

## Haywood County “Toeprints”

December 31, 2012

Vol. #3 Issue #13 (Subject: David Francis, Confederate Flag Issue, Bob & Janet Clark)

[www.haywoodtp.net](http://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.

### Confederate Flag Issue.

**Bob Clark**, a local lawyer, sent a petition to the County Manager and Board of County Commissioners calling for confederate flags to be prohibited from being displayed on County Courthouse property. This petition, dated August 10, 2012, [re: <http://haywoodtp.net/pubII/121227BobClark.pdf>] had just eighteen (18) signatures, two of which were **Bob Clark** himself, and his wife/office manager, **Janet Clark**. The other signatures are mostly indecipherable and not well known people to this Editor.

County Commissioners, in another act questioning their great wisdom, had this issue placed on several county commission meeting agenda’s. This immediately attracted and triggered a significant number of people speaking before the county commissioners during the public comment period objecting to any new or proposed ordinance. Additionally, this has been picked up by our two local newspapers, which have generally thrown their weight, as usual, behind propping up the county commissioners actions and behavior as they do for **David Francis**.

County Commissioners have threatened to create yet another ordinance, but have currently postponed actually voting on this “DRAFT” ordinance.

[re: <http://haywoodtp.net/pubII/121119DraftFlagPolicy.pdf>]

### Another example of Political Correctness gone Berserk?

Why are Marty Stamey, the County Manager, and all the County Commissioners, jumping all over this issue like flies on molasses. Why is that?

I believe this is a great example of how the “good old boys club” works here in Haywood County. This is certainly not a critical issue, as the questions surrounding **David Francis’** 2,000 Personal Property Listing Letters are, but kind of what **Obama** does really well, Distract and Divert attention from the really important issues and create a stir with inconsequential issues.

First, you start with a local democrat lawyer, **Bob Clark**, and his democrat wife, **Janet Clark** [re: Haywood County Voter Registration, 12/12/2012. There is a **Robert William Clark** and **Janet Gray Clark** on the voting roll, both registered DEM, and reside at 416 Park Drive, Waynesville, NC].

Next, send a petition with only eighteen (18) signatures to a democrat controlled county commission [**Editors Note:** County Commissioners are either all democrats, or behave as democrats, **Kevin Ensley** being a RINO - Republican In Name Only], along with a democrat County Attorney, **Chip Killian**, a lawyer from Nelson Mullins, **Leon Killian** [re: <http://haywoodtp.net/pubII/110110AbuseofPower.pdf>], and you complete the recipe for potential havoc (i.e. Distraction and Diversion).

Why is there a potential for havoc? The past history of this bunch is revealing! Let’s examine and review a few relevant examples.

### David Francis -Revaluation.

**David Francis**, you recall, is the Haywood County Tax Collector with the ever increasing spread sheet of property values [re: <http://haywoodtp.net/pubII/110925Edmundson.pdf>] Horace Edwards, a Haywood County Taxpayer collected and presented a signed petition with 1,400 signatures [re: <http://haywoodtp.net/pubII/110413Petition.pdf>] to the county commissioners back in April 2011 of people objecting to the way **David Francis** was conducting the county revaluation. Horace Edwards had actually collected an additional 300 signatures, of which 100 of those were stolen, but not turned in. Horace presented those to the county commissioners for action. Do you know what the county commissioners did with that 1,400 signature petition?

### Nothing!

### There was no response!

### They threw the petition and 1,400 signatures in the trash!

Let’s summarize - what happened?

- Does anyone think commissioners were/are going to question the guy (**Francis**) that brings them revenue for them to spend? **No!** They are going to sit back and give **Francis** cover and have (direct) him continue to do what he does - squeeze every dime out of Haywood County Taxpayers.
- The 1,700 people who signed the petition - they loose.

Does this behavior offer any parallel with the inaction county commissioners should be taking with **Francis** in having him respond to my 27 questions relating to the 2,000 Personal Property Listing Letters? Yes.

Yet, these commissioners and county attorney(s) are bending over backwards on a petition from a local democrat lawyer with only **18 signatures** and will most likely create yet another policy or ordinance.

### Another example, “The Rule”.

Speaking of ordinances, do you recall “The Rule”? This was an attempted power grab by **Carmine Rocco**, the Health Department Director, with the assistance of the Board of Health, **Mark Swanger** (County Commissioner and member of the Board of Health) along with **Chip Killian** and **Leon Killian**.

[<http://haywoodtp.net/pubII/100723POLICYANDPROCEDURE/DUREDRAFTFINAL.pdf>] (cut and paste link into browser).

