will let you know as soon as they are complete and the file is ready for pickup.

Thanks,

Joey

Subject: Re: Request for Public Information

Date: Wed, 20 Apr 2022 14:48:59 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Ashley Welch <ashley.h.welch@nccourts.org>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, JAMES WEAVER "KIRK" KIRKPATRICK the III <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

[?]

WTF?

Mr. Webb,

First of all, has CJ Deering been issued a Haywood County email address? Let's clear this up first.

- If so, who directed you to create her email address?
- Who directed you to create an email address for Rick Marvin.
- When were each of these issued (date)?

Second, who the [expletive deleted] directed you to divert information from my Request for Public Information over to the detention center for redaction of confidential information?

- What criteria is this detention center person going to use for redacting information?
- These people in the detention center were incarcerated for some reason, presumably related to violating a law and having a judge throw them in detention. That is not confidential information.
- HR does not have a record of Rick Marvin, yet he was issued a county email address, posed as a Haywood County Sheriff Department employee, so what possible confidential information is he sending over the county email system?
- My request was a bona fide request for public information. Show me the NC General Statute which says that someone who is not known to be an employee of the county, yet issued a county email address, and I request all of the emails to and from this individual, that the content of the request is redirected for God-Knows-Who at the detention center to redact the information?

Let's be clear, I want all the information I requested, prior to you sending it over to the detention center for Rick Marvin, and CJ Deering is she as also issued a county email address.

Has anyone in Haywood County signed a confidentiality agreement with Nicole Kott, as Gary Caldwell, Mayor of the Town of Waynesville, did? That's about the only reason you have for redirecting my information to whoever at the detention center.

You will notice that the D/A's office is now copied on this email, as her office is already looking into the matter of Rick Marvin posing as an employee of the Haywood County Sheriff's Department. I plan to supply this information to the D/A's office.

Nixon did not get into trouble because of the dirty deed. He had to resign because of the cover-up. Let me know when I can pick up the information I requested on Rick Marvin and CJ Deering.

Monroe A. Miller, Jr.
Haywood County Taxpayer

Subject: Re: Request for Public Information

Date: Thu, 21 Apr 2022 08:56:14 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Ashley Welch <ashley.h.welch@nccourts.org>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, JAMES WEAVER "KIRK" KIRKPATRICK the III <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

Mr. Webb,

It is generally conceded that you have ten (10) days to respond to a Request for Public Information. My original request was dated April 11, 2022, which means I am due to get all the information I requested by the end of the day today. Please confirm that I need to bring in a flashie drive to have this information transferred to me.

Thank you,

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information

Date: Thu, 21 Apr 2022 21:30:55 +0000

From: Joey Webb <joey.webb@haywoodcountync.gov>

To: Monroe Miller

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Ashley Welch <ashley.h.welch@nccourts.org>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Kevin Ensley <Kevin.Ensley@haywoodcountync.gov>, Thomas A. Long <Tommy.Long@haywoodcountync.gov>, Glen R. Matayabas <Glen.Matayabas@haywoodcountync.gov>

Mr. Miller,

I can't seem to locate a public record that answers most of your questions. I am not by statute required to create a record answering them, but I will make my best attempt to be hospitable and answer them to the best of my knowledge.

