

June 12, 2012

E-mail sent to Vicki Hyatt at The Mountaineer...

----- Original Message -----

Subject: "Nitpicking is a waste of taxpayer dollars" - a Mountaineer Editorial, 6/8/12  
Date: Mon, 11 Jun 2012 10:00:13 -0400  
From: Monroe Miller  
To: Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>  
CC: Jeff Schumacher <jeff@themountaineer.com>, Jeff Redman <jredman@themountaineer.com>, Jonnie Cure <jcubed41@gmail.com>

Vicki,

Nice hatchet job on NCDOT and the NC Code Officials Qualifications Board! (See the attached editorial). I presume that you wrote it, but the title looks like it has Jeff Redman's fingerprints all over it ("nitpicking" is a cool scrabble word).

So Becky, which title do you think wins the contest this time?

"Nitpicking is a waste of taxpayer dollars"  
"The Water Girl"

I thoughtfully forwarded a copy of your editorial to all the folks over at NCDOT this morning, so that they can re-evaluate their whole existence and pay more careful attention not to waste any more taxpayer dollars.

You know, this is the first time in recent memory that this newspaper has expressed a concern about a waste of taxpayer dollars. If you are still concerned about a waste of taxpayer dollars, why don't you look across the street at the Haywood County Board of County Commissioners?

By the way, Becky, I noted that there has not been a single peep about this whole Jason Rogers thing in the Smoky Mountain News...

Jonnie, OK for Distribution.

Monroe Miller

# ...picking is a waste of taxpayer dollars

One of the most ridiculous examples of over-regulation on the part of state government surfaced recently when Waynesville's building inspections director was called to task for incidents so minor they barely deserve mentioning.

The 2008 inspection involved a restaurant and club that opened in 2008, and issues identified were ones where public safety wasn't an issue. It is paperwork oversights that have prompted an investigation by the state's Code Officials Qualification Board.

Two issues were cited. One involved the fact there was no certificate of compliance was issued, only a final inspection document. The lack of a document didn't change the circumstances one iota, yet an investigation is occurring almost four years after the fact. When the town learned of the issue, the policy was changed so that an official certificate will be issued in the future.

The second issue involved the town officer signing off on the electrical work portion of a project that involved three floors when his certification was only for one-floor structures. It seemingly made no difference that the final inspection document was only issued for the ground floor of the business. The rest of the project was in phases and the inspection didn't cover that portion. Nonetheless, it was deemed a violation occurred.

In the time that has lapsed since the inspection, the town's inspection director has received his probationary Level III certification — the highest possible, and he had Level III certifications in all four other areas for inspection certifications when the project started.

A report filed by the state board noted the number and type of violations found by the investigation are "sufficient to justify a hearing to determine if the violations constitute willful misconduct, gross negligence or gross incompetence."

Of all the complaints ever spoken aloud about the Waynesville inspections department, it has been that personnel have been, at best, sticklers for detail, and, at worst, over-zealous. If shortcuts were taken and safety issues were a concern, it would be a different matter entirely. But this doesn't seem to be the case.

Surely the state has better things to do than conduct an investigation of an inspection that happened nearly four years ago and involves issues that have long been corrected.

## The plac

I was watching on Sunday, and the 10-year-old boy with his dad was showing

This poor child a home full of happiness since he was he had simply been. He is the youngest in history to have such a violent crime

Then, as that show "The Millionaire" premiered

Now, if you are will probably also show at least a couple you interested. So it actually did get

This show gets a chance to set out a advantaged people then searches for that can help the then donates money cause(s) they find

This particular ended with the donating money organizations in New Jersey. Newark's crime rate is extremely high and the amount

Your V

Monroe A. Miller, Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
June 8, 2012

Caroline Klapper  
**The Mountaineer**  
220 North Main Street  
Waynesville, NC 28786

**Subject:** The Water Girl

Ms. Klapper,

I read with interest your new article that appeared in The Mountaineer on June 4, 2012, entitled “N.C. code board investigates Waynesville building inspector”. This is the third in a series of three that you have written regarding Jason Rogers and the Gateway Club fiasco. This article appears consistent with your first two in that this article demonstrates that you still have an order of magnitude of work to do to develop your research skills - this article is riddled with problems and bias.

