

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
November 14, 2011

Shane Phelps
North Carolina Department of Insurance
(Enforcement Services Section)
Investigator
(919) 661-5880 ext. 248
Shane.Phelps@ncdoi.gov

Subject: Formal Complaint - Waynesville Inspection Department, re: Gateway Club.

Dear Mr. Phelps,

This letter (and attachments) formalizes my original letters sent to you regarding the Gateway Club in Waynesville, North Carolina. This is now a Formal Complaint accompanied by a notarized NCCOQB VERIFICATION page.

It had been brought to my attention that I should request inspecting the Certificate of Occupancy for the third floor of the Gateway Club, which had undergone renovation and change of use, and had been completed for a couple of years. My request for public information at the building department yielded only minimal information, including a partially signed off Building Permit and about 40 pages of seemingly mundane documents, which I had previously provided to you. These are attached to this e-mail, along with my two original letters to you.

You indicated to me on October 18, 2011 that you had been in contact with Jason Rogers, the city building inspector. You indicated to me in an e-mail: “Mr. Roger’s indicated that he was not aware they were occupying and using the third floor of that building. He said he told them yesterday that they could not use the third floor anymore until they renewed the permit and had all of the necessary inspections... He said he expected the owners to come in and renew the permit this morning.”

When I spoke to you today in a telephone conversation and asked if you had been provided with satisfactory compliance documentation from the Town of Waynesville Inspection Department, you indicated nothing significant had been forthcoming. I don’t see why after a month has passed that they cannot provide you with any substantive new information. I would like to insure for myself that this building is safe for occupancy, as there are many gatherings in this building, therefore I am filing a Formal Complaint against:

TOWN OF WAYNESVILLE, INSPECTIONS
9 South Main Street
Waynesville, NC 28786
Jason Rogers, Building Inspections
(828) 456-8647
inspections1@townofwaynesville.org

I charge the Town of Waynesville - Inspections Department with gross negligence for not being able to provide either a Certificate of Compliance / Occupancy or other documents certifying complete inspections have taken place for the Gateway Club.

Please let me know if I have completed this complaint to your satisfaction, and let me know if you have any questions that I can answer.

I will e-mail this letter and notarized page, and will mail the original (less attachments) by USPS for your file.

Sincerely,

Monroe A. Miller Jr.

Enc: VERIFICATION page for NCCOQB Complaint Form

Attachments:

DOC 101111.pdf
111010a Phelps.pdf
DOC 101011.pdf
111010 Phelps.pdf

NCCOQB Complaint Form

I am hereby filing a complaint against the following inspector for violation(s) of GS 143-151(a).

INSPECTION DEPARTMENT of the CITY OF WAYNESVILLE, NC Inspection Department.
(Name of Inspector, if unknown please indicate the inspector who performed the (building, electrical, Mechanical, plumbing, or fire prevention) inspection) (Name of Jurisdiction, city or county)

Department

I allege that this inspector: (Choose at least one.)

- (1) has been convicted of a felony against the State of North Carolina or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this state;
- (2) has obtained certification through fraud, deceit, or perjury;
- (3) has knowingly aided or abetted any person practicing contrary to the provision of GS Chapter 143, Article 9C, or of the state building code;
- (4) has defrauded the public or attempted to do so;
- (5) has affixed his signature to a report of inspection or other instrument of service if no inspection had been made by him or under his immediate and responsible direction; or
- (6) has been guilty of willful misconduct, gross negligence, or gross incompetence.

By signing this complaint, I agree that the information contained herein is true to the best of my knowledge.

Monroe A Miller J
(Complainant Signature)

VERIFICATION

Sworn to and subscribed before me,

This, the 14 day of NOVEMBER, 2011.

Anita F. Gentry
Notary Public (Printed Name)

Anita F. Gentry
Notary Public (Signature)
My commission expires: October 22, 2014

