

April 2, 2013

Carmine Rocco - "Free Inspections"

Warning !!!!! Caution !!!!! **** GRAPHIC LANGUAGE **** **Warning !!!!! Caution !!!!!**

Larry Bayless, a Haywood County Taxpayer received a letter on 3/6/2013 from Carl Pace who works for Carmine Rocco's Health Department, advising him that the Health Department was going to enter his property for an inspection of his septic system. The letter on the next page is the letter Mr. Bayless received from Carl Pace.

Larry Bayless objected, and the following exchange is documented here.

[**Editors Note:** This is a sequence of e-mails and other documentation, chronologically starting at the beginning, i.e. earliest date first, and ending with the latest date.]

Remember "**The Rule**"? [re: **The Rule**, Carmine Rocco and the Health Board got blasted back to the stone age!] This is another example of county government, and in particular, Carmine Rocco, of invading and overstepping taxpayers property rights. These "inspections are: "conducted free of charge to the property owner and are considered an educational opportunity to assist the property owner by providing information for the ongoing proper operation and maintenance of their septic system." There is no hint in the letter sent by Carl Pace that the owner has any recourse to county personnel entering property (trespassing) for this "free inspection". Rocco considers this invasion "**an educational opportunity**".

However, Part 2. Remedies, of NCGS § 130A-17. **Right of entry** states:

(a) The Secretary and a local health director shall have the right of entry upon the premises of any place where entry is necessary to enforce the provisions of this Chapter or the rules adopted by the Commission or a local board of health. **If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2.**

I obtained 54 such letters sent out by Carmine Rocco's Health Department indicating inspections were going to be performed on their property. [re: <http://haywoodtp.net/pubII/IIIbInspectionLetters.pdf>]. If you know any of these people, please alert them to this dialog with Carmine Rocco, to let them know that they can tell Carmine Rocco that he does not have their consent to enter the property, and get a warrant!

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
Haywood County Taxpayer.



HAYWOOD COUNTY HEALTH DEPARTMENT

Main Offices

2177 Asheville Road, Waynesville, North Carolina 28786

Telephone (828) 452-6675

Environmental Health

~~1233 N. Main St. Box 8, Waynesville, NC 28786~~

Telephone (828) 452-6682

Carmine F. Rocco, M. S., Health Director

157 PARAGON PKY.
SUITE 200
CLYDE, NC
28721

Larry C. Bayless/TR
169 Covered Bridge Trail
Waynesville, NC 28785

3/6/2013

Covered Bridge Trail
Waynesville, NC 28786

RE: Notice of Scheduled Inspection by Haywood County Health Department for Permit # AGH-009

Dear System Owner:

The Wastewater system at the referenced location (7698-74-9906) is due for an inspection by this department as required by 15A NCAC 18A.1961 Rules Governing Sewage Treatment and Disposal Systems.

Representatives of the Haywood County Environmental Health office will be making a visit to your property to inspect the septic system in the near future. We will be mailing you a report noting the status of your system and any improvements or maintenance that might be required. Should you have any questions about this inspection, or if any information contained in this notice is incorrect, Please call this office at (828)452-6682.

Sincerely,

Carl Pace, R.S.

On Wed, Mar 13, 2013 at 5:04 AM, Larry Bayless wrote (to Jonnie Cure):

I need your watch dog opinion:

Do you know Carl Pace at the Health Department concerning inspections of septic systems? I received a letter stating that they were going to enter my property and inspect my system.

Well that has me upset and I am thinking of sending him the following letter telling him he is not qualified to inspect my shit.
What is your advise?

Larry Bayless, Carolyn Bayless

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

Subject: Re: Co Inspection of private Sewage
Date: Wed, 13 Mar 2013 10:34:30 -0400
From: Jonnie Cure <jcubed41@gmail.com>
To: Larry Bayless
CC: Monroe Miller

Larry, you will need to read 15A

NCAC 18A.1961, the rule or statute they refer to in their letter. Ask them questions about this to educate yourself regarding your septic system. to understand what they want to do....I doubt this statute or rule allows them to come onto your property without your permission. But perhaps if you do not answer their letter it might imply consent. I am not sure.