In the first paragraph, you indicate Jason Rogers “could be” facing a hearing. Yet, further in your article, “[The number and type of violations found by the investigation are sufficient to justify a hearing to determine if Rogers is guilty of willful misconduct, gross negligence or gross incompetence.](#)” What part of that sentence suggests that Rogers “could be” facing a hearing, as you imply?

Take another example, in the third paragraph, you indicated: “[The certificate would have allowed the business to legally operate only on the first floor where renovations had been completed and approved.](#)” What about the electrical inspection? Did you forget about the electrical inspection? In Rogers second violation (appearing later in your article), he claimed “he was unaware that his certification level did not allow him to inspect a multiple story building. Consequently, even if the building was granted a certificate of compliance, the building was still not operating legally since 2008, (as you originally claimed in your first article), because Rogers made the inspection impersonating a real certified electrical inspector.

Continuing, (there’s much, much more) you claim “[Since the mistake was discovered, the town of Waynesville has changed its policy to ensure that a certificate of compliance is issued after a building passes its final inspection.](#)”

**What the ...?** I’d sure like to get a copy of **the original policy** before it was changed where the town of Waynesville had been intentionally violating North Carolina General Statute (NCGS) 160A-423.

I’m confused. Does your article mean that the town of Waynesville has not issued certificate of compliance, as least since 2008, for any other business in Waynesville, because it wasn’t original policy? Are you saying that any business since (God knows how long) was not required to have a certificate of compliance as long as they had their building permit signed off by this guy? A simple check (again, using finely honed research skills) of how many certificate of compliance’s that were issued in the last four (4) years would reveal the answer and eliminate this confusion.

Stepping back a little bit, do you know what my problem here is, Ms. Klapper? I don’t appreciate it when some people and/or businesses are treated “**more equally than others**” by publicly elected and appointed officials. Another view of this concept is selective enforcement and favoritism. There seems to be a lot of this going on around here [re: Fairgrounds Arena Building].



Here's an idea! Since the State of North Carolina (N.C.G.S. 160A-423) requires that certificate of compliance's are required upon completion of the final inspection (otherwise, the violation is a Class 1 Misdemeanor), why don't you suggest to Jason Rogers that he take the same Standard Law and Administrative Standard Class that Bruce Crawford (Haywood County Building Inspector) has to take, as outlined in his Voluntary Settlement Agreement (VSA), so that Rogers can catch up on all these pesky laws. It could save the town of Waynesville a considerable amount of time and legal expense simply by copying Bruce Crawford's VSA, filling in his name instead, and submitting it to the Code Qualification Board in July! Jason Rogers can grab a copy of Bruce Crawford's VSA from my website, [www.haywoodtp.net](http://www.haywoodtp.net), "[Bruce Crawford's Voluntary Settlement Agreement \(VSA\) with NC Code Officials Qualification Board, 4/24/2012. 4/29/2012...](#)"

Continuing along here, "[In this case, Rogers said he was unaware that his certification level did not allow him to inspect a multiple-story building](#)", and then the article goes on to say, "[... he said the violations are considered minor issues that never presented a safety issue.](#)" Are we to trust this guy to make a judgement that the violations are considered minor issues when he doesn't even know what his certification level is?

There comes a point when after reading your articles where it appears that Jason Rogers is spoon feeding this stuff to you like pablum, and you eagerly write puff pieces for general public consumption in The Mountaineer; It appears to the casual observer that you are simply carrying the water for Jason Rogers and the town of Waynesville Building Inspection Department. Hence, the subject line of this letter "The Water Girl".

I had another individual volunteer his perspective on your article to me:

"As usual, they make it sound like there was never any public safety concerns, funny thing to me is ALL building codes are written for the Public's health, safety and welfare so any violation should be viewed as a safety concern, otherwise it wouldn't even be a code!"

