

Haywood County “Toeprints”

September 17, 2012

Vol. #3 Issue #7 (Subject: **David Francis, Proctologist, Susan Sorrells Ethics Complaint**)

www.haywoodtp.net

What’s Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

Public Comment, Commission Meeting 9/10/2012.

The following is my public comment at the Sept. 10th County Commission Meeting.

3 Minute Public Comment

A threatening letter was sent out by **David Francis’s** department back on June 4th regarding a Personal Property Listing to a woman that I know who does not even live in Haywood County. This letter referenced a 1972 Camper and 1982 Chevy Truck that had both been sent to the scrap yard years ago. The vehicle and camper had belonged to her deceased parents. This letter threatened this woman with late filing fees and with a Class 2 Misdemeanor if willfully failing or refusing to list this property within the time prescribed. The amount of the tax on the property was an \$1,180 value. The letter was signed by Teresa Deaver, Tax Clerk II.

This woman called **David Francis** to resolve this, and **Francis** said “this was not a bill” after all, and wiped the slate clean.

It was brought to my attention that another letter was sent out to a Haywood County Taxpayer, issuing similar threats and billing, this one about \$1,800, and the Haywood County Taxpayer paid this threatening thing that was “not a bill”.

David Teague, a gatekeeper for Haywood County, indicated that **David Francis** sent out about 2,000 of these letters.

I have an entire sheet of Public Information questions I need to ask **David Francis** about this whole fiasco, however **David Francis** has dug his heels in and is refusing to set up a meeting with me on this subject.

I sent a letter to **Chip**, the County Attorney on August 21, to see if he could prevail upon **David Francis** to set up a meeting with me, but do you know the response I received from **Chip**? Well, ...

Nothing! I posted my letter to **Chip**, as an Open Letter to **Chip Killian** on my website, www.haywoodtp.net.

According to the Organization Chart printed in the 2011 CAFR, the Tax Collector is in a little bubble directly

below the bubble which says “County of Haywood Board of Commissioners”. The bubble above you, by the way, says “Citizens of Haywood County”.

So I look to you five commissioners to see if you can prevail upon your subordinate, **David Francis**, the Tax Collector, to set up a meeting date so that the page of questions that I have about these 2,000 letters his department sent out can be addressed.

Let me know if you have any difficulty with getting **David Francis** to perform one of the duties as being an elected official and custodian of the tax records and information of Haywood County, that of providing public information.

If you do have difficulty, let me know, and I can always seek assistance from the North Carolina Department of Justice, as I did before back in May of 2011 when I asked them “Can you tell me if there is any provision that you are aware in the Public Records General Statutes that provides safe haven for the county to withhold public information until it has been presented to County Commissioners?” That was when I was asking for information on the Revenue Neutral Tax Rate Calculation and Julie Davis would not provide it. I believe they had a conversation with **Chip** and got that straightened out right away. I believe they can do the same with **David Francis** here.

I appreciate your allowing time for me to express my concerns. Thank you.

The video of this meeting has been posted on the county website, www.haywoodnc.net.

The following responses were transcribed from the video, and include **Mark Swanger, David Francis, Kirk Kirkpatrick,** and **Kevin Ensley**.

At the end of public comments, the chair, **Mark Swanger**, sometimes makes comments regarding the public comments. Since I was the only person to make a public comment, this was **Swanger’s** response.

Swanger: The only comment I would make is **David Francis**, the elected tax collector, is not a subordinate of the county commissioners. He is a duly elected public official in his own right, so statutorily authorized.

[**Editor’s Note:** Usually, if the comment has anything to do with statues or anything legal, **Swanger** asks **Chip Killian** to comment. **Chip Killian** was not asked to comment.]

David Francis was on the consent agenda and also on the New Business agenda with quite a few items, but requested time to respond to my public comment.

[**Editor's Note:** No one knew what my public comment was going to be about this day, and **Francis** only had ten (10) minutes to collect his thoughts and come up with reasons why he will not engage in a meeting with me regarding these Personal Property Listings. Re: County video.]

Francis: Mr. Chairman, may I have a moment?

Swanger: Certainly.

Francis: Thank you. To address Mr. Miller's concerns, Mr. Miller, you know, I guess, just forgot that he sent me a letter asking "who the hell I thought I was". He subsequently sends another letter suggesting if we meet, there needs to be a deputy in the room. So again (raising his arms in an exasperating manner) why would I want to meet with the guy? You know, it's like going to the proctologist. No good's going to come out of it. And it doesn't make any sense to meet with him, when all you get out of there is distortion. Thank you.

[**Editors Note:** Proctologist? Sometimes, you have to go to a doctor, no matter how uncomfortable it is going to be. Am I expected to bring latex gloves to this meeting with **Francis** when it finally happens?]

