

May 10, 2012

Transcript of meeting with June Ray and Sam Hyde, Justice Center on April 30, 2012.

I requested an appointment to speak with June Ray, Clerk of the Superior Court on April 26, 2012. Sam Hyde made the appointment for April 30, 2012, and announced he would be also sitting in on the meeting.

June Ray is the Clerk of the Superior Court, and as it turns out, a Probate Judge.
Sam Hyde is the assistant Clerk of the Superior Court, and as it turns out, a lawyer.

The meeting was recorded, and the following is a partial transcript of the meeting.

I prepared a list of questions to go over. They are on page 2 of this transcript (before the transcript begins). Only the first three (3) topics on the list of questions has been transcribed. The audio of the entire meeting is available upon request.

Editors notes are inserted during the transcript for clarification, and denoted with [**Editors Note: ...**]

Monroe A. Miller Jr.
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Waynesville, NC 28786

Questions for June Ray
Sam Hyde in attendance

Judge who refused package.

- Name of the Judge on Duty on March 28, 2012, who refused my Priority USPS Registered Restricted package to the Foreman of the Grand Jury.

Grand Jury True Bill of Indictment's

- Have received static about accessing any True Bill of Indictment's. Would like to see list of all Bill's returned, most recent bunch, and would like to inspect a recent Bill of Indictment from the Grand Jury.
- When will the Grand Jury meet next, and how do I arrange to speak with the Grand Jury Foreman?

Oaths

- Background - I have a problem with a county official and he has taken the wrong oath. As soon as I see an example of a toppled elected official having taken the wrong oath, I will go after him.
- Ask June Ray discrepancies with her oaths, and why she administers invalid oaths.

Social Security Numbers.

- Point out Social Security Numbers handed out like popcorn around here, when a magistrate order or complaint is inspected, at this office.
- Point out that during the County Commissioner Budget Workshop that they are planning funding for Redaction of Social Security numbers on Register of Deeds documents.
- There is someone waiting in the wings to file a complaint with the NC Department of Justice for documents being released to the public with full social security numbers from this office. May behoove someone to fix this problem before a bunch of NCDOJ officials start swarming this place.

Case file(s)

- Problem accessing case files, showed up in court about a week and a half ago.

11CVS1124

- Case file - Gavin Brown sued for Legal Malpractice.
- How long does it take to update this folder when something is filed?

Begin Transcript.

Miller: I've got a bunch of questions here, I've saved them all up.

Ray: Like I said, I hope I can answer them.

Miller: If you can't, don't worry, I'll find somebody to answer them, but I thought you would be a good person to ask for most of them.

Ray: Ok.

Miller: Ok. First one, this is a ...

[Editors Note: I brought a USPS Priority Envelope that was sent Registered Restricted to the Foreman of the Grand Jury, mailed on March 27, 2012, that was refused at the Justice Center by a judge].

Ray: I remember we received this in the mail, and I had to -, I couldn't sign for it because ...

Miller: ... It's Registered Restricted. Yeah, it came here, I mailed in on the 27th, it came here on the 28th ...

Ray: Yes.

Miller: I got it returned to me the 29th. My question to you is, the mail carrier that returned it to me said that she got it third hand, but the judge had refused this package.

Ray: I'm assuming she probably meant me, because ... it was me.

Miller: No, she said a judge...

Ray: I'm a probate judge.

Miller: Oh. I didn't know that. Ok.

Ray: Yeah. To my knowledge, no other judge saw that.

Miller: Oh, ok.

Ray: Cause see, we receive the mail here, it was restricted and to a certain individual, so I didn't feel like I had the right to sign for it.

Miller: No you couldn't, that's why I sent it registered restricted. What I thought they would do, and this is was to the Grand Jury Foreman, ...

Ray: Yes.

Miller: What I thought they would do, and I gave instructions to Brad Letts, I understand he is the resident judge ...

Ray: Senior Resident...

