

Haywood County "Toeprints"

October 31, 2013

Vol. #4 Issue #15 (Subject: **Charles Meeker - PTC appeal, David Francis on slander rampage.**)

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.

Two notable Resignations.

Two individuals punched out and threw in the towel.

- **Marty Stamey**, Haywood County Manager, and
- **Mitchell E. Powell, CSP**, Vice-Chair of Haywood GOP.

Ira Dove has been appointed Interim County Manager when Stamey exits on January 1, 2014. Ira Dove is a lawyer. Do you realize that our county is now going to be run by a bunch of lawyers?

- **Kirk Kirkpatrick**, Bar Card ID# 21711
- **Chip & Leon Killian**, Bar Card ID# 2526
- Ira Dove, Bar Card ID# 22703
- **Charles Meeker**, Bar Card ID# 6757

[**Editors Note:** Ira Dove's name is not in bold yet, but give him a chance.]

Mitchell E. Powell, CSP (that stands for Certified Safety Professional, folks), resigned as Haywood County GOP Vice-Chair dated October 10, 2013. See the poison-pill, scorched-earth material he spoon fed to **Becky Johnson's** articles at the Smoky Mountain News, [Internal debate divides Haywood GOP](#) at -

<http://www.smokymountainnews.com/news/item/11977-internal-debate-divides-haywood-gop>

and

[Soul searching time for the GOP](#) at

<http://www.smokymountainnews.com/news/item/11978> .

It is interesting to note that **Becky Johnson** is gleeful to write an article regarding the going's on in the GOP organization, but will not write a word about **David Francis** and Haywood County purchasing private property at foreclosure sales and then going into unload mode with these properties.

Mitchell E. Powell, CSP (that stands for Certified Safety Professional, folks), was recently appointed (governor's appointment) to the Haywood Community College Board of Trustees, so we can certainly continue to monitor his public activities on that board.

You're Welcome!

FLS Solar Thermal Stuff at the Creative Arts Building.

At the last HCC Board of Trustees meeting on October 7, 2013, the board refused to provide information based on my request for public information relating to detailed operating conditions of the **FLS Solar Thermal Stuff**. **Pat Smathers** (the Board's lawyer) spent almost 20 minutes telling the Board why my request was not public information, and why they would not be obligated to release this information. This detailed information could have been used to examine the current operating aspects of the chiller and other systems, but no, they are hunkering down. Not very transparent (nor smart) of them.

Does anyone know if this **FLS** stuff works? Or has the plug been pulled on the whole thing?

HAYWOOD COUNTY'S NOTICE OF APPEAL.

I made a Request for Public Information on October 20, 2013, requesting the actual letter of appeal to the North Carolina Court of Appeals, by **Charles Meeker**, announced candidate for democrat governor of North Carolina. **Meeker** is also a lawyer hired by our county commissioners to appeal the ruling made by the Property Tax Commission, 11 PTC 838, on June 21, 2013.

<http://haywoodtp.net/pubII/130702PTC-King.pdf>

I was interested to determine if the reasons for the appeal matched the rant by **David Francis** when he spoke about the reasons for this appeal during the 9/16/2013 county commission meeting without a power point presentation.

See <http://haywoodtp.net/pubII/131024PTC-Appeal.pdf>

The following is reprinted from -

<http://haywoodtp.net/pubTP/T130922.pdf>

Transcription of David Francis during 9/16/13 Meeting.

[**Editors Note:** Transcribed text is in **BLUE**. Text that is either slander or disparaging is highlighted in **RED** and **Bold**.]

[1] To tell you a little bit about the hearing, is we went down there, and we started out, there was a with five commission board. We started out with three commissioners. When we ended that meet-, that morning, we had a different commissioner. We had commissioners one, three, five. Commissioner two comes in eleven minutes late. Commissioner one leaves. We didn't feel that we heard . If the King's had appealed the win, if the county had won and the King's appealed, we would understand after being in the hearing that morning, we would have completely understood.

[2] The commission also chose an arbitrary number, a number that was not put into evidence. And as for the language there, that they used, that is standard language used when they have a ruling or a decision. Nothing about just Haywood County.

[3] **Number three is the misinformation, that started somewhere, probably with Mr. Miller, cause he gets it wrong, talking about neighborhood delineation. Neighborhood delineation. There was nothing, not one word, said about neighborhood delineation. But there he goes, mouthing off, again. And he's wrong.** That's why we appealed, three reasons, that's why. Any questions, commissioners?