Haywood County Taxpayers organized (in the hundreds), stood up to this bunch, and **Carmine Rocco**, the Board of Health, **Mark Swanger**, **Chip Killian** and **Leon Killian** were blasted back to the Stone Age. The county commissioners subsequently relented and created a substitute county “ordinance” to replace “The Rule”.

Who won here?

- Haywood County Taxpayers won.

Who Lost here?

- Everyone who had a hand in this abortive power grab.

This is another instance where commissioners and the county attorney are at odds with Haywood County Taxpayers.

### Another example: “Public Records Request Policy”.

Do you recall the Public Records Request Policy passed by the county commissioners in 2010? Here is where it started:

[<http://haywoodtp.net/pubII/100907PublicRecordsRequestPolicy.pdf> ]

That short sighted policy was created primarily, I believe, due to the amount of requests for public records that I was making. The following is a smack down from **Chip Killian**, and one of the few times he has ever responded to me via e-mail...

[re: <http://haywoodtp.net/pubTP/T110301.pdf> ]

From that issue (reprinted):

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“This is the second instance **Ensley** has asserted that I cost the taxpayers thousands of dollars. During the first e-mail party line exchange, with my e-mail directed to David Teague, Haywood County Public Information Officer on 1/12/2011, I wrote:

“ ... Additionally, immediately prior to seeing you yesterday, Chip Killian walked out of Marty Stamey's office holding a bunch of letters (all mine, requests for information), and reamed me out for about 5 minutes in front of Rebecca Morgan. In all his 30 years at County

Attorney, he said, no one has ever asked for so much material or requested so much information. He conceded that I had a right to ask and a right to see all that I had requested. He was concerned about the amount of county employee time spent on me. Reflecting on the conversation, I wasn't sure what the main point the reaming was about. Was I to stop requesting public information? Reduce the amount? All that I have requested is important, and in most cases, due directly to the actions of the commissioners - they keep me busy. ...”

**Chip Killian** later indicated:

“This is what I said in part: "Monroe: I think you are being unreasonable". If he considers that a "reaming" I don't know what to say. Chip”

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When **Chip Killian** and **Leon Killian** created this piece of work, he unfortunately used the same amount of brains as they did when they were constructing “**The Rule**”. Unfortunately, they completely overlooked a Superior Court Ruling in Buncombe County in 1999, **99CVS03497**,

[re: <http://haywoodtp.net/pubII/120803-99cvs03497.pdf> ]

which completely nullified this stupid policy. In all their great wisdom, they inserted a “gatekeeper” in their policy, David Teague, the Public Information Officer, and Marty Stamey, the County Manager. Buncombe County attempted the same nonsense when they used Wanda Green, the County Manager, as a “gatekeeper”. Judge Loto Caviness ruled “**That Defendants “Multiple Information Request” policy as applied to these Plaintiffs, to the extent that it requires Plaintiffs to submit requests for access to public information through the County Manager, is hereby declared null and void**”. All requests for public records are to be made through the custodian of those particular public records. My 27 questions regarding **David Francis’** Personal Property Letters, are to be made through **David Francis**, the custodian of Haywood County Tax Records.

Viola! That ruling took out the Haywood County Commissioners policy with one fell swoop, which, by the way, they have never acknowledged.

- How many people here now think that this bunch of characters is capable of creating a public policy on the display of flags on county property and have it withstand any type of public scrutiny?

Yet, based on an **18 signature** petition from a local democrat lawyer, it appears as though they will plunder ahead. These people (county commissioners and county attorney) have a history and a propensity to create garbage.

### **David Francis - Personal Property Letters.**

What has the county commissioners done with the 27 questions I had accumulated thus far for **David Francis** to address regarding the 2,000 Personal Property Listing Letters sent out to 2,000 Haywood County Taxpayers?

**They turned a deaf ear and are protecting the guy (lawyering him up), and pretending the questions don't even exist! They were thrown in the trash!**

What did the county commissioners do when they received a "Politically Correct" petition from local lawyer **Bob Clark**? Did they throw it in the trash? **No!** They made it priority #1, and are about to unleash another "ordinance". Instead of potentially having this new policy go down in flames by a similar Superior Court Ruling, this type of mucking around has the potential of creating some serious lawsuits, possibly going to either the State or US Supreme Court. All of this could cost a considerable sum of money, and where do you think this money will come from? That's right, your wallet.

How many of you are ready to defend these pieces of work (county commissioners and county attorney) if this policy gets seriously challenged?