Miller: ... that he would most likely know the name of the Grand Jury Foreman, and he would advise them of the date she would be here, and at that point the carrier could then deliver the package.

Ray: It's my understanding with the mail that when you get something like that, somebodies got to sign off of it when it arrives, it's not something that can lay around here for two or three days.

Miller: No. The postal carrier would have to take it back with the understanding that when this person showed up, bring it back, and then sign for it. That's ...

Ray: But there's really no guarantee, even though we have a grand jury foreperson, that there's no guarantee that they're going to be here each and every term. Because of illness or vacation, or those reasons.

Miller: Ok. I was willing to take my chances, but it was refused, and it's still sealed. So you were the one that refused it.

[Editors Note: Judge June Ray admitted to refusing a United States Post Office Priority Registered Restricted piece of mail that was not addressed to her, it was addressed to the Grand Jury Foreman].

Ray: Yes.

Miller: Ok. That answers that. That takes care of the first questions. Number two...

Ray: Ok.

Miller: I was looking to see, ... Oh, before we go any further, are you here because you are assistant to the Clerk to the Superior Court, or are you here because you are a lawyer?

Hyde: I'm assistant clerk to the Superior Court.

Miller: Ok, great.

Hyde: I happen to be a lawyer.

Miller: Oh, I know that. But I didn't know what capacity you were ...

Hyde: I do not practice law here.

Miller: Ok, great. I was trying to look at some true bills of indictments,

Ray: Uh-huh

Miller: ... there seem to be a couple of built in road blocks, that I have to know the name of person, the case file name, bla - bla -bla, which I don't know any of those. My feeling is that, well let me back up one step. In other states, when bill's of indictments are given to grand juries, it's my understanding that the grand jury foreman appears in court, and at some point during an administrative court session, bills are passed back and forth. New indictments are handed to the grand jury foreman, and the grand jury foreman hands those back to the judge. And then they get filled where ever they get filed.

Ray: Uh-huh.

Miller: Ok.

Ray: And that's similar to what happens here.

Miller: Ok. I only attended one time, that I know the grand jury was in session, and what happened is, there were some new folks that came in, potential, they were new jurors, but they hadn't been sworn in yet. They were not sworn in court, the judge stopped the court, ushered them into some back room, and that's where the oaths were administered, and I never saw those people again.

Ray: That was probably in the grand jury room, I'm assuming.

Miller: Probably, I know there is a grand jury room on the third floor. Then I was waiting patiently for the foreman to come in to transact business before the judge, and that never happened. The think I did notice, is there were two DA's, one woman and a man, they evidently took the indictments and carried them to the grand jury room. That's what happened to me, and that's as close as I got to the grand jury, ever, and I haven't been back periodically, because you said the next administrative hearing with the grand jury was May something.

[Editors Note: That Administrative Session was on March 19, 2012, and the (assistant) DA's were Jeff Jones, and a Ms. Groffsky].

Hyde: I'm not sure of the specific date, but if that's what I told you, ...

Miller: Yeah, like May 12th or something. No, I know it's on a Monday.

Ray: It's sometime in May, because they typically meet once a month.

Miller: But there wasn't any in April.

Ray: Usually, what happens, the District Attorney, will bring them before the court, the day we know the grand jury's scheduled, then I think the District Attorney, I don't know if they hand them off to the court or the District Attorney actually hands them to the grand jury officer.

Hyde: I think they hand them to a bailiff, and the bailiff hands them to the officer.

Ray: Yeah.

Miller: That didn't happen...

Ray: It's handed to the officer.

Miller: I was trying to ...

Hyde: I take that back, I apologize. What happens is the bailiff comes in with the indictments from the District Attorney's office. They will hand those to the judge, the judge will order the bailiff to hand those to the foreperson, where ever the grand jury may be at that time. In there room, where ever that may be. The bailiff takes it at that time.

Miller: Ok. Well, it looked like the two DA's that were there that day ...

Ray: And sometimes it is the DA that will hand it off to the foreman ...