End Francis rant.

Summarizing, let's review **Francis's** reasons, in simplified terms...

1. Crying about the number of Commissioners listening during the hearing.
2. Commissioners chose an "arbitrary number". What "arbitrary number"?
3. Misinformation created by me, Monroe Miller, about neighborhood delineation.

Now, let's examine the reasons for the appeal stated by **Charles Meeker**, the lawyer from **Parker Poe**. From the response to the request for public information, there are actually two (2) sets of reasons for appeals [?]. One is dated July 18, 2013, signed by **Charles Meeker**, entitled HAYWOOD COUNTY'S NOTICE OF APPEAL AND EXCEPTIONS [re: page 23], and a second document, undated and unsigned, but contained within the same package, appearing to be signed on October 22, 2013 called PROPOSED ISSUES ON APPEAL, [re: page 35], two days after I made my original request for this public information. It appears that this second set of stuff is an attempt to move the goal posts as to the reasons for the appeal.

From the July 18th appeal document, **Meeker** demands "specific exceptions to the above Final Decision, as to the grounds on which Haywood County considers said Decision to be unlawful, unjust, unreasonable, unwarranted and erroneous, are the following:

1. To the Commission's Finding of Fact No. 6 because substantial evidence does not support this finding.
2. To the Commission's Finding of Fact No. 8 because (a) substantial evidence does not support this finding, and (b) the Final Decision does not explain or provide a reasoned basis as to why the subject assessment should be reduced to \$172,200.
3. To the Commission's Finding of Fact No. 2 because (a) the Final Decision does not explain the process by which the Taxpayers carried its burden of proof, and (b) such burden was not carried.
4. To the Commission erred in its Ordering Paragraph by stating "the value assigned to the subject property by "the Haywood County Board of Equalization and Review is modified; and Haywood County shall revise its tax records as may be necessary to reflect the Findings of Fact and Conclusions of Law of the Commission arriving at a total valuation of \$172,200 for the subject property as of January 1, 2011" because (a) the Final Decision does not explain or provide a reasoned basis as to why this Conclusion should be drawn, and (b) the substantial evidence of record supports Haywood County's assessment.

What the ... ?

I'm sorry, but I missed the part where **David Francis** was crying about the number of Commissioners listening during the hearing, and Misinformation created by me, Monroe Miller, about neighborhood delineation!

We are still not finished, because as you can see, there were four (4) points Meeker made in his appeal dated July 18, 2013. Yet in this later, "PROPOSED ISSUES ON APPEAL" thing, there are only three (3), and substantially reworded. Let's review what those are:

Haywood County lists the following proposed issues on appeal:

1. Did the Property Tax Commission err in failing to explain the process by which the Commission concluded that the Taxpayer rebutted the assessment's presumption of correctness when the substantial evidence of record shows that the presumption was not rebutted? [R. pp. 19-22.]

2. Did the Property Tax Commission err in failing to explain or provide a reasoned basis as to why the subject assessment should be reduced to \$172,200? [R. pp. 19-22.]

3. Did the Property Tax Commission err in failing to find and conclude that the substantial evidence of record showed that Haywood County had correctly assessed the subject property at a true value of \$205,100? [R. pp. 19-22.]

What the ... ?

I'm sorry, but I still missed the part where **David Francis** was crying about the number of Commissioners listening during the hearing, and Misinformation created by me, Monroe Miller, about neighborhood delineation!

It appears that **Charles Meeker** cannot make up his mind on what to state the basis of this appeal. Also, **Meeker** forgot to include in this document the Grievance filed against him with the North Carolina Bar Association.

David Francis needs to make a public apology for his slander rant at the 9/16/2013 county commission meeting. Everyone please watch with baited-breath for this public apology.

Cost of this appeal.

Repeated attempts to determine the cost of both the original PTC hearing and costs association with **Charles Meeker** and **Parker Poe** have been totally frustrated by **Julie Davis**, who does not seem to have any handy records or any access to how much lawyers are charging the taxpayers of Haywood County.

Legend: If any name is in **bold**, it can't be a good thing.
[RINO] Republican In Name Only (i.e. **Kevin Ensley**, **Mitchell E. Powell**, **CSP**).

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