

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
August 19, 2013

Subject: Dialog with Charles Meeker, lawyer for Parker Poe, who lost the county case with the Property Tax Commission.

Charles Meeker, of Parker Poe, a law firm the county frequently uses, was hired to defend Haywood County at an action brought by Denny and Debbie King with the Property Tax Commission, regarding excessive tax on their property based on the last county revaluation. The county lost! The Kings won.

See [Property Tax Commission FINAL DECISION. Denny King won based on County Improper Neighborhood Delineation. David Francis and Haywood County LOST! 6/21/2013. 7/2/2013...](#) ,

at

<http://haywoodtp.net/pubII/130702PTC-King.pdf> .

The ruling said, in part:

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COMMISSION MAKES THE FOLLOWING CONCLUSIONS OF LAW:

- 2 In this appeal, Appellants did present evidence tending to show that the county tax supervisor used an arbitrary method of valuation; and that the county's assessment substantially exceeded the true value in money of the property.

The county set Charles Meeker up as a "Gatekeeper", and the Kings were told to request any public information regarding their case through Charles Meeker.

The following are e-mails early on, prior to the PTC hearing, where the Kings were attempting to request and receive public information from the Assessor's Office. After the hearing, I requested additional public information regarding Neighborhood Delineation Rates, and the following exchanges occurred.

[**Editors Note:** E-mails are presented in date time order, that is, earliest e-mails first, ending with the last.]

Monroe A. Miller Jr.

From: kingsplace@charter.net [mailto:kingsplace@charter.net]
Sent: Friday, December 14, 2012 1:53 PM
To: Judy Ballard; David Teague
Cc: kingsplace@charter.net
Subject: Request for information

In preparation for our property tax appeal next month in Raleigh, I need a copy of the procedure used to establish neighborhood rates. Please include any checklists, rating system, calculations, instructions, or other data that was used by the county personnel, or outside contractors that were performing the analysis.

Also, please include the documentation, including the ratings sheet, and any other pertinent data used to determine the following neighborhoods:

15R043 Laurel Ridge
15R055 Westwood & Georgia
02R021 Beaverdam Watershed
16R066 Harriets Trail

I also need the name of the person, or persons, along with their contact information, that performed the analysis on these neighborhoods.

I would like to pick this up Tuesday, December 18th, and will pay whatever is required at that time.

Best Regards,
Denny King

On Tue, Dec 18, 2012 at 9:04 AM, David Teague wrote:

Mr. King,
The Tax Assessor's Office is working on your request. It should be available by the close of business on Friday, Dec. 21.

Thank you,

David Teague
Public Information Officer
Haywood County, NC
828.452.7305
828.400.9691 (cell)
828.452.6715 (fax)

Subject: RE: Request for information
Date: 12/21/12 10:32:28 AM
From: kingsplace@charter.net
To: "David Teague"
Cc: JBallard@haywoodnc.net

Mr. Teague,

I will be in Waynesville today to pick up the public information I requested in an email sent December 14th.

Should I come to your office, or the tax assessor's office?

I'm not sure if you are aware of the email from Charles C. Meeker, but his response did not provide the information I requested.

Best Regards,

Denny King

Subject: Public Information Request
Date: 12/21/12 3:09:48 PM
From: kingsplace@charter.net
To: "'Judy Ballard'"
Cc: MarkSwanger@bellsouth.net, Kirk@jwklaw.net, Sorrells@cbvnol.com,
BillUpton@bellsouth.net, LKEEnsley@bellsouth.net, DBFrancis@haywoodnc.net,
DTeague@haywoodnc.net, kingsplace@charter.net

Ms. Ballard,
I sent a public information request to you and Mr. Teague, December 14, 2012. Who sent this request to the lawyer representing the county? As a private citizen of Haywood County I have the right to request public information without going through a lawyer that is defending the county against my tax appeal.
I think this may be a conflict of interest when public information I am requesting through the county is being filtered through a lawyer.

Ms. Ballard, I believe you are the custodian of the public records in the tax office. I will go through your office to get public information regarding tax information. I have not received the information requested.

PUBLIC INFORMATION REQUEST:

December 14th I requested in part the following:

"I need a copy of the procedure used to establish neighborhood rates.

Please include any checklists, rating system, calculations, instructions, or other data that was used by the county personnel, or outside contractors that were performing the analysis.

Also, please include any checklists, rating system, calculations, instructions, or other data that was used by the county personnel, or outside contractors that were performing the analysis.