Miller: It appeared to me because I was watching as closely as I could, and that's kind of what I gathered. OK, so ...

Ray: And usually when they are complete, the grand jury foreman will bring them into the courtroom, the bailiff or the grand jury officer brings the foreperson back to the courtroom. Ane he presents the indictments to the court, and the court goes through them to make sure that they are dated and signed ...

[Editors Note: Will bring this up to the assistant DA to see if we can make this happen the next time...]

Miller: And that's all in open court?

Ray: Now I used to do court twenty one years, but it's been ten years since I've been up there, you know, on a regular basis. But that was the ...

Miller: Could I get your help the next time they are up there, and you can kind of show me the ropes when that happens? Cause...

Ray: But see, I never know, I never know...

Miller: But you know when the grand jury's called.

Ray: I know when they are called, but I don't know when, like ...

Miller: When they would hand something back to the judge?

Ray: I don't know without just being up there, know when they come in.

Miller: Well, can I ask this? See, what I'd like to do, and the motivation for all this, I'd like to inspect a bill of indictment, and I can't do that, but I presume that you have some kind of list around here that when those bill's of indictment go to the judge, somehow they are catalogued, they go to the people down here and they stuff them in files.

Ray: Yeah, what we have is a grand jury list.

Miller: Of indictments?

Ray: Of the indictments, and the reason that's not public, is because there are indictments on that list that have probably been returned true that have not been served on the defendant. And until those are served, it's not public information. It's against the law to release those until the defendants are served.

Miller: Okay, once those defendants are served ...

Ray: Once they are served, it's public record.

Miller: Then, but the problem I'm running into is that the people out here, and I think you have told me the same thing, I need to know the person's name, or the file, otherwise they have no way to know ...

Ray: ... other than if you go back here and just go through the files, and find one.

Miller: That's right, but you've got a list.

Ray: Well, we get lists every time a grand jury meets.

Miller: Ok. So once they've been served, it should be okay for me to look at that list.

Ray: Yeah, that's what I'm saying. If you went back there today and pulled some superior court files, you would probably, you would probably find a defendant that had been indicted that you could actually see an indictment.

Miller: Oh.

Hyde: The list she's talking about, the list, she's not readily going to hand that to you, because those that have been served are on there and those that haven't been served are still on there, so that's a master list, and we don't have ...

Miller: But I could ask like one of you to pick a name and a file name and give me the file name ...

Hyde: Sure...

Ray: Yeah. Yeah, we could do that.

Miller: That's simply all I'm asking.

[**Editors Note:** At this point in time, both Ray and Hyde seemed more than amenable to providing me a true bill of indictment to inspect...]

Ray: Yeah. As long as the defendant's been served, you can see the indictment.

Miller: I don't know the ground rules, I'm not a lawyer. I'm just a casual observer here.

Ray: Yeah, it's kind of complicated.

Miller: Yeah, I'm just trying to go by the rules here.

Ray: But the list, those are kept in the minutes, and we don't typically, I mean, unless you go and pull every one and make sure they are served, just for precautionary reasons, we don't let people see the list...

Miller: I've got no problem with that.

Ray: Ok. If you want to see an indictment, I'll go pull one and let you look at it.

Miller: Frankly, what I'm interested in looking at is the signature.

Ray: On the indictment.

Miller: On the indictment. I believe that's going to, that's what I want to verify. The most recent indictment that's been served. Or if you want to have someone else after I get finished with these questions ...

Ray: See, ... I ... You know, ... That's the grand jury foreperson.

[**Editors Note:** Sudden realization by Ray that "That's the grand jury foreperson. Watch for a change of attitude.]

Miller: Un-huh. I've seen some already, I want to make sure that ..., I'm really kind of a guy that dots the i's and crosses the t's and I want to verify for myself ...

Ray: You want to know who the grand jury foreperson is.

Miller: I pretty much have an idea, but I want to verify it by looking at one of the most recent true bill of indictments that's been served on someone.