[**Editors Note:** The reference to the deputy was in a letter to Chip Killian, now posted on my website: [Open Letter to Chip \(a.k.a. Leon\) Killian, County Attorney, requesting his assistance to get David Francis, Tax Collector, to submit to a meeting, re: Request for Public Information. Chip's response? - NOTHING. 8/21/2012. 8/30/2012...](#), where I said: "... Please prevail upon **David Francis** to contact me with a meeting date, or, if he digs his heels in, let me know if I should take this to the North Carolina Attorney General. Would not hurt to have a Haywood County Sheriff's Deputy nearby outside the meeting room."]

[**Editors Note:** Can anyone reading this see any indication that **David Francis** will be setting up a meeting with me regarding legitimate questions I have which are all public information in nature?]

About three (3) minutes later, when **Francis** asked the commissioners if they had any questions regarding his presentation, **Kirkpatrick** and **Ensley** decided to throw him a couple of softball questions.

Kirkpatrick: Um **David**, I'll just follow up some on Mr. Miller as well as your comments regarding this. Some people, they don't realize, but it's a responsibility of the citizen to register their taxes. It's not necessarily the tax collectors responsibility you make sure everybody gets a tax bill.

Francis: Actually, the tax assessor, I don't mean to correct you, but it's the tax assessor in charge of actually the listing part of that. You know, several references were made, **David Francis** did this, mailed this, mailed that, actually it's the tax assessor the one mailing those, my name is just carelessly thrown in there, once again, so...

[**Editors Note:** **David Francis** is the elected Tax Collector, and boss of all of the employees in his department. It is **David Francis** who must take ultimate responsibility of anything that goes on in his department, or does the buck stop somewhere else?]

Kirkpatrick: But, what I'm saying, it's you as a citizen have a responsibility to make sure that your land is registered such that you get taxed.

Francis: Okay.

Kirkpatrick: Or that your personal property, you have that responsibility. The statues require us to do that. I think over the years and over the period of time we just kind of think if we don't get a tax bill, we don't have to pay. But that's not necessarily, that's not true.

Francis: That's correct. The real estate we automatically list each year, due to our software capabilities. With personal property, you may have a boat, in the month of May, you sell it in June, then you pick up another boat. So that's why we mail out the personal property listings each January that folks come back in and file there. And so we also have some older stuff there that there we are trying to get cleaned up. Trying to figure out who it belongs to, that was one of our efforts this year, was some of this older taxes, or older personal property out there that had not been listed, who does it belong to, where is it went? What happened to it? So that's one of the reasons those letters are mailed out. Anything that's in those letters, of course is by statues, that's not something that **David Francis**, the tax assessor, or Haywood County dreamed up. It's all by the statue.

[**Editors Note:** Time for **Ensley** to step onto the softball mound and throw a few.]

Ensley: And too, I would just add that it's fairness, if I'm gonna list my taxes, my personal property, you know, by statue, when you do that, if someone's not doing that, they need to be doing it.

Francis: Correct.

Ensley: I think more than anything, it's a question of fairness, everybody's paying their part they should be paying. That's kind of what your job is.

Francis: Correct.

Ensley: Right. Appreciate it.

eof. (End of file).

Ethics and Ethics Violations.

At the beginning of every Board of Trustee Meeting or Committee Meeting at Haywood Community College, an Ethics Statement is read by the chair, without fail.

There have been less than a handful of times that trustees have announced that they have an ethical conflict, but if they do, they reveal it, state what the conflict is, and refrain from voting on that particular subject.

All that went right out the window at the last Board of Trustees Meeting on September 10, 2012, when **Susan Sorrells**, wife of county commissioner **Michael Sorrells**, and newly appointed HCC board member by the Haywood County School Board, announced she had an ethical conflict of interest with the presidential selection process (i.e., new HCC president) but went right ahead and voted anyway. **Susan Sorrells** never stated what the actual conflict was regarding, but when three motions came up for a vote during the meeting, **Susan Sorrells** voted in the affirmative for two of the motions and abstained from only one of them. What the ...?

Did you know that there is such a thing as the North Carolina Ethics Commission? I never did, before last week, but it was brought to my attention.

A complaint has been filed against **Susan Sorrells** with the North Carolina Ethics Commission, for voting in the affirmative for two motions which she herself declared she had an ethical conflict of interest and would be abstaining from voting entirely.

If you haven't reviewed the Haywood County School Board video of **Susan Sorrells** interview for the position of HCC Board of Trustee position, it is on www.haywoodtp.net. [Video! Haywood County School Board interview - Susan Sorrells \(wife of County Commissioner and previous school board member Michael Sorrells\) and Richard Coltman, Opinion afterwards by lawyer Pat Smathers. Who would you have picked for new HCC Trustee? 8/13/2012. 8/17/2012...](#)

Back to David Francis...

In addition to seeking the assistance from the North Carolina Department of Justice to nudge **David Francis** into a meeting to answer questions related to his 2,000 letters sent out regarding Personal Property Listings, **David Francis'** ethical behavior will also be examined to determine if the North Carolina Ethics Commission should be contacted.

Legend: If any name is in **bold**, it can't be a good thing.

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