

Haywood County “Toeprints”

July 20, 2016

Vol. #7 Issue #11 (Subject: Melrose Lawsuit - School Board Injunction Dismissed.)

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.

Kevin Ensley running for County Commissioner.

Here is a hypothetical question - Would **Kevin Ensley**, and his wife **Alice**, sacrifice the health and well-being of their daughter to further his political career as a County Commissioner?

Haywood County School Board Lawsuit - Hearing.

A hearing was held on 7/19/2016 at 10 am in Room 3B of the Justice Center, convened by Judge Joe Crosswhite, a rotating judge from Statesville. The hearing was sparsely attended, and included:

- The Judge
- Court Clerk and Court Recorder
- Two Sheriff’s Deputies
- **Pat Smathers, Chuck Francis** and **Anne Garrett**
- Mark Melrose
- One other unidentified male
- Myself

This seemed like an administrative hearing, as both sides presented three (3) motions.

Smathers was first to present. One motion was hammering on a technicality - that Melrose did not name the proper entity in his lawsuit. Both sides agreed that was minor, that could be changed to suit everyone. It was not clear that Melrose had made a mistake.

The main motion was to dismiss the claim for a Permanent Injunction. **Smathers** argued that - “Hey, what’s done is done, and it’s too late to change anything. This whole thing becomes moot, bla, bla, bla.” The school is closed and there is nothing a Judge can do about it. **Smathers** presented a plethora of case files regarding moot stuff.

Smathers conceded that there may have been problems with the Open Meetings, and the Study that was supposed to have taken place, but we could deal with that later, he argued.

Melrose argued, among other things, that Meeting Laws were violated, Policy was not adhered to, and there was a failure to conduct a proper “Study” for closing the school. This case is important because this behavior could happen again.

Smathers said, no, it won’t happen again. The School Board’s power to close a school is granted by General Statutes

It was interesting to observe how lawyers can lie through their teeth, as **Smathers** did in one of his last statements when he told the Judge, “We have no Use for that Property” [re: Court Recorder, the property **Smathers** referred to as Central Elementary School].

The Judge, called for a 30 minute recess to study the case material, came back and called the lawyers out of the courtroom to speak to them in private, and came out 20 minutes later.

The Judge commented that these things are always emotional, and allowed the Defendant’s motion to dismiss the Injunction.

What does this mean?

It means that **Chuck Francis, Anne Garrett**, and the entire School Board (which included **Rhonda Cole Schandavel**), can basically get away with the equivalent of murder. The only thing they have to do is to delay a court action until processes are so far along the road that they cannot be undone by a Judge.

It was unclear if this case will be pursued further, delving into the important questions and behavior of these School Board people regarding Open Meetings, Following Policy and Pencil Whipping Studies.

Pat Smathers Property Tax Status.

Pat Smathers, a lawyer, is on a retainer for both Haywood County Schools and HCC, which means he is at their beck and call for lawyer stuff. You would think he would be making enough money so he wouldn’t have to use Haywood County as a loan department (i.e. delinquent taxes). And why isn’t he doing his job and suing the pants off of our Haywood County Commissioners for yanking the Haywood County Schools Administrative Office (The Old Hospital) out from under them. We will get to that, but let’s first take a look at Smathers income from Haywood County Schools and his delinquent taxes...

For review, see the following on www.haywoodtp.net

[Pat Smathers, NOTICE OF FORECLOSURE for failure to pay Haywood County Property Taxes - \\$62,852.67, by Van Winkle Law Firm. Smathers is lawyer for Haywood County Schools and Haywood Community College. 12/5/2014... http://haywoodtp.net/pubII/141205SmathersForeclosure.pdf](http://www.haywoodtp.net/pubII/141205SmathersForeclosure.pdf)

and

[Request for Public Information from David Francis - Pat Smather's overdue taxes. 11/24/2014... \(http://haywoodtp.net/pubII/141123FrancisSmathers.pdf \)](http://haywoodtp.net/pubII/141123FrancisSmathers.pdf)

and

[Grievance filed against Pat Smathers, lawyer for Haywood Community College \(and Haywood County Schools\). Conflict of Interest. Status: Bar excused his behavior. 6 / 1 0 / 2 0 1 3 . . . 8 / 2 9 / 2 0 1 4 . . . \(http://haywoodtp.net/pubII/140829SmathersBarComplaint.pdf \)](http://haywoodtp.net/pubII/140829SmathersBarComplaint.pdf)

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

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Si vis pacem, para bellum

Well, **Pat Smathers** was in the news again -
<http://themountaineer.villagesoup.com/p/canton-delinquent-taxpayers/1505239>

SMATHERS,	2 CHURCH ST	8657807941	\$1,793.94
SMATHERS,	118 MAIN ST	8657805710	\$5,163.16
SMATHERS,	21 PARK ST	8657803853	\$6,407.26
SMATHERS,	MAMAS MOUNTAIN	8667272272	\$2,900.86

These total to **\$16,265.22** on 4/9/2016.

Smathers looks like he has beat down this debt somewhat from his original \$62,852.67. Doesn't he make any money as a lawyer? Thanks to Haywood County Schools providing their check register for the last nine (9) years, we can take a look to see how much **Smathers** has been raking in from Haywood County Schools alone. We will examine only the last year [see:

<http://haywoodtp.net/pubII/160321HCSCheckRegister2015-16-to-date.txt>].

Where does **Pat Smathers** stand now? Based on an inquiry at the Tax Office on 7/18/2016, we find that **Smathers** is on a payment plan which is keeping him from being foreclosed.

SMATHERS,	2 CHURCH ST	8657807941	\$ 0.00
SMATHERS,	118 MAIN ST	8657805710	\$5,226.76
SMATHERS,	21 PARK ST	8657803853	\$5,155.74
SMATHERS,	MAMAS MOUNTAIN	8667272272	\$2,906.28

The current total is now **\$13,288.78**.

Sale of the Old Hospital Building.

What happened to the super-fast deal to pay to have the Old Hospital converted to Low Income Housing, spearheaded by **David Francis**? Why there hasn't been as much as a peep about this whole deal since it was published that County Commissioners would have to find a new home for the Haywood County School Administration.