It sounds like you are not pleased with their past work...I would suggest you seek an independent opinion regarding your system and then confront the Health Dept. You might make a few call to their bosses in Raleigh in case you need to register a complaint. A well presented complaint often gets their attention.

Monroe Miller is the best person I know who understands how to file effective complaints. You can read some of his on his website www.HaywoodTP.net.

Are they allowed and/or required to inspect your system on a regular basis, such as every 5 years or something like that?

I suggest you keep a timeline of what is happening in case you need it one of these days.

Government departments like to create work for government employees to justify the size of their departments and their budgets.

Keep me posted and let me know how I can help.

From: Jonnie Cure
Sent: Wednesday, March 13, 2013 9:11 AM
To: Larry Bayless
Subject: Re: Co Inspection of private Sewage

Would you send me a copy of the letter from the Health Dept? What is their justification for entering your property to inspect your septic system.....Jonnie

On Wed, Mar 13, 2013 at 10:16 AM, Larry Bayless wrote:

letter attached

March 13, 2013

Environmental Health Department
Attn: Carl Pace
157 Pargason Parkway - Suite 200
Clyde, NC 28721

Dear Mr. Pace: SUBJECT: Health Department not invited

I received your letter of 3/6/2013 concerning permit # AGH-009 and based upon my knowledge, your agency supervised and inspected the installation of our wastewater system in 2008 or 2009, and provided a correct install certification as required by the director.

When we considered purchasing the property, I questioned if the system was fully operational, but prior to closing the builder had the wastewater pump system inspected by the installer and the electrician and they both assured him that the system was operational according to the guidelines of your office requirements and we proceeded with the closing October 1, 2009.

August 2011 we noticed apparent problem with the pump and according to the installer D. Pressley, it needed to be replaced at a cost of \$875

Still in 2012 we did not think the system was working properly or 100% of the time and Hughes Electric determined that the electrical control box was faulty and needed replaced at a cost of \$812.50 on Sept. 26, 2012

Based upon your department guidelines and installation supervision of required 15A NCAC 18A rules governing sewage, your record of inspection by your office representatives do not have a good record for our system. Your past failed inspections has cost me over \$1687.50 and I would suggest you provide a cashier's check for that amount prior to asking for permission of entering private property.

In my 65 years of working with soil, surface water drainage and private septic systems the requirement of a pump and lift station for our property in Haywood County was not warranted and was an un-needed requirement of the builder and again does not provide a record of expertise by your county department.

If you care for any further discussion, I would suggest that you call 828-356-****

Sincerely,

C. Larry Bayless
for Carolyn S. Bayless Trust

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

Subject: Fwd: Re: Co Inspection of private Sewage
Date: Wed, 13 Mar 2013 10:42:35 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Jonnie Cure <jcubed41@gmail.com>, Larry Bayless

Mr. Rocco,

In simple terms, can you explain to me and everyone on this copy list what is going on here?

Thank you,

Monroe Miller

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

Subject: RE: Re: Co Inspection of private Sewage
Date: Wed, 13 Mar 2013 14:57:59 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Jonnie Cure <jcubed41@gmail.com>, Larry Bayless

Mr. Miller,

I will look into this situation and we will reply as soon as possible.

Thank you,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

2012_Accred seal

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

Subject: Re: Co Inspection of private Sewage
Date: Wed, 13 Mar 2013 11:07:55 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Jonnie Cure <jcubed41@gmail.com>, Larry Bayless

Thank you.

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

Subject: Fw: Environmental Health not Welcome on Property
Date: Wed, 13 Mar 2013 15:45:50 -0400
From: Larry Bayless
To: Cure' Jonnie <Jcubed41@gmail.com>
CC: Monroe Miller

Jonnie:

Thank you for providing email address for Senator Davis. I thought I would share with you the information that I have sent to him along with Mr. Rocco
Larry

From: Larry Bayless
Sent: Wednesday, March 13, 2013 3:32 PM
To: Jim.Davis@ncleg.net
Subject: Environmental Health not Welcome on Property

Senator Davis:

In 2008 a local respected builder in Haywood County constructed a spec home in a new gated community. My wife and I happened along in late July of 2009 and made arrangements to purchase in October.