1. [?]
 - a. I am unsure of the question being asked here. Could you please clarify this request so that I may answer your question professionally and appropriately?
2. WTF?
 - a. I am unsure of the question being asked here. Could you please clarify this request so that I may answer your question professionally and appropriately?
3. First of all, has CJ Deering been issued a Haywood County email address?
 - a. Yes
4. If so, who directed you to create her email address?
 - a. Captain Glen Matayabas
5. Who directed you to create an email address for Rick Marvin.
 - a. Captain Glen Matayabas
6. When were each of these issued (date)?
 - a. 9/17/2018
7. Second, who the [expletive deleted] directed you to divert information from my Request for Public Information over to the detention center for redaction of confidential information?
 - a. I appreciate that you deleted the expletive. I understand it is easy to be unprofessional when using a keyboard to air your frustrations, but it takes real courage to speak so unprofessionally in person. I'm glad that we can have truly professional dialog without egos and tempers getting in the way. This can be very difficult when parties have little or no respect for each other.
 - b. According to NCGS § 132-2 the Sheriff, being the public official in charge of the office, is the custodian designated for this particular request and is responsible for ensuring that all information released is compliant with Federal and State laws or regulations.
 - c. It is my belief that in the course of their duties, Ms. Deering and Mr. Marvin may be routinely exposed to information which is protected under the Health Insurance Portability and Accountability Act of 1996 (attached for your reference), and said information therefore, must be redacted by the Sheriff or his designee.
 - d. It is also my belief that in the course of their duties, Ms. Deering and Mr. Marvin may be routinely exposed to Criminal Justice Information (CJI) which is protected under the CJIS security policy, which integrates presidential and FBI directives to govern the protection of said information. (https://www.fbi.gov/file-repository/cjis_security_policy_v5-9_20200601.pdf/view)
8. What criteria is this detention center person going to use for redacting information?
 - a. See 7b-7d.
9. HR does not have a record of Rick Marvin, yet he was issued a county email address, posed as a

Haywood County Sheriff Department employee, so what possible confidential information is he sending over the county email system?

- a. I am not at liberty to discuss any information which could be considered confidential under the provisions listed above.
10. My request was a bona fide request for public information. Show me the NC General Statute which says that someone who is not known to be an employee of the county, yet issued a county email address, and I request all of the emails to and from this individual, that the content of the request is redirected for God-Knows-Who at the detention center to redact the information?
 - a. See 7b-7d.
 11. Let's be clear, I want all the information I requested, prior to you sending it over to the detention center for Rick Marvin, and CJ Deering is she as also issued a county email address.
 - a. See 7b-7d.
 12. Has anyone in Haywood County signed a confidentiality agreement with Nicole Kott, as Gary Caldwell, Mayor of the Town of Waynesville, did?
 - a. In the course of my duties, I would not be privy to any agreements signed by any person(s) other than myself including Mayor Caldwell. I personally do not believe I have ever met a person named Nikole Kott, nor have I entered into any legal agreements with someone by the same name.
 13. You will notice that the D/A's office is now copied on this email, as her office is already looking into the matter of Rick Marvin posing as an employee of the Haywood County Sheriff's Department. I plan to supply this information to the D/A's office
 - a. Thanks for including the District Attorney on this email as I'm sure she is always ready and willing to respond to the needs of her electorate. I hope that she will correct me if I have spoken in err with my answers, of course as I prefaced these answers, they are entirely based upon my understanding and knowledge as there are no documents which exist to answer many of these questions.
 - b. I also believe that the Honorable Ms. Welch would agree with me however that if she is investigating a formal charge, she would normally request any associated records directly from the custodian to preserve the chain of custody.
 14. Nixon did not get into trouble because of the dirty deed. He had to resign because of the cover-up.
 - a. Although I don't understand the relevance, I appreciate your historical interpretation. I only know what I have read in text books as I am not old enough to remember the Watergate scandal or the media coverage of it.
 15. Let me know when I can pick up the information I requested on Rick Marvin and CJ Deering.
 - a. The Sheriff's Office has recommended that Frank Queen in his role as County Attorney review the records prior to release to ensure that they are in compliance with all applicable laws. I have made a request through the County Manager's office for Frank's expertise. Frank is only contracted to Haywood County on a part-time basis. Without having direct knowledge of his schedule or workload, I have no way to estimate how long it will take for him to review the records. I am confident however, that he will complete this task in a reasonable amount of time as required by NCGS § 132.

I hope this information has helped to clarify your concerns. It is now, and has been for my entire career here in Haywood County, my goal to perform my duties to the best of my abilities and in the best interest of ALL taxpayers. I wish I could have spent more time and provided more information to you. However, duty calls and I would not feel right neglecting my duties to the majority of our fine citizens by allowing one citizen to monopolize my time. I have included all of my supervisors, as well as all of our commissioners since a couple of them were missing from your email. Please feel free to reply to this email if you feel that the service I have offered to you is somehow unsatisfactory.