I'm surprised you didn't suggest in your article that we ignore or get rid of all this minor code stuff in the town of Waynesville, since "[...the violations are considered minor issues that never presented a safety issue.](#)"

I'd like to offer two follow-up items that were not mentioned in your article:

- Margaret Langston, HR Director for the Town of Waynesville, has been provided with a copy of the Complaint Investigation Report, so that she can add it to Jason Roger's employee personnel folder, and
- The Complaint Investigation Report [re: Jason Rogers] has been turned over to the Office of the District Attorney Jeff Jones, Rachael Groffsky (ADA's) and Russ Conner (Law Enforcement Officer/Investigator) to bring to their attention of Jason Rogers violation of NCGS 160A-423 (Class 1 Misdemeanor), the very same violation as that for Bruce Crawford.

I will forward a copy of your article to NCDOI so they can be sure to get a clear perspective of the thought processes of Jason Rogers and his view of life here in Waynesville via your article, when they consider his VSA at the July hearing.

Thank you,

Monroe Miller

cc: Suzanne Taylor, Investigator, NCDOI  
Jeff Jones, Haywood County ADA

# N.C. code board investigates Waynesville building inspector

**CAROLINE KLAPPER** Staff writer  
caroline@themountaineer.com

After several code violations were discovered in relation to a 2008 inspection done on The Gateway Club in Building Inspections Director Jason Rogers could be facing a hearing with the state's Code Officials Qualification Board.

An investigation by

the N.C. Department of Insurance confirmed that Rogers was responsible for two violations during his inspection of the renovations to The Gateway Club building before it opened.

The first violation found was that no temporary certificate of compliance/occupancy was issued for The Gateway Club. The certificate would have allowed the business to legally operate only on the first floor where renovations had been completed and approved. No such certificate was ever issued despite The Gateway Club opening for business in 2008.

Rogers admits that he did overlook issuing a certificate of compliance, which the state requires, because he believed signing off on the final inspection served the same purpose.

"I thought that by signing the final on the permit for a section on the building that certified compliance. In fact, you have to have inspection approval to

a separate document," Rogers said, adding he takes full responsibility for the error. "The only code violation was on my part."

Since the mistake was discovered, the town of Waynesville has changed its policy to ensure that a certificate of compliance is issued after a building passes its final inspections.

The second violation found in the state's investigation involves conducting inspections above certification. At the time of the Gateway's inspection, Rogers was a Standard Level I electrical inspector, which means he is certified to do electrical inspections on one-story buildings of 7,500 square feet or less.

The Gateway Club is a three-story building with 16,335 square feet total, and Rogers was not certified to approve the building's electrical work. However, he did so anyway giving final inspection approval to

the electrical work on the first floor on Sept. 2, 2008.

In this case, Rogers said he was unaware that his certification level did not allow him to inspect a multiple-story building.

Since 2008, Rogers has completed his certification as a Level II electrical inspector and has probationary Level III (the highest level) certification. However, the inspections department has hired retired former county inspector, Doug Sisk, to assist with any Level III electrical inspections until Rogers can get the training needed to achieve Level III certification.

"All of this was in place before the first of the year," Rogers said, with the exception of his Level II certification, which came later because of the state's testing schedule.

Rogers is Level III certified in all four of the other inspection certifications.

The Gateway Club

passed all of its final inspections for all three floors, including an electrical inspection performed by Sisk, and was issued a certificate of compliance on Feb. 23, 2012.

And while Rogers admits "mistakes were made," he said the violations are considered minor issues that never presented a safety threat.

"These are not serious violations. They are not going to hurt somebody, but the fact is that it's still wrong, and we made the mistake," he said.

According to the report filed by the North Carolina Code Officials Qualifications Board, the VSA is not accepted or if the state investigator and inspector cannot agree upon the terms of the VSA, a hearing is scheduled.

Rogers is currently working with the state on a VSA.

"From my understanding, we expect to present a VSA to the Code Officials Qualification Board in July," Hall said.