The septic system was installed with a pump and lift station when it was very apparent that a gravity fed drainage field would have worked very well with less expense and maintenance. I never owned a house with a lift station so I asked the contractor to demonstrate the warning system and explain the operation. The system did not seem to work, so I asked that the system be checked prior to closing. I was assured at closing that the system was checked and it was up to code according to county and state standards.

Well in 3 years I never heard or saw any lights saying that there was a problem, but apparently it never did work and the pump was replaced at my expense when sewage was not being pumped to the drainage field in August of 2011.

Still we never heard any alarm and then in 2012 the electrician said that the control box needed replaced. Another expense, which if the environmental health department did their job in 2008 during installation, should not have happened.

Yesterday I got a letter telling me that they were going to have an inspection of the system and that I would get a report of any repairs needed.

Based upon their prior installation inspection and supervision, I did not feel that I want them any place near our property and for them to step foot on my personal property, was a violation of my personal freedoms.

It seems to me that for anyone to be on my property without my permission is a violation of the U.S. Constitution. I am tired of the federal and state government over stepping their authority.

I urge you to protect my rights as an individual from the power hungry state government agencies. It is time for common sense and less government.

So I have written them a letter and in a nice way tried to say. "I do not feel they are qualified to inspect my shit without my permission".

Thanks for allowing allow me to express my views and share a letter received as scan Doc032 and my response to Haywood Co. Health Dept..
Any assistance in closing down this department or keeping them off my property would be appreciated.

Larry Bayless
Carolyn Bayless
169 Covered Bridge Trl.,
Waynesville, NC 28785

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

Subject: Fwd: Fw: Environmental Health not Welcome on Property
Date: Wed, 13 Mar 2013 16:04:16 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <bcrawford@haywoodnc.net>, Larry Bayless,
Jonnie Cure <jcubed41@gmail.com>

Mr. Rocco,

Do you think I need to get Bruce Crawford involved in this? Looks like there might be some initial history with his building inspection department.

Is this demand to trespass on Mr. Bayless' property based on a General Statute or an Ordinance (i.e. Substantive Law or Interpretive Administration Policy)? I realize that you have not yet had time to formulate an initial response, so will be patiently awaiting...

Monroe Miller

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

Subject: Fw: Environmental Health not Welcome on Property
Date: Thu, 14 Mar 2013 20:45:28 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <bcrawford@haywoodnc.net>, Larry Bayless,
Jonnie Cure <jcubed41@gmail.com>

[?]

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

Subject: Re: Environmental Health not Welcome on Property
Date: Thu, 14 Mar 2013 22:03:35 -0400
From: Larry Bayless
To: Monroe Miller
CC: Cure' Jonnie <Jcubed41@gmail.com>

For your info, I talked with Mr. Valentine on the phone this a.m. and he agreed that he would NOT step foot on our property and do the routine inspection of our system, as I have requested in writing.

He tried to inform me that it was a free inspection. I told him my property taxes paying his salary did not make the inspection FREE and his past inspection of installation and past failures of his department has cost me plenty.

Cannot afford him.

Larry

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

Subject: Re: Environmental Health not Welcome on Property
Date: Thu, 14 Mar 2013 22:35:41 -0400
From: Monroe Miller
To: Larry Bayless
CC: Cure' Jonnie <Jcubed41@gmail.com>

Glad to hear that.

Will continue to press Rocco for his explanation, to prevent this from him doing this to other taxpayers. Will probably post his response on my website, depending...

Let's see if the stories match.

Monroe Miller

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

Subject: Fw: Environmental Health not Welcome on Property
Date: Fri, 15 Mar 2013 11:42:58 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <bcrawford@haywoodnc.net>, Larry Bayless,
Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>

Mr. Rocco,

Can you give me an idea how long do you think it will take for you to respond in simple terms to me and the people on this copy list what is going on here?

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013
Date: Fri, 15 Mar 2013 15:42:10 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SV Valentine@haywoodnc.net>, Carl Pace <CPace@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Marty Stamey <MStamey@haywoodnc.net>

Mr. Miller:

Environmental Health staff have spoken with Mr. Bayless.

I understand that the Building Inspections Department was involved and did conduct the home's electrical inspection in 2008 that included the feeder circuit to the control box of the pump septic system.