Also, please include the documentation, including the ratings sheet, and any other pertinent data used to determine the following neighborhoods:

15R043 Laurel Ridge
15R055 Westwood & Georgia
02R021 Beaverdam Watershed
16R066 Harriets Trail"

For clarification I am requesting information including the calculations, rating system, and any other data documented by county personnel and anyone else to determine the neighborhood rates for these neighborhoods. I want to see the completed analysis from the county showing why some are rated higher than others.

I want the calculations used to come up with the neighborhood rates.

I also requested the name of the person, or persons that performed the analysis on the neighborhoods in question. Did James Messer, Greg West and Dale Campbell work as a group to determine the rates for all of the neighborhoods listed above? If not, please list specifically the names of those that determined the rates for each of the neighborhoods in question.

Let me know when this information will be available and the charge for the records.
Best Regards,
Denny King

Subject: Public Records Request
Date: 12/27/12 3:08:54 PM
From: kingsplace@charter.net
To: JBallard@haywoodnc.net
Cc: DBFrancis@haywoodnc.net, kingsplace@charter.net

A copy of the request I hand delivered to Judy Ballards office also, to David Francis today.

Public Records Request
12-27-2012

I am requesting the total number of homes in each of the following neighborhoods: and the specific number of grades in each neighborhood - (quantity of AAAs, AAs, As etc... and condition, E, VG, etc...)

Neighborhood 02R021
Neighborhood 15R043
Neighborhood 15R055
Neighborhood 16R066

Was 2011 the first time Haywood County used Neighborhood Delineation and applied rates to each neighborhood?

What counties in NC use Neighborhood Delineation with rates?

Prior to the Haywood County 2011 revaluation, how many times has James Messer, Greg West, and Dale Campbell determined neighborhood rates for a county? What are their credentials and experience with neighborhood delineation and their rates?

Who approved the rates that were set in each neighborhood?

When did the approval take place?

Did the commissioners vote on the specific rates for each neighborhood?

Example: Did they vote for the following:

15R043 Laurel Ridge 0.00
15R055 Westwood & Georgia 1.20
02R021 Beaverdam Watershed 1.30
16R066 Harriets Trail" 0.00

or, did they vote on the Schedule of Values?

Where do I find the section in the schedule of values indicating the analysis, variables, spreadsheets, instructions, calculations, etc... that was used to establish the neighborhood rates in the county.

I would like sales comps from 1-2009 through 12-2010 in neighborhoods with rates of 1.2 and higher.

When can I expect to receive the information I requested from Judy Ballard on October 1, 2012 and December 14, 2012?

[**Editors Note:** This ends some of the public requests for Information by Denny King].

[**Editors Note:** Here starts my requests for public information. This is actually a piggy-back off of a request made by Jonnie Cure].

Subject: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Sun, 04 Aug 2013 10:00:30 -0400
From: Monroe Miller
To: David Francis <dbfrancis@haywoodnc.net>, Charles Meeker <charlesmeeker@parkerpoe.com>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Mary Ann Enloe <maryannenloebellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>

Please see attached.

[**Editors Note:** My attachment follows on the next page.]

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

Subject: from Jonnie Cure' list of Delineated Neighborhoods Please
Date: Wed, 31 Jul 2013 09:01:13 -0400
From: Jonnie Cure <jcubed41@gmail.com>
To: David Francis <DBFrancis@HaywoodNC.net>

Please email me a list of all the names and/or numbers of Neighborhoods delineated in the 2011 revaluation of real property in Haywood County. I understand there were more than 900 of them. Please indicate the % neighborhood rate established for each.....Thank youJonnie Cure'

--

Jonnie Cure' Waynesville, NC jcubed41@gmail.com 828-734-4186

Haywood County Commissioners:

Kevin Ensley (R) LKEEnsley@bellsouth.net 828-627-3785
Mark Swanger (D) MarkSwanger@bellsouth.net 828-627-6109
Kirk Kirkpatrick (D) Kirk@jwklaw.net 828-452-0801
Mike Sorrells (D) Sorrells@cbvnol.com 828-506-2174
Bill Upton (D) BillUpton@bellsouth.net 828-648-7469

D.C. Senator Hagan (D) 202-224-6342 or 1-877-852-9462
D.C. Senator Burr (R) 202-224-3154 or 1-800-685-8916
D.C. Congressman Mark Meadows (R) 202-225-6401 CongressNC@gmail.com

Raleigh Senator Jim Davis (R) Jim.Davis@ncleg.net 919-733-5875
Raleigh Rep Michele Presnell (R) PresnellLA@ncLeg.net 919-733-5732

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
August 4, 2013

David Francis
Haywood County Tax Collector
215 North Main Street
Waynesville, NC 28786
dbfrancis@haywoodnc.net

and/or

Charles C. Meeker
Parker Poe
150 Fayetteville Street, Suite 1400
Raleigh, NC 27601
(919) 890-4168

Subject: Request for Public Information.