The Gateway Club once staff proposes a

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May 17, 2012

Caroline Klapper  
**The Mountaineer**  
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**Subject:** Research Skills

Ms. Klapper,

I received a Complaint Investigation Report from the NCDOI (North Carolina Department of Insurance) **NC Code Officials Qualification Board**, dated May 8, 2012. The respondent was Jason Rogers of the Town of Waynesville Code Enforcement Office, prepared by Suzanne Taylor, an investigator with that department.

Please take a look at the report and the accompanying cover letter. They are both posted on my website, [www.haywoodtp.net](http://www.haywoodtp.net), the link being: [N.C. Department Of Insurance Complaint Investigation Report, Respondent: Jason Rogers, Town of Waynesville Code Enforcement Office. 5/16/2012...](#)

Let me know what you think.

Will you be writing another article on this in the Mountaineer? If so, be sure to bring to my attention the day it will be published, as I will be waiting with anticipation to read it.

Thank you,

Monroe Miller



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February 3, 2012

Caroline Klapper  
**The Mountaineer**  
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Waynesville, NC 28786

**Subject:** “No occupancy permit, but limited club use legal”...

Ms. Klapper,

Thank you for your reply to my request for information on a “signed off Final Inspection” report for the Gateway Club from the Waynesville Inspection Department. I did not notice an attachment to your e-mail, so I presume that the “signed off Final Inspection” document is not forthcoming.

You indicated:

You are welcome to come to my office anytime you're willing to go on the record with your concerns. I've learned to be skeptical of sources who won't lend their name to an issue. My time spent on this issue has only reinforced this skepticism.

The Mountaineer is printed for public consumption and you are free to do with my stories as you see fit. The stories are a complete reflection of my research to which I have nothing to add. Any further challenges to the voracity of my research should be made through my editor, general manager or publisher, all of whom I've copied on this email.

Unfortunately, I too, have learned to be skeptical of giving interviews to news reporters, as it has been my experience that quotes can be taken completely out of context and twisted to match the views of the reporter. My experience dealing with the news reporters in Haywood County has only reinforced that skepticism.

If the stories that you authored in the Mountaineer are a complete reflection of your research, to which you have nothing to add, which I have challenged the voracity of your research, then you should do some reflection on your own research skills. Looks to me that you kind of got burned in your first article on 1/27/2012 when you said:

“The historic building was renovated and opened in 2008, when it was issued a certificate of occupancy.”

I don't believe you ever indicated to me, via your research skills, who you received that piece of information from.

Of course, it doesn't bode well on your research skills when you have to “eat it”, as depicted in your first sentence in your 2/1/2012 article:

“A story printed in The Mountaineer on Friday, Jan. 27, incorrectly stated The Gateway Club received a certificate of occupancy when it was given permission to use the first floor of the building.”

Still waiting to hear, via your research skills, who gave you the following information from your article on 2/1/2012:

“ ... Because the top floors weren't completely finished, Building Inspector Jason Rogers completed a final inspection and signed off on the use of only the first floor in 2008”.

If there were a “certificate of occupancy” (as you stated via your research skills) in your 1/27/2012 article, or a “signed off Final Inspection” (as you stated via your research skills) in your 2/1/2012 article, I should have had those presented to me when I made my request for public information at the Waynesville Building Inspection Department on 10/10/2011 and 10/11/2011.

If the documents were there, and I was not presented those documents, I figure someone is in a whole lot of trouble.

If the documents did not exist back in October of 2011, and they exist now, we could be looking at some back-dated documents. Again, someone could be in a whole lot of trouble. NCDOI has a complete document dump of everything that was in the Gateway Club folder that existed back in October. Perhaps you can use your research skills to answer some of these concerns.

By the way, it was brought to my attention that meetings, as late as last week, are being held on the second floor of the Gateway Club.

Your 2/1/2012 article indicated (a story which represents a complete reflection of your research skills) that only the first floor has been approved and has a Final Inspection sign-off. So how can it be that the second floor is still being used?

Anyway, with some relief, I don't have to pursue answers to these questions any more. It will be now up to the investigators at NCDOI to take a further look into this. I am providing them with scanned copies of your two articles.

Sincerely,

Monroe A. Miller Jr.