Environmental Health staff functions under NC GS 130A-17 Right of Entry (see attached) when necessary to enforce the provisions of NC Public Health Laws in Chapter 130A. Environmental Health staff will ask consent for entry of the property owner in order to conduct an inspection and will respect and follow the law as required.

[Editors Note: Yellow highlight is mine.]

I will focus on the laws related to the Environment Health Onsite Wastewater Operation and Maintenance Program, as well as answer your questions with this information. Haywood County has an Operation and Maintenance program in order to carry out the responsibilities required by the state laws and rules governing the maintenance of sewage systems. The Operations and Maintenance program functions under state laws and rules, specifically NCGS 130A-335, 15A NCAC 18A .1937(i) and .1961(j) for systems of the type installed on Mr. Bayless's property, which is a type IIIb system (see attached documents). These inspections are conducted free of charge to the property owner and are considered an educational opportunity to assist the property owner by providing information for the ongoing proper operation and maintenance of their septic system.

The inspection involves a visual observation of the overall condition of the system and drain field. In addition, if possible, pump controls and alarms are checked and a timed drawdown of the pump is conducted. Upon completion of the inspection, a Status of System report is completed and mailed to the owner. This report includes details about the system and any recommended corrective actions. The proper operation and maintenance of these septic systems not only is intended to help the property owner but also protects the public's health and environment.

Thank you for your interest,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721

Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>
2012_Accred seal

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

[**Editors Note:** The following rules and statues were attached to Rocco's 3/15/2013 e-mail].

15A NCAC 18A .1961 MAINTENANCE OF SEWAGE SYSTEMS

(j) The local health department shall routinely review the performance and operation reports submitted in accordance with Table V(b) of this Rule and shall perform an on-site inspection of the systems as required in Table V(a).

TABLE V(a)
LOCAL HEALTH DEPARTMENT RESPONSIBILITIES

System Classification	System Description	Permits Required	Min Review Frequency
Type III	b. Septic system with Permit single effluent pump or siphon	Operation Permit	5 yrs. (IIIb only)

15A NCAC 18A .1937 PERMITS

(i) No residence, place of business, or place of public assembly shall be occupied nor shall any wastewater system be covered or placed into use until an authorized agent issues an Operation Permit. The Operation Permit shall not be issued or reissued until the authorized agent finds that the system is in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions prescribed by the Improvement Permit, and Construction Authorization. The Operation Permit shall specify the system type in accordance with Table V(a) of Rule .1961 of this Section, and shall include conditions for system performance, operation, maintenance, monitoring and reporting. At the review frequency specified in Rule .1961, Table V(a) of this Section, an authorized agent shall determine whether a system is in compliance with the conditions of the Operation Permit, these Rules, and Article 11 of G.S. Chapter 130A. An authorized agent may modify, suspend or revoke the Operation Permit or seek other remedies under Article 2, Chapter 130A, if the system is not in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions imposed by the Operation Permit.

Part 2. Remedies.

§ 130A-17. Right of entry.

(a) The Secretary and a local health director shall have the right of entry upon the premises of any place where entry is necessary to enforce the provisions of this Chapter or the rules adopted by the Commission or a local board of health. **If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2.** However, if an imminent hazard exists, no warrant is required for entry upon the premises.

[Editors Note: Bold and highlight in red is mine.]

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Fri, 15 Mar 2013 11:53:53 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <bcrawford@haywoodnc.net>, SValentine@haywoodnc.net, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>

Mr. Rocco,

Thank you for your response.

Please review the letter Mr. Bayless received from Carl Pace, attached (Scan_DOC0032.pdf). There was no indication in his letter of your statement "These inspections are conducted free of charge to the property owner and are considered an educational opportunity to assist the property owner by providing information for the ongoing proper operation and maintenance of their septic system. "

I would like to make a request for public information to inspect all of the letters that Carl Pace has ever sent out to people like Mr. Bayless, to see if he created the same confusion for those people as he did with Mr. Bayless. It would be ideal if you scanned all the letters into a large pdf file and e-mailed them to me.

As you are the custodian of these records, I am making this request directly to you.