### **Confederate Flag Issue - Perspective.**

You know, at the onset, I did not really have any strong feelings, one way or the other, about whether or not people should be able to display a confederate flag on the Haywood County Courthouse property. But after doing a little research [re: Horace Edwards, checking on the exact number of signatures he had collected], I asked Horace what he thought of the flag controversy. He confessed he did not know much about it. However, he did relate that he had a distant direct relative that fought in the Civil War, was drafted at 40, captured, and spent time in one of the most horrible prisons at the end of the war. He wanted to respect his memory, and one way to do that was to put a confederate flag on the County Courthouse property. He felt he should be able to do that.

After having lost my son, which no parent should ever have to go through, one of the ways I found I have been able to deal with the loss, is to respect his memory, same as Horace Edwards has the right to respect the memory of his distant relative.

So, after considerable thought, what I finally have to say to **Bob** and **Janet Clark**, regarding their **18 signature** petition making a politically correct complaint, is that you can take that petition and go to hell.

If the commissioners and **Chip Killian** and **Leon Killian** push forward with this idiotic policy, the only thing I can say is that it had better be damn bulletproof, not like the other garbage you have approved in the past.

### **Criminal Complaint against Bruce Crawford and Johnny Glance.**

After reflection, I find that I am developing a lower and lower tolerance level for our county officials for throwing stuff in the trash. There is a real propensity for county officials to "protect their own". This applies specifically to **Bruce Crawford**, Haywood County Building Inspector, **Johnny Glance**, Haywood County Fire Marshall, and **Jason Rogers**, City of Waynesville Building Inspector. All of these officials were investigated by the North Carolina Department of Insurance, and each received a Complaint Investigation Report against them, detailing various violations of North Carolina General Statutes.

I presented **Bruce Crawford's** Complaint Investigation Report to Sheriff Suttles early on, and he indicated he would take it to the DA, Michael Bonfoey. What do you think happened? It got thrown in the trash (don't know by who). I then created a Criminal Complaint against **Bruce Crawford** and **Johnny Glance** and sent it to the Haywood County Grand Jury. Yes, any citizen can create a criminal complaint. After the Grand Jury referred it back to the DA's office, I got a call from Jeff Jones, Assistant DA to come on in and discuss it. Be sure to read the transcript or listen to the actual audio of that meeting...

<http://haywoodtp.net/pubII/120511aJonesBonfoeyTranscript.pdf>

and/or

[http://haywoodtp.net/pubII/120511\\_004Bonfoey.MP3](http://haywoodtp.net/pubII/120511_004Bonfoey.MP3)

For the longest time after that, the complaint sat on Jeff Jones shelf. The last time I spoke to Jeff a couple of weeks ago, he said Bonfoey had it, but I have not heard a single word since. So I believe the time has come to post the original Criminal Complaint I created against **Bruce Crawford** and **Johnny Glance**, which will now appear on [www.haywoodtp.net](http://www.haywoodtp.net). We can now all follow this complaint to see if Bonfoey actually follows through with the Grand Jury directive of taking a look at this, or if it ends up in the trash.

### **The 18 Signature Petition by Bob Clark.**

The Petition follows at the end of this newsletter.

### **The 27 Questions for David Francis.**

The 27 questions for **David Francis** follows the **Bob Clark** petition at the end of this newsletter.

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

Monroe A. Miller Jr.,  
Haywood County Taxpayer  
19 Big Spruce Lane  
Waynesville, NC 28786  
[www.haywoodtp.net](http://www.haywoodtp.net)

PETITION TO THE COUNTY MANAGER AND BOARD OF COUNTY COMMISSIONERS

August 10, 2012

WE, THE UNDERSIGNED CITIZENS OF HAYWOOD COUNTY, DO WISH TO LODGE OUR FORMAL OBJECTION TO THE COUNTY PERMITTING THE FLYING OF THE "STARS AND BARS" OR CONFEDERATE FLAG OR ANY SIMILAR SYMBOL ON PROPERTY THAT BELONGS TO EVERY CITIZEN OF THIS COUNTY.

NEARLY EVERY SYMBOL, FLAG AND BANNER CAN BE PLACED IN A HISTORICAL CONTEXT IN AN ATTEMPT TO JUSTIFY THE PLACEMENT OF SAME ON PUBLIC, GOVERNMENT PROPERTY. THERE IS NO DOUBT THAT A GREAT NUMBER OF OUR CITIZENS FIND THAT THE FLYING OF THIS PARTICULAR SYMBOL ON GOVERNMENT PROPERTY IS OFFENSIVE. THIS IS A SYMBOL THAT DIVIDES OUR CITIZENS AND CONTINUES TO HARM OUR ABILITY TO HEAL PAST WRONGS.