Sincerely,
Joey

Subject: Re: Request for Public Information

Date: Fri, 22 Apr 2022 10:05:39 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Ashley Welch <ashley.h.welch@nccourts.org>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Glen R. Matayabas <Glen.Matayabas@haywoodcountync.gov>

Mr. Webb,

Please see attached.

You will notice that I removed two names from the copy list that you added yesterday.

Monroe A. Miller, Jr.

Haywood County Taxpayer

[Attachment Follows]

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
April 22, 2022

Joey Webb Jr., CGCIO
Director
Technology & Communications
Haywood County Gov't
(828)356-2734
(828)356-2057
Joey.Webb@haywoodcountync.gov

Subject: Request for Public Information, re: Rick Marvin.

Thank you for responding to my Request for Public Information, re: Rick Marvin, originally dated 4/11/2022. I appreciated that you made your best attempt to be hospitable and answer them to the best of your knowledge. I tallied up the number of items I walked away with that actually pertained to my original request, and came up with the following:

- CJ Deering was issued a county email address, but you neglected to let me know what it is,
- A “Captain Glen Matayabas” (I presume Glen Matayabas is an employee of the Haywood County Sheriff’s Department) requested that both Marvin and Deering be issued Haywood County email addresses.
- The request to issue the email addresses was made on 9/17/2018. I presume that Lori Tomlin actually created those email addresses, as she recently retired, and you took over the department.

Other than that, it looks like I have some time on my hands while **Frank Queen** sifts through both Rick Marvin’s and CJ Deering’s emails to redact stuff.

I feel obligated to correct you on one of your responses yesterday. By the way, did you create all of those responses, or did you get some help doing that? Fortunately, you numbered each item, so I can refer you to Item 7b. You indicated:

- b. According to NCGS § 132-2 the Sheriff, being the public official in charge of the office, is the custodian designated for this particular request and is responsible for ensuring that all information released is compliant with Federal and State laws or regulations.

I properly made my Request for Public Information related to emails circulating within the Haywood County Government to you, of which you are the custodian of that information. The Sheriff is not the custodian of that information.

When you get a chance, you should review Case File 99CVS03497, on www.haywoodtp.net -

[UPDATE 99 CVS 03497 - Dawes, Yelton and Morgan vs. Buncombe County Board of Commissioners and Wanda Greene, County Manager. NC Public Records Law. Full & complete file. 8/03/2012...](#)

or

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

This should help clarify custodians of Public Records. As you may, or may not recall, **Wanda Greene** spent some time in prison for her nefarious deeds.

I apologize for relating the reference about Nixon (re: 14), for which you said:

- a. Although I don't understand the relevance, I appreciate your historical interpretation. I only know what I have read in text books as I am not old enough to remember the Watergate scandal or the media coverage of it.

Well, here is more recent story that you should be old enough to remember, involving corruption with Haywood County Employees, **Bruce Crawford** (Code Inspection) and **Johnny Glance** (Fire Inspection). There were some problems with the Haywood County Fairgrounds arena building (well documented on www.haywoodtp.net). I had created Criminal Complaints against each of the two, and presented them initially to the Sheriff. He threw the complaints in the trash. I then went above his head to the DA, and he also threw my complaints in the trash. I then presented my complaints directly to the Grand Jury. That's when I got called into the DA's office for a chat. I brought my recorder, and the results are on my website. And just for you, I retrieved them from achieves, and placed them at the very tip-top of my current Interesting Stuff web page.

[Flashback. Transcript - Meeting with Haywood County DA Michael Bonfoey, ADA \(Assistant DA\) Jeff Jones, ADA Rachel Groffsky, Law Enforcement Officer Russ Conner and Terry Ramey regarding my submitting Criminal Complaints directly to the Haywood County Grand Jury. 5/14/2012...](#)

[Flashback. Audio \(.mp3\) - Meeting with Haywood County DA Michael Bonfoey, ADA \(Assistant DA\) Jeff Jones, ADA Rachel Groffsky, Law Enforcement Officer Russ Conner and Terry Ramey regarding my submitting Criminal Complaints directly to the Haywood County Grand Jury. 5/15/2012...](#)

The audio is about an hour long, and worthwhile listening to. The Sheriff at the time was Bobby Suttles, who punched out mid-term, setting up the opening for our current Sheriff Greg Christopher. The DA was Michael Bonfoey, (who had threatened me during our recorded meeting), and chose not to run again for DA, setting up the opening for our current DA, Ashely Welch.