Thank you,

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Mon, 18 Mar 2013 12:36:22 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <bcrawford@haywoodnc.net>, SValentine@haywoodnc.net, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>

Mr. Rocco,

Please acknowledge my request for Public Information.

Thank you,

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Mon, 18 Mar 2013 17:27:00 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SV Valentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Miller,

I have received your email request. We expect to have a response in 3 days.

Thank you,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Wed, 20 Mar 2013 16:46:34 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SValentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Miller,

This email is a response to your recent public information request related to the March 6 letter from the Haywood County Environmental Health Office to Mr. Larry Bayless.

North Carolina law requires Environmental Health Specialists to inspect type IIIb septic systems every five years to make sure they remain in compliance with applicable public health laws and the operation permit. There are approximately 201 type IIIb septic systems in Haywood County that require inspections every 5 years and the system installed on the property of Mr. Bayless has reached the five-year mark this year. That is the reason Mr. Bayless received the letter from our staff.

Based on this information, please clarify specifically what you mean by wanting to inspect "all of the letters that Carl Pace has ever sent out to people like Mr. Bayless" and please specify the period of time (years or dates) you want the letters to cover. The Environmental Health Office sent out 41 inspection letters in 2013 and we sent out 12 inspection letters in 2012.

Once we know exactly which documents you are requesting and for which period of time, we can arrange a time for you to inspect those documents.

Thank you,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Wed, 20 Mar 2013 13:25:48 -0400
From: Monroe Miller
To: Larry Bayless, Jonnie Cure <jcubed41@gmail.com>

Mr. Bayless,

Received this from Rocco. When you got the call from Valentine, you indicated he was not welcome on your property. Did he ever show up and make the inspection anyway, as Rocco implies that is the law, or did he stay away because it was a "free" inspection.

Let me know, and I will formulate a formal response to Rocco, and most probably request to set up a time to inspect the letters sent out in 2012 and 2013.

Thanks,

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Wed, 20 Mar 2013 17:30:21 -0400
From: Larry Bayless
To: Monroe Miller

When I spoke on the phone to Mr. Valentine he said he would honor my request not to make the "free" inspection.

I think I made it very clear that I felt they failed in supervision and the inspection process when the system was installed.

- A. Pump system was not needed.
- B. Control box not of quality needed.
- C. Probably caused pump failure.
- D. Cost to fix due to poor recommendations of their department was over \$1600.
- E. Builder could have saved THOUSANDS with a gravity system.

I do not want or need any additional advise from a department to influence the state agency with numners and providing poor suggestions and bad recommendations. I want the government out of my personnel affairs.

If I learn that they step foot on my property with out a search warrant I will challenge their action and violation of my personnel freedom.

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Wed, 20 Mar 2013 18:01:35 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SV Valentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Rocco,

I am interested in inspecting the 41 letters sent out by the Environmental Health Office in 2012 and the 12 letters sent out in 2013. Let me know when I can come in and inspect those public records.

It is my understanding that when Valentine spoke to Mr. Bayless, Valentine honored Mr. Bayless's request not to step foot on his property for this "free inspection". Let me know if Valentine now or ever decides to trespasses on Mr. Bayless's property without a search warrant for any type of "free inspection".

To clarify what I meant when I said "all of the letters that Carl Pace has ever sent out to people like Mr. Bayless", I mean those letters that contained the same language used when he wrote to Mr. Bayless implying that Mr. Bayless had no choice but to submit to Health Department employees trespassing on that taxpayers property without a search warrant, or not stating it was simply a "free inspection".

For your information, I would like to direct you to the following article in the Carolina Journal,

http://www.carolinajournal.com/exclusives/display_exclusive.html?id=9981

where the legislature is looking at criminalizing violations of open records law.

Thank you for your cooperation.

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Fri, 22 Mar 2013 12:12:02 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SValentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Miller,

Thank you for your reply.

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Fri, 22 Mar 2013 10:03:40 -0400
From: Monroe Miller
To: Carmine Rocco <CRocco@haywoodnc.net>
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SValentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Rocco,

You are very welcome for my reply. However, your reply never stated when I was going to have access to inspecting the 41 letters sent out by the Environmental Health Office in 2012 and the 12 letters sent out in 2013.