Hyde: Well, I think that ... I don't know how the clerk feels about this, but it puts us in a peculiar situation for anonymity of the grand jury to act. It's your purgative to come in here after the true bills of indictments have been served and go through the records, of public record. For us to purposely release the name of that person ...

[**Editors Note:** Is Hyde speaking now as assistant Clerk to the Superior Court, or a lawyer. I can't tell...]

Miller: You're not releasing the name, you're releasing ...

Hyde: What I'm saying is it's your purgative to through it, but for us to actively release something that may or not be protecting the anonymity of the grand jurors... You can understand the backlash of that as well.

[**Editors Note:** Is Hyde speaking now as assistant Clerk to the Superior Court, or a lawyer. I can't tell...]

Miller: Well, I understand ...

Hyde: We don't want a marquee on the front courthouse

Miller: I'm getting back lash, I'm betting push back.

Hyde: We don't want a marquee on the front of the courthouse with all the grand jurors names on it saying if you have a situation ...

Miller: That's way not my intention.

Hyde: I think that's kind of the position ...

Miller: Maybe I should step back just a little bit here, and discuss the motivation why I'm even here sitting in this room talking to you.

Ray: That would probably help.

Miller: Good. Ok, that's fair. I used to be a regular guy, minding my own business, sitting under my tree in a lawn chair drinking wine with my dog.

Ray: I wished we could do that more often than we do.

Miller: And then the Cameron lawsuit happened.

Ray: Cameron...

Miller: I don't know if you are familiar with that. Its, it was a lawsuit two and a half years ago. A county inspector from the Erosion and Sediment Control Department started beating up on one of the property owners. There was a big lawsuit involved, ...

Ray: Was that here in this county?

Miller: Yeah.

Ray: Ok.

Miller: The guy's name is Marc Pruett. Big lawsuit, the county lost a half million dollars, cause Pruett trampled on Cameron's due process rights.

Ray: Un-huh.

Miller: That blew my circuit breaker. And my circuit breaker is pretty simple. When somebody appointed or elected, either abuses or intimidates someone, I'll get involved and I'll do something. And I've been doing that since that lawsuit, and there are lots of people in this county that were doing things similar to what Pruett is doing, and I'm not happy with it. As just a simple casual observer, I've decided I'm going to do something about it.

Now how that gets back to this, and quite bluntly, there's a problem with some additional county personnel. I went to the Sheriff about it, with a report, and I wanted to see this go to the grand jury. And he had suggested that he would take it to the DA, his name is Bonfoey,

Ray: Not Bonfoey?

Miller: Bonfoey. And do you know what I've heard back from that?

Ray: I don't know. Nothing?

Miller: Now, grand juries are available to people in other states. People can access a grand jury foreman, present a criminal complaint, which is what's in there,

[Editors Note: Referring to the USPS Priority Registered Restricted envelope on the table that was refused by Judge Ray, which by the way, she had no right on God's green earth to refuse.]

and the grand jury will act on it, and it seems like to me the grand jury will act on it, and it seems like to me the grand jury is the playground of the DA right now. And if the DA is unwilling to present indictments of public officials, then I'm going to find another way to do that. My way is going directly to the grand jury. And there are people all over this country right now that are watching what I'm doing.

15:39

Ray: I guess one of the things that concerns me, and I don't know, I don't know, and I couldn't tell you right now who the grand jury foreperson is, because, like I say, I haven't been up there in ...

Miller: Here's a hint. Go look at a true bill of indictment.

Ray: Well Yeah, I could find it, I know exactly where to go to find out. But what I'm thinking in the back of my mind, is whether or not they're going to know what to do with that without taking it to the District Attorney.

Miller: I don't think they will. And do you know why? Because what I'm doing hasn't been done, so I'm told, in North Carolina for over seventy years.

Ray: See, I don't know that. I don't know how, unless ... Have you gone back in statistics through the Administrative Office of the Court?

Miller: I am working with a small army of people all over the United States on this.

Ray: Ok. Now. I think, criminal records are public, and I'm not, I don't want to hand you a case?