Is there a moral to this story? I can't think of one.

I hope **Frank Queen** is not too busy, and has time to go through all of the emails from Rick Marvin and CJ Deering, which brings me to another question, which I would like to append to my original Request for Public Information. This question is directed to you, the custodian of these emails, not the Sheriff.

It is a two (2) part question.

- How many emails did both Rick Marvin and CJ Deering both Send and Receive since they were initially assigned their county email addresses, beginning 9/17/2018?
- Sheriff Christopher indicated that: "He has been provided a county email address for correspondence purposes to communicate with the detention staff but is not an employee of Haywood County." So how many emails did each of these people send and receive that were directed to detention staff, and how many emails did each of these people send and receive that were directed to other than the detention staff?

Thank you for your time and attention.

Monroe A. Miller, Jr.
Haywood County Taxpayer

Subject: RE: Request for Public Information

Date: Fri, 22 Apr 2022 18:42:15 +0000

From: Joey Webb <joey.webb@haywoodcountync.gov>

To: Monroe Miller

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Ashley Welch <ashley.h.welch@nccourts.org>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Glen R. Matayabas <Glen.Matayabas@haywoodcountync.gov>

Mr. Miller,

I received your additional public records request regarding the quantity and classification of emails. Unfortunately, there are no existing records which would answer your questions. We currently do not have a system which classifies who and how many emails are sent or received to a given email address. Pursuant to NCGS § 132-6.2 (e), which is listed below for your reference, I will not be able to answer this most recent request. I continue to work on your two previous requests, and will update you as progress is made.

§ 132-6.2. Provisions for copies of public records; fees.

(e) Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist. If a public agency, as a service to the requester, voluntarily elects to create or compile a record, it may negotiate a reasonable charge for the service with the requester. Nothing in this section shall be construed to require a public agency to put into electronic medium a record that is not kept in electronic medium. (1995, c. 388, s. 3; 2004-129, s. 38.)

Sincerely,
Joey

Subject: Re: Request for Public Information

Date: Wed, 27 Apr 2022 09:09:15 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>, Glen R. Matayabas <Glen.Matayabas@haywoodcountync.gov>

Mr. Webb,

Progress? It's been sixteen (16) days since my original request.

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information - Joey Webb emails

Date: Fri, 29 Apr 2022 14:43:39 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Kathi McClure <kathi.mcclure@haywoodcountync.gov>, Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

Mr. Webb,

I received your 212,305 KB file JW.pst. It contained 514 emails in your inbox, of which 7 were from me. I did not see, however, any emails to or from Rick Marvin or CJ Deering in this file. I am still awaiting your response for those emails. Their email addresses became active 9/17/2018, so there should be considerably more than 514 emails from those two people combined. Let me know when I can be expecting those files, or will I get them after the May 17th election.

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information - Joey Webb emails

Date: Tue, 3 May 2022 18:53:52 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

Mr. Webb,

I have repeatedly requested CJ Derring's county assigned email address from you, but you have thus far, have failed to produce it.

Since you have shifted the blame for the delay of my receiving emails either sent or received by Rick Marvin and CJ Deering on to Frank Queen, whom you said is reviewing all of these emails, but only works part time, I will begin crafting a Complaint against Frank Queen with the North Carolina Bar Association for intentionally delaying my receiving these emails well past the generally conceded ten (10) window for your producing documents.

Waiting patiently for your response.

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information - Joey Webb emails

Date: Sat, 7 May 2022 11:32:57 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

Mr. Webb,

I have crafted a twenty-six (26) page complaint against Frank Queen, which I plan to submit as a Grievance against Frank Queen with the North Carolina Bar Association Monday morning, that is, of course, unless I hear from you responding to my Request for Public Information. Let me know...