Please let me know.

Thank you,

Monroe Miller

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

Subject: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Fri, 22 Mar 2013 20:22:40 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller
CC: Bruce Crawford <BCrawford@haywoodnc.net>, Steven Valentine <SV Valentine@haywoodnc.net>, Larry Bayless, Jonnie Cure <jcubed41@gmail.com>, Jim Davis <Jim.Davis@ncleg.net>, Marty Stamey <MStamey@haywoodnc.net>, David Teague <DTeague@haywoodnc.net>, Chip Killian <chip.killian@nelsonmullins.com>

Mr. Miller,

We are working on your request and the information will be available next week.

Thank you,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

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

Subject: RE: Follow up to emails of March 13, 2013 - Request for Public Information.
Date: Thu, 28 Mar 2013 15:42:43 +0000
From: Carmine Rocco <CRocco@haywoodnc.net>
To: Monroe Miller

Mr. Miller,

Attached is the pdf file with copies of the III b inspection letters you requested for 2012 and 2013. I understand from an earlier email that your preference is receiving the letters in this format. There were 42 letters sent in 2013 and 12 letters sent last year, totaling 54 letters.

Thank you,

Carmine Rocco

Mr. Carmine F. Rocco, MS
Health Director
Haywood County Health Department
157 Paragon Parkway (Old Wal Mart)
Suite 800
Clyde, NC 28721
Phone: 828-452-6675
Fax: 828-356-1115
Email: crocco@haywoodnc.net
Web: <http://www.haywoodnc.net>

From: Monroe Miller
Sent: Tuesday, April 02, 2013 3:20 PM
To: Larry Bayless
Cc: Jonnie Cure
Subject: Dialog with Carmine Rocco NOT FOR DISTRIBUTION (Yet).

Larry and Jonnie,

I have summarized the trespassing debacle using an e-mail dialog technique. I plan to post this on my website, so that other unfortunate recipients of Carl Pace's letters know that there is a recourse.

Please review this document. Larry, I have removed your e-mail address and phone numbers, and one or two other things relating to visits, etc., information on the letter is public information. Let me know if this meets with your and Jonnie's satisfaction and let me know if any corrections / additions are necessary.

Jonnie, NOT FOR DISTRIBUTION. This is a review copy.

Thanks,

Monroe Miller

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

Subject: Re: Dialog with Carmine Rocco NOT FOR DISTRIBUTION (Yet).
Date: Tue, 2 Apr 2013 17:26:23 -0400
From: Larry Bayless
To: Monroe Miller
CC: Jonnie Cure <jcubed41@gmail.com>

Monroe:

I have reviewed the 30 pages and I approve of the content.

Thank you for taking the time and effort on this issue. I never expected this much effort on your part.

It is my personnel opinion that:

A. A pump system should not have been required in 2008. Plenty of fall and plenty of space was available for a gravity system.

a. Probably a pump system was installed so as to impress the state agency that Haywood County was doing their job and creating systems to justify their county position.

B. It is apparent that the supervision and/or equipment installed was not of the quality or installed properly and thus failed to work or at least failed well short of follow-up 5 year inspection.

C. With that in mind, I could not bring myself to allow an agency with a failed track record since 2008, any further half ass inspection, or recommendations to the operation of a system that had to be repaired with a replacement of the pump motor and also the entire control panel.

D. To me it seems they are trying to create work, in order to justify their existence as a state employment and agency, and I think their track record, based upon my experience of my system, it is a waste of hard earned tax dollars and a sign of government waste.

I have been around for a number of years. The common and simple septic system have worked for hundreds of years. Then perhaps EPA and some do good person felt the septic system could be improved with a drainage field designed to government standards. Well those standards did not work with some soil and they became very expensive as more rules and regulations were written. An agency was created and then county positions were also filled. It is all part of government growth of regulations and state and federal jobs at tax payer expense that is out of control. What happened to "Common Sense"?

Perhaps at this time of year with 1040 Tax Forms, I am a little on edge, as I do NOT want anyone on my property without my consent, especially an agency that has failed to do the correct job in the past, with individuals that are being paid with my tax dollars.

Thanks again for your "Watch Dog Efforts" and taking the bull by the horn,

Larry