[Editors Note: Ray now makes a command decision that she has changed her mind, and is not going to provide me a true bill of indictment.]

Miller: Hand me a case?

Ray: A case.

Miller: I don't understand.

Ray: But this is a public office, and I don't see why he couldn't go back and pull a case.

Miller: I don't know what you are saying.

Ray: You can pull a file.

Miller: I've been doing that. I actually went back there, the first time I asked for 11CVS1124, the lady just walked me back there, and said here, here's the files.

Ray: It's public record. This office is open to the public.

Miller: Now, there are a lot of files there. So, I was a little bit daunted when you say, okay, you can just go back there and look at those files. Do you know how long that would take me? It would take me forever.

Ray: Well, now you know what, every one of those are all back there.

Miller: I need a little bit of ...

Ray: Yeah, you've got several different types.

Miller: So I'm looking for something very specific, and you know now the reason I am looking for. So if you can guide me along the way, and the next time the grand jury meets, find out if in fact the grand jury foreman is going to be presenting the true bill indictments to the judge, I would certainly like to sit in the courtroom at that point.

Ray: See, it's like I say, I don't know exactly when they're coming in.

Miller: Well ...

Ray: I don't personally, ...

Miller: I'm prepared to wait all day. I'm very patient.

Ray: Personally, they typically meet one day, sometimes it's two days, depending on ...

Miller: I've spoken to different people that have been on the grand jury and it seems like it's slightly different depending on ...

Ray: It depends on how many indictments they have. Sometimes if they have two hundred indictments it could take them all day.

Miller: The one day I was here, one of the deputies up there said they might break for lunch, I could speak to her then, that's when he referred to as a "her", here's a hint, so the grand jury foreperson I believe is a "her", but they never came out for lunch, I guess there's a back way they can get in and out...

Ray: Uh-huh

Miller: and I went home, came back at 2:30 and they were gone. So I was very disappointed. So I'm prepared to stay the whole day next time. So what I'll look for you is that the next day they are scheduled to meet, on the administrative hearing, and then a little guidance on watching the process of transferring the true bill of indictments.

Ray: To the court? When they bring it into the court?

Miller: Exactly.

Hyde: I think that, I think that what would probably, I certainly can't speak for the Clerk here, but from a legal stand point, the statues reads that ...

[Editors Note: “From a legal standpoint ...” What the hell? I thought Hyde said he was there in this meeting as the assistant Clerk to the Superior Court! What’s this “From a legal standpoint ...” business. I thought he couldn’t practice law in this building].

Miller: What statue is that?

Hyde: It’s statue 15A-623 (e). It says Grand jury proceedings are secret and, except as expressly provided in this Article, members of the grand jury and all persons present during its sessions shall keep its secrets and refrain from disclosing anything which transpires during any of its sessions.

Miller: Uh-huh.

Hyde: There’s language in there, if their secret, I want to find out what the law is behind that to say how much the clerk can tell you about that, because these proceedings are to be kept secret. Otherwise,

Miller: I’m not interested in the proceedings. I’m not interested in the names of the grand jurors.

Hyde: I don’t know how far that takes it. If the proceedings are secret, that’s one of the reasons the clerk doesn’t know when they come and go, that’s one of the reasons she doesn’t know their schedule, because if On public policy standpoint, I think maybe what the statue’s alluding to, I need to get some case law on this,

Miller: Yeah, and when you’re looking that up, find out the case law where it says I specifically I can’t talk to a grand jury foreman.

Hyde: I don’t know if there’s on that, but what I’m saying if, if, the ... secrecy, I don’t know how that far - how that is defined. We need to look at that.

Miller: I ...

Hyde: Let me finish up... Let me finish up. Just a second.

Miller: Sorry.