This Request for Public Information is a piggy-back to the request you have already received from Jonnie Cure on 7/31/2013. She had requested the Neighborhood Delineation Rates created during the last revaluation. I had obtained copy of these rates from Denny King when some employee at the Tax Department printed them out for him on a dot matrix printer, and are now appended to a recent issue of Haywood County Toeprints, <http://haywoodtp.net/pubTP/T130803.pdf> . (Who still uses a dot matrix printer?)

As you can see, the version that I have of these rates is of poor quality, and I would like to enhance my readers experience by providing them with a nice fresh copy. Can you please re-print this, scan it and e-mail me a copy?

Mr. Meeker, I suppose I should be making a simultaneous request to you, as I understand before the PTC hearing, you had directed the King's to make any request for Public Information through you, the lawyer for the county. How does that work? Since when does a party in an action have to go through the lawyer on the opposing side to request information about the case. Talk about a conflict of interest! Can you please let me know in the Rules of Professional Conduct where this is not a conflict of interest? I have a fresh, brand new copy of the Rules of Professional Conduct, courtesy the North Carolina Bar Association, which I posted on my website, www.haywoodtp.net, -

<http://haywoodtp.net/pubII/130515ROPC.pdf>

Thank you for your assistance.

Monroe A. Miller Jr.

cc: Jonnie Cure
Denny King

Subject: Fwd: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Tue, 06 Aug 2013 08:58:32 -0400
From: Monroe Miller
To: David Francis <dbfrancis@haywoodnc.net>, Charles Meeker <charlesmeeker@parkerpoe.com>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Mary Ann Enloe <maryannenloe@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornnc.com>

Can either one of you acknowledge my request for public information?

Thank you,

Monroe Miller

Subject: RE: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Tue, 6 Aug 2013 13:30:33 +0000
From: Meeker, Charles C. <charlesmeeker@parkerpoe.com>
To: 'Monroe Miller' David Francis <dbfrancis@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Mary Ann Enloe <maryannenloe@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornnc.com>

I sent you a letter yesterday on the part of your August 4, 2013 letter that relates to our office. The Assessor's Office will follow up on the issues related to the information request. Thanks - Charles Meeker

Charles Meeker
Partner

Wells Fargo Capitol Center | 150 Fayetteville Street | Suite 1400 | Raleigh, NC 27601
Phone: 919.890.4168 | Fax: 919.834.4564 | www.parkerpoe.com | [vcard](#) | [map](#)

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Subject: Re: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Tue, 06 Aug 2013 11:16:28 -0400
From: Monroe Miller
To: Meeker, Charles C. <charlesmeeker@parkerpoe.com>
CC: David Francis <dbfrancis@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Mary Ann Enloe <maryannenloe@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornnc.com>

Thank you for acknowledging my request for Public Information. Somehow, I thought it would be you to respond, although it should have been Francis. Looking forward to your letter with interest.

By the way, you referred to the "Assessors Office" to follow up. I presume that would be Judy Ballard?

Monroe Miller

Subject: RE: Request for Public Information. (Fwd: from Jonnie Cure' list of
Delineated Neighborhoods Please)
Date: Tue, 6 Aug 2013 15:17:56 +0000
From: Meeker, Charles C. <charlesmeeker@parkerpoe.com>
To: 'Monroe Miller'

Thanks, I am not sure who individually will be in touch - Mr. Francis will make that
decision. - CCM

Charles Meeker
Partner

Wells Fargo Capitol Center | 150 Fayetteville Street | Suite 1400 | Raleigh, NC 27601
Phone: 919.890.4168 | Fax: 919.834.4564 | www.parkerpoe.com | [vcard](#) | [map](#)

Subject: RE: Request for Public Information. (Fwd: from Jonnie Cure' list of
Delineated Neighborhoods Please)
Date: Tue, 6 Aug 2013 21:10:33 +0000
From: David Francis <DBFrancis@haywoodnc.net>
To: Monroe Miller

Miller

Attached is the requested information in an easier format for you.

David B Francis
Haywood County Tax Administrator & Collector
215 N Main Street
Waynesville, NC 28786
828-356-2631

[**Editors Note:** Looks like Meeker kicked Francis in the butt and forced him to comply with this public information request. The attachment now appears on www.haywoodtp.net, at <http://haywoodtp.net/pubII/130806MarketFactor.xls>].