Monroe A. Miller, Jr.

Haywood County Taxpayer.

Subject: Re: Request for Public Information - HIPAA

Date: Sun, 8 May 2022 10:25:34 -0400

From: Monroe Miller

To: Joey Webb <joey.webb@haywoodcountync.gov>

CC: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Jennifer Best <Jennifer.Best@haywoodcountync.gov>, Kirk Kirkpatrick <Kirk.Kirkpatrick@haywoodcountync.gov>, Brandon C. Rogers <brandon.rogers@haywoodcountync.gov>, Frank Queen <Frank.Queen@haywoodcountync.gov>, Sheriff Greg Christopher <Greg.Christopher@haywoodcountync.gov>

Mr. Webb,

I'm a little confused, so maybe you can help me out. First, let's review the January 5, 2022 document/letter Rick Marvin created, where he poses as an employee of the Haywood County Sheriff's Department, to supplement the Town of Waynesville agenda item providing an additional \$8,750 of grant money over to Nicole Kott of Helping Hands of Haywood.

Haywood County Sheriff's Department
1620 Brown Ave
Waynesville, NC 28786
828 356 2947 office
828 550 2095 cell
Rmarvin64@gmail.com

Rick Marvin CAC, CADC II, ICADC II, NCCPSS
Addiction Counselor / Peer Support
Haywood County Sheriff's Department

January 5, 2022

To whom it may concern:

My name is Rick Marvin and I am the Addiction Counselor here at the Haywood County Detention Center. My focus and job here is to ensure all inmates who require and ask for addiction services, housing, and or mental health support, can and will receive it post release.

We have aligned ourselves with community support agencies and programs who can help us meet these post release goals and needs.

Helping Hands is now one of our partners and supporting programs to help these inmates fulfill needs upon their release. They are a vital support for inmates who are homeless and need assistance as soon as they are released.

If you have any questions or concerns, you can contact me at the number above.

Thanks,

Rick Marvin

In your April 21, 2022 email to me, you stated, Item 7 (c):

"It is my belief that in the course of their duties, Ms. Deering and Mr. Marvin may be routinely exposed to information which is protected under the Health Insurance Portability and Accountability Act of 1996 (attached for your reference), and said information therefore, must be redacted by the Sheriff or his designee."

This act is now posted on my website, www.haywoodtp.net:

[Public law 104-191-Aug. 21, 1996 - Health Insurance Portability and Accountability Act of 1996. Joey Webb is attempting to use HIPAA as a shield for failing to produce county emails by Rick Marvin. But Wait! Rick Marvin, designated as Peer Support Specialist by the Sheriff, is not a Doctor. Search this document for "Peer Support Specialist" and let me know where you find it. 5/8/2022..](#)

Based on Rick Marvin's letter above, I have attempted to decode his credentials, and have come up with the following.

- CAC - Certified Alcohol Counselor
- CADC II - Certified Alcohol Drug Counselor
- ICADC II - International Certified Alcohol Drug Counselor
- NCCPSS - North Carolina Certified Peer Support Specialist
- "Addiction Counselor / Peer Support" - self explanatory
- "Peer Support Specialist" (Title designated by the Sheriff)

Evidently, to be Certified as NCCPSS, it appears that one has to take and pass a 40 hour course at UNC. See: <https://pss.unc.edu/courses>

So here is my confusion. Rick Marvin is not a Doctor. I searched the entire HIPAA law for instances of "Peer Support Specialist" and can find nothing. So how can you tell me you are hiding Rick Marvin behind this law, when he is not a Doctor, to obstruct sending me emails that he sent or received using a county designated email address over the Haywood County computer system?

Monroe A. Miller, Jr.

Monroe A. Miller, Jr.
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
(828) 456-3718

[Notary Stamp Here]

Jurat

Signed and sworn before me Anita F. Gentry, on this day, the 9 day of May, 2022.

Signed: Anita F. Gentry

Printed: Anita F. Gentry

My commission expires on October 22, 2026