Hyde: If, ... I don’t think the clerk needs to put herself in a position, I certainly can’t speak for her, to be in violation of the statue, simply because someone asks for something when these sessions are to be secret. That’s why they bring them in the back way, because from a public policy standpoint, if you’re indicting someone, and they’ve testified, and word gets out that these people are possibly going to end up indicting someone for murder, or something of that case, that puts the grand jurors at risk. And that’s the reason, that’s the policy reason behind having them secret. Now in a million years, I don’t think that’s the situation here, but if you make an exception for one person, then exceptions have to be made in the future. So, I think that it would, ... I’m certainly not in a position as an attorney, I’m not her attorney, but I think that it would behoove this office to get some direction from the superior court judge.

Miller: Smith. No, Letts.

Hyde: No, Judge Letts. And Administrative Office of the Courts about how they wish to proceed on this.

Miller: That would be Smith. And you’ve already checked with him...

Hyde: Yes. That’s where the buck stops.

Miller: Because he’s already told me you cannot provide me names of the grand jurors.

Hyde: That’s correct.

Miller: Are you finished?

Hyde: Yes.

Miller: Ok. I don’t believe I’ve asked the clerk, I’m speaking to you know in the third person,

Ray: Uh-huh. That's fine.

Miller: that I've asked anything improper of her. All I've asked is there's an administrative court that's open to the public up there,

Ray: Yes.

Miller: and transactions happen during that, I wanted to be alerted to when that happens. How can that possibly violate secret processes?

Well, you're going to look it up, right? Or somebodies going to look it up here?

Hyde: Yes.

Ray: Well, as far as the grand jury foreperson bringing the indictments back into the courtroom, I mean they do that, they put it on the record. So it's public ...

Miller: It has to be.

Ray: It's open to the public. I just can't ... I mean with my schedule down here, I just don't sit up there waiting for them to come back. So personally, I can't tell you when that's going to happen, cause I don't know.

Miller: I would at least like to know the date that there are here.

Ray: Sometime in May. I know they're meeting sometime ... It's probably around May the 14th, is what I'm guessing. We can find out. I can ask my jury clerk, but I think it's probably, if that's a civil, they usually meet like, most of the time they have been meeting on civil sessions. Because it's not quite as ...

Miller: Intense?

Ray: Yeah. Than criminal sessions.

Miller: Ok. Well that would be great. So two things are going to happen. You're going to get direction from Letts, ...

Ray: Yes.

Miller: and you'll let me know, or somebody will let me know ...

Ray: I'll find out about that before you leave on that. I want to think it's somebody ... Claudette can tell us...

Miller: So that I can sit in a courtroom and watch all of this happen. Ok. Great.

Ray: Anything else?

Miller: Oh, Yeah... We're down to here... You're very patient, thank you very much. Are we good Sam?

Hyde: Yeah. There's a lot of material to cover here, so ...

Miller: I'm sure, and it's unbelievable the number of legal minds that are

Ray: That are putting this together?

Miller: No, that are answering my questions on this. And what they've found is that there's no law which says I can't do what I'm doing. There are a lot of laws that put of roadblocks and obstacles which are pushback.

Hyde: I don't think you've been told no here, what I think the clerk is, from what I understand she is saying, ...

Miller: No. The only thing I've been told no on is when got feedback from Smith ...

Hyde: Right.

Miller: that you could not provide grand jury names to me. That wasn't a deal breaker, or anything.

Hyde: Sure.

Miller: And everything else was somewhat vague, ... I didn't get the answer I wanted, so that's why I'm here.

The next question or two is on oaths.

Ray: Ok.

Miller: and perhaps it would be beneficial for you, for me to drop back again and explain understand the rationale for my going into oaths.

Ray: Okay, that would probably be a good idea.

Miller: I want to make this as level a playing field as I can here. I'm looking for stuff to move forward.

Ray: Ok.

Miller: One of the elected officials in Haywood County I'm not happy with, and I've prepared in informal complaint on him. And the one method that I was looking at to make the thing go over the edge, was the validity of the oath that he took, the oath of office.

Ray: Uh-huh.

Miller: Since then, I've started looking at oaths...

Ray: There's lots of different oaths.