WE SUPPORT THE RIGHT OF EACH CITIZEN TO PLACE BANNERS, SYMBOLS AND FLAGS ON PRIVATELY OWNED PROPERTY. THAT IS BECAUSE INDIVIDUAL CITIZENS DO INDEED HAVE VERY WIDE-RANGING FREEDOMS REGARDING SPEECH AND SYMBOLIC GESTURES. DEMOCRATICALLY-ELECTED GOVERNMENTS DO NOT. THIS PETITION IS SOLELY DIRECTED TO THE DULY ELECTED COUNTY GOVERNMENT WITH A REQUEST THAT IT, AND ONLY IT, CONTROL THE USE OF PUBLICLY OWNED LAND IN A MANNER THAT IS REFLECTIVE OF THE ENTIRE COMMUNITY.

Carol Perires	Bob Clark
Anthony M. Scandale	D. Edward Moore
Albie Lowrey	M. Wallace
Carolyn Walker	Guanita D. Shade
Ross Williams	Frank Burke
Joe Boulton	Ethel Burke
Gene Boulton	Geoff Clark
Agnes B. Susan	Phil Perrett
	Sylvester Williams
	Arnie Williams

**Questions for David Francis  
October 18, 2012**

Some of these questions related to specific individuals, and are referred to as person A and person B.

1. 7/5/2012 - Francis. "I am under no compunction to meet with you personally, professionally or statutorily." List the NCGS that says statutorily that as custodian of Haywood County Tax Information, he is not required to produce public information at a public meeting.
2. How did the county get A's name, as she lives in an entirely different county and has no tax obligations in Haywood County?
3. An explanation of why this letter was sent to A. How was her name ever associated with a 72 Prowler Camper & 82 Chevy Truck as the owner?
4. Who do you get this vehicle information from?
5. The letter demands her signed abstract. "... failed to receive your signed abstract ..."! What abstract? All A received was this letter. I would like a copy of an example abstract. Obtain copy of the "Duplicate Abstract".
6. How many letters like this went out to Haywood County Taxpayers, and non-Haywood County Taxpayers (as did to A). David Teague indicated 2,000.
7. Were these letters stopped (being sent out) after I started making inquires about these letters?
8. What is the total ***billable*** amount for all the letters that were ever sent out by the Office of the Assessor?
9. I'd like the specifics about these letters which includes the **name, address, account number, personal property information, and the taxed amount.** Your choice either in a .pdf file of all the letters sent out, a spread sheet file which includes the above information, or copies of the word processor file of each letter.
10. Why is it she was listed as the owner as of January 1, 2012?
11. Show NCGS requiring that it is the taxpayers responsibility to list **personal property** with the county. What is your definition of "personal property"?
12. Show NCGS that there is a 10% penalty for failure to list personal property.
13. Show NCGS that there it is a Class 2 Misdemeanor for failure to list personal property.
14. Show full detailed account, itemized listing, of all alleged property tax on each item plus the interest charges, amounting to \$1,180.
15. When has any taxpayer [not involved in a commercial activity] been required to list personal property every year?
16. 6/21/2012 - Teague. "There is no spreadsheet or document that summarizes the information you requested". Ask this again - how will anyone keep track of status of these letters?
17. B was in various negotiations with Francis, waive interest? I would like to examine his file.

18. Inspect letter to **B**. Get account number for **B**.
19. Was this “bill” to **B** ever paid, and by whom?
20. Was this paid here at the Haywood County Courthouse, or at the drop box in Charlotte? [P.O. Box 63040, Charlotte, NC 28263].
21. Mortgage payments and property tax bill have my name and address in cap’s. Francis’ “not a bill” does not. Is there any significance to that?
22. Inspect full detailed account of all alleged property tax on each item plus the interest charges for **B**.
23. Was **B** ever threatened to have his wages garnished, or were his wages ever garnished with any employer?
24. Is the county garnishing (i.e. taking/transferring) payments directly from any persons bank accounts with regards to this “not a bill”?
25. Where are the computer files of all of these 2,000 Personal Property Letters. Who has them? Who wrote them. I would request copies of all of these files/letters in electronic form.
26. How much has been collected from these “not a bill” letters that went out?
27. Total amount of these “not a bill” that did not go out?