

Haywood County “Toeprints”

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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.

County Commission Meeting, October 15, 2012.

The following is my public comment at the 10/15/2012 county commission meeting:

“Here’s where we stand.

Last Monday, I was lead to believe I would have a meeting with Judy Ballard regarding the 2,000 Private Property Listing’s sent out by David **Francis**’ department.

Judy Ballard was not there. She was out doing some audit. Then left immediately on vacation until November 5th, and was unavailable. **Francis** was there, pointed to the 3 gigantic trays of letters and said have at it.

[Hold up 3 pages of questions]. Unfortunately, I have **three pages** of questions I needed to ask **someone** about these letters before it makes sense to me to start diving into these letters. **Francis** was there, but again refused to meet with me or answer any questions.

I now have an open request into Kitina Houck, the tax department employee that Judy Ballard designated to act in her absence, and have requested a meeting with her. That is pending, evidently, until she gets approval from **Francis**.

NC General Statute § 105-350 (paragraph 8), the general duties of tax collectors, states that “he is to send **bills** or **notices** of taxes due to taxpayers if instructed to do so by the governing body”.

Francis has said this is **not a bill**, so it must be a **notice**. People are telling to me he having wages garnished and people are paying money for these “not a bill’s”?

There’s another completely new problem’s that’s popped up with David **Francis** that’s raised new additional questions.

Do you know Terry Ramey, Commissioner **Swanger**?

Have you heard about what’s going on with Van Winkle? They are a law firm in Asheville. Do you know Van Winkle, Vice chairman **Kirkpatrick**?

Evidently, Van Winkle is under some deal, with **David Francis**, to act as a third party debt collector, and have been sending out collection and foreclosure letters to Haywood County Taxpayers, Terry Ramey being one of them.

These certified letters did not have the required disclosures indicating that they were a third party tax collector, a penalty of \$1,000 per letter. Terry has received five of those letters. His last letter **did** have the required disclosure.

What’s going on between **Francis** and Van Winkle? Who was that sanctioned by?

Who is going to pay the \$1,000 fine per letter for not disclosing Van Winkle is acting as a third party debt collector? Van Winkle, or the County? Or should I say, the taxpayers of Haywood County?

You know, I’ve been waiting **four months** to gain access to these Private Property Listing Letters and information. **Francis** has refused access at every level. By refusing to meet with me, at worst, it makes it appear that he has something to hide. At best, it does not enhance his resume.

These questions are not going away. Now I’m interested in inspecting these Van Winkle letters. The sooner you folks can lean on **Francis** to start having meetings and answering these questions, the sooner they will be resolved.”

[**Editors Note:** I had this last portion prepared, but ran out of the 3 minute time period to present it...]

[Do I have time to give you an update on **Susan Sorrells**?

An ethics complaint has been filed against **Susan Sorrells** with the North Carolina Ethics Commission for her behavior at the HCC Board of Trustees meeting on September 4th, related to the HCC presidential selection process. If the commission decides to investigate this matter, I will keep you informed of their findings.]

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

Kirkpatrick Response to my Public Comment...

[Editors Note: This was transcribed from the video of the 10/15/2012 meeting posted on the county website, and at approximately 5:58 into the video, **Kirkpatrick** starts.]

Kirkpatrick: “I don’t have any, ... I guess I gotta have a couple responses to Mr. Miller. I don’t normally do that, but, some of this involves legal things, and, for one thing on the letters, any time that letters are sent out for taxes purposes, the language that is required on those documents, **it’s not required**. That’s required for consumer debt. And taxes are not consumer debt.”

[Editors Note: What?]

“The other thing is that, I think if you are actually representing a particular person, you could probably have access to those particular persons records, Mr. Miller. I don’t know if you are acting as an attorney representing certain parties, or attempting to gain access to represent them on particular issues, but it would helpful if you were assisting someone to bring that particular person in, instead of just coming in and saying something generally. I don’t see Mr. Ramey here. I have spoken with Mr. Ramey about his particular concerns, but he is not here this evening, but if you are acting on his behalf, I would suggest that you seek counsel yourself about whether you should do that or not, or whether that’s appropriate. I not certainly deterring whether you can gain access to information you are entitled to, **but you may be putting yourself in a situation you don’t want to necessarily be in**. And that’s not a threat from me, I’m just trying to help you out so you don’t run into that.”

[Editors Note: **Kirkpatrick** said: “ ... **but you may be putting yourself in a situation you don’t want to necessarily be in**. **Kirkpatrick** said it’s “not a threat from me.” Well, who is it from? It certainly sounds to me like it was a threat, and the person at the receiving end of a threat gets to make the call whether or not that sounds like a threat or not. If **Kirkpatrick** wanted to really help me out, he would lean on Francis to answer my questions.]

“Other than that, I have the utmost confidence that Mr. **Francis** is attempting to collect debts that are owed on taxes. Unfortunately, they have to be collected, and we all pay them here, and everyone in the county is responsible for paying those and that’s the only way it works. And I do believe that when I actually met with, when I was in Mr. **Francis**’ office today, there was a constituent that came in, and I sat there and met with her with him, and I know that he was very cordial with her, and attempted to work out a particular issue. And

I do think he attempts to do that. Unfortunately, there are some that don’t pay the taxes, and simply because somebody’s in, under financial circumstances where they can’t pay, or their having difficulty, I know that we can work with them to a certain extent, but the statutes to not allow for us to forgive taxes or reduce taxes just at a whim. That’s not fair to everybody else whose paying their tax. And, so I guess some response to what you had to said this evening, I just wanted to provide that for you.”

My public comment seems to have rattled **Kirkpatrick**’s cage. You know, instead of threatening me, it would be more enlightening to the Taxpayer’s of Haywood County if he used his time to answer some of the questions posed by my public comment and leaning on **Francis** to answer some of these questions rather than deflecting and threatening.

UPDATE - Inspection of Personal Property Listing Letters.

I received another invitation from **David Francis** to inspect the 2,000 or so Personal Property Listing letters on October 30, at 10:00am, somewhere in the Tax Department Offices. **Francis** sent an e-mail to me on 10/18/2012 which said, in part:

“After conferring with Ms. Ballard, there will not be a meeting with her when she returns to the office or with anyone else from the tax office. This also applies to Ms. Houck. The records you requested to inspect will be available to you on Tuesday, Oct. 30, at 10:00am.”

I plan to be there to inspect these letters, hopefully accompanied by an investigator from a state agency.

This advance notice of this review should provide Vicki Hyatt with adequate time to prepare another front page article about how swell **David Francis** is collecting “The tax that won’t go away”.

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

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