Miller: Well, there certainly appear to be. And again, I'm getting wide input from a variety of different people around the state, not so much country, because each state has their requirements.

Ray: Yeah.

Miller: And as far as public oaths, there are a couple of things that have to be on it. And this is on my web site, by the way. And one of the things was a templet of what the oath should be. And the templet follows this pretty closely. And basically it's a section from the state constitution, it's a section from the North Carolina General Statutes,

Ray: Uh-huh.

Miller: And then it's a section that's somewhat specific to the public office. And I started collecting oaths, and I've got them from Kirkpatrick, a county commissioner, for two years. Mark Swanger, he's the chairman, Bill Upton, these are oaths from the Board of Equalization and Review, This is Michael Bonfoey's oath, this is another oath from Michael Bonfoey - different oath - same day, same judge, different signature. This is the oath of Amanda Owens, the clerk of Haywood County, County Commissioners. This is one of yours, this is for the board of, something, alarms...

Ray: Alarms.

Miller: This is your oath of office here, and this is Gavin Browns oath of office. Now as I was looking through these, and I don't know if you know the punch line here, there's only one oath here that's correct.

Ray: And that being which one?

Miller: That being yours. I was flabbergasted. I read this, I looked at the templet, every word is correct. And there are only two people in this county, and I haven't seen the other one, that I know that have actually taken correct oaths.

Ray: Hmm. I think that's taken out of statue.

Hyde: [unintelligible] think that's taken out of state office. The only oath that's in there is state office. And the only two that's in there is the clerks, and Michael Bonfoey's.

[Editors Note: Here is a case where Hyde is flat wrong.]

Ray: Michael Bonfoey's.

Hyde: The others are not statewide office, so I'm not their oath requirements ...

Miller: What about the Sheriff?

Ray: [unintelligible]

Miller: And I haven't looked at his, but his is the other one I've been told that is correct. Bonfoey, Bonfoey ...

Ray: Which I'm, ... Mike's is probably by statute ...

Hyde: I don't, ... I'm not sure ... Where are you saying you are getting the templet from?

[Editors Note: Hyde should be more interested in the discrepancy of oaths, then challenging me on a templet].

Miller: The templet is from people that have studied this ...

Hyde: So there's no necessarily statutory authority on that templet, simply peoples opinions of what the oath should be.

[Editors Note: A little defensive here, aren't we Mr. Hyde?]

Miller: There's statutory requirements based on the North Carolina State Constitution, and there's statutory requirements based on the North Carolina General Statues. That's where this is lifted from, directly.

Hyde: For state office or for county office?

[Editors Note: Hyde should know there is no difference].

Miller: It doesn't matter. It doesn't matter. You get an "atta-girl" on that. However, you fail on this one.

[Editors Note: "fail on this one", referring to June Ray's oath for the Alarm Board].

Ray: I was appointed by the governor, and that came from her office.

Miller: You know, there's a lot of that going around, cause look at this. This is, this is from a guy named Reuben Young, I don't know if you know him or not...

Ray: [No].

Miller: At this point it was January, 2007, he was chief legal counsel for Michael Easley...

Ray: Easley...

Miller: It says, "Mr. Bonfoey, Please be advised that the previous oath taken did not track the language of N.C.G.S. 11-11 as it applies to district attorneys". The only thing that makes it applicable to district attorney's is the last paragraph.

Ray: Uh-huh.

Miller: "Therefore, I am checking, enclosing four new Oaths of Office to be executed as quickly as possible. Please sign these oaths and have them properly executed before a judge, clerk of court, register of deeds, ..." bla, bla, bla., and return three signed originals to my attention at Reuben Young, Governor's Legal Counsel, bla, bla, bla. Our office will forward one original oath of the Administrative Office of the Courts - to the Administrative Office of the Courts, to the Secretary of State's Office". And then he realized that the first oath he took wasn't

correct, he supplied another oath, that's wrong. This was signed on the same day ... this was mailed January second, these were executed on the first of the month, ...

Ray: Which I thought that these came from the governor's office. See, I don't know anything about Mr. Bonfoey's - I have no idea...

Miller: There's another letter that went from Young to Ronald Moore, he's the DA in ...

Ray: Buncombe County.

Miller: He got one of these. It looks like every DA in North Carolina got one of these. So it's not surprising to me that when you got handed ... this, that you signed it.

[**Editors Note:** again referring to the oath June Ray signed for the Alarm Board].

Ray: Uh-huh.

Miller: So, my question is, you administer oaths all the time.

Ray: Yes.

Miller: Why, ... in fact you administered this one.

Ray: Which they're brought to me. I don't prepare them. The oaths are brought to me.

Miller: Do you see any red flags going up? No?

Ray: No.

Miller: Ok.

Ray: No. I mean, like I say, they're prepared and brought to me and I have the authority ...

Miller: By who?

Ray: By whoever the people are that are appointed to these boards, or elected to these offices.

Miller: So they can pretty much make up their own oath?

Ray: Well, I would hope that their people are overseeing ...

Miller: See, you are in a position where you administer oaths.

Ray: Yes, along with a lot of other people.

Miller: Yes, Register of Deeds, can administer oaths, a lot of people can. But, you're in a good position here ...

Ray: I mean I think I read something, and it was just really, really bazar, but I mean, there again, they're public, you can go right back here and copy one. [Talking over each other]. Even though you administer an oath, that doesn't mean that Mark Swanger's, ... I mean he's gonna have the authority he's an elected official. His oath's recorded over here, I mean, I couldn't see Sam going over and just plop down in the county commissioners chair and decide all of a sudden he's going to be a county commissioner.

Miller: No, no. That's not the point. There's nobody taking over his job.

Ray: But you see what I'm saying.

Hyde: I not positive that you've showed us anything today that makes it incorrect. You've given us an opinion of people, do you know the statute number of that's from that I can look up and possibly see if that's correct?

[Editors Note: Here, Hyde sounds like a lawyer again. I subsequently provided Hyde with the following information on May 1, 2012, "Per our conference yesterday, you requested specific statues for the templet of oaths. The are: NC Constitution - Article 6, Section 7, N.C.G.S. Section 11-7 Oaths, N.C.G.S. Section 11-11"].

Miller: Yeah. That's uh, I can, I didn't bring that with me.

Hyde: I'm not positive the clerk is administering the oaths that are incorrect. So to say that, or accuse that ...

Miller: Well I didn't accuse!

Hyde: I'm not positive, you had mentioned, she has done any of that until, so I don't think she owes an explanation.

[Editors Note: IF I didn't know any better, I would have thought I was listening to a lawyer...]

Miller: So I think it's Article 6, Section 7 of the State Constitution, and I think it was in this letter, 11-11. That just rings a bell.

Hyde: Statute?

Miller: Right, North Carolina General Statute, 11-11.

Ray: Uh-huh.

Miller: I will get those to you.

Hyde: Please.

Miller: In fact, there's a whole section in there different types of oaths, like for general classifications of people, and in fact, your's was the proper one.

Ray: Uh-huh.

Miller: Like I said, I was ... my mind was blown when I read that, so this looks pretty good, then I compared it word for word, so, you get an atta-boy for that.

Ray: [chuckle].

[Editors Note: Subsequently, on May 10, 2012, I pulled Sam Hyde's oath of office, and it was nearly identical to June Ray's oath of office (exception being the title), so Sam Hyde also gets an atta-boy].

Miller: And so what happens, Sam, when I give you these, and you verify that the templet is correct, you should probably dig into that a little bit. I mean, here you are administering oaths, and they ought to be correct. How do you think they should be? And you're the best proponent of that because you've got one.

Ray: Ok.

Miller: All the rest are kind of easy.

Ray: Ok. [Laughter].

Miller: Social Security Numbers...

[Editors Note: The final three sets of questions are not included in this transcript, but may be included at a later time.]

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