Subject: Fwd: RE: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Tue, 06 Aug 2013 17:22:06 -0400
From: Monroe Miller
To: David Francis <dbfrancis@haywoodnc.net>
CC: Charles Meeker <charlesmeeker@parkerpoe.com>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornc.com>, Eddie Cabe <aecabe@bellsouth.net>

Francis,

Thank you,

Monroe Miller

Subject: Re: Fwd: RE: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Wed, 07 Aug 2013 09:10:04 -0400
From: Monroe Miller
To: David Francis <dbfrancis@haywoodnc.net>
CC: Charles Meeker <charlesmeeker@parkerpoe.com>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornc.com>, Eddie Cabe <aecabe@bellsouth.net>

Say David,

Now that we're pal's again, you seemingly have climbed out of your bunker and unlocked the files to Haywood County Public Tax Information, would you mind taking a look at those pesky questions I have for you regarding the Personal Property Letters you sent out?

They are on page 3 & 4 of the following link...
<http://haywoodtp.net/pubII/121113Francis.pdf>

Thanks, you're a pal

Monroe Miller

Subject: Re: Request for Public Information. (Fwd: from Jonnie Cure' list of Delineated Neighborhoods Please)
Date: Fri, 09 Aug 2013 12:27:26 -0400
From: Monroe Miller
To: Meeker, Charles C. <charlesmeeker@parkerpoe.com>
CC: David Francis <dbfrancis@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, Mary Ann Enloe <maryannenloe@bellsouth.net>, Judy Ballard <JBallard@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Roy Cooper <OpenGov@ncdoj.gov>, Jean Tripp <ptc.HQ.MAIN@dornnc.com>

Please see attached.

[**Editors Note:** Attachment follows on the next page.]

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
August 8, 2013

Charles C. Meeker

Parker Poe

150 Fayetteville Street, Suite 1400
Raleigh, NC 27601
(919) 890-4168

Subject: Letter of August 5, 2013.

Thank you for responding separately in a written letter to me regarding a question of Conflict of Interest. Unfortunately, I don't believe your letter answered my main concern, which restated from my August 4th letter is: "Since when does a party in an action have to go through the lawyer on the opposing side to request information about the case?"

Your letter raises concerns at a number of levels, so I will simply methodically go through them one by one.

- Why did you even respond to me? I am not your client, Haywood County is your client.
- You restated my original concern into two new completely different sets of actions, and then you commented on those two sets of conditions, saying there was no conflict. The two conditions you stated were:
 1. "... we were asked to assist the County in presenting the County's position on that appeal", and
 2. "as well as responding to public information requests related to that appeal."

These were completely unrelated to my original concern, which still stands.

- You were not authorized to perform your second action, "as well as responding to public information requests related to that appeal". The county, in essence, asked you to be a "gatekeeper". Well, we all know from 99 CVS 03497, you can't do that. The folks here in Haywood County can't seem to get that through their heads.

A lawsuit was filed in Buncombe County in 1999 by Don Yelton and other plaintiffs 99 CVS 03497 (enclosed), because the then (and still current) Buncombe County Manager, Wanda Greene, attempted to insert herself as a "gatekeeper" in the implementation of the County's policy. Specifically, Superior Court Judge Loto Caviness ruled:

5. That the term "custodian of public records" as contained in North Carolina General Statutes Section 132-6(a) refers to the individual who in fact has possession of records, and not to the County Manager other than as to those records which she does in fact have personal possession of, and the Defendant Greene cannot therefore legally make herself in effect a "Gatehouse" for access to public records as she has attempted to in the implementation of the County's policies to these Plaintiffs".

Judge Caviness struck down Buncombe County's attempt at inserting a "gatekeeper" between the public and the custodian of public records".

<http://haywoodtp.net/pubII/120803-99cvs03497.pdf>

The King's were well within their rights to request public information from the "custodian of public records", in this case, either Judy Ballard or David Francis, depending on the request. They did not have to go to or through you.

- Since you still appear to be wearing the hat of responding to public information requests related to that appeal (and this new appeal), I'm wondering why you didn't provide the information I requested on Neighborhood Delineation Rates, rather than having David Francis send it to me. You have got to know that it was torture for him to do that.
- Why did you send a letter to me, when you copied David Francis with an e-mail?

Anyway, I did get the information, and I suppose I should thank you for that. I have updated my original Toeprints with this new information.

Regards,

Monroe A. Miller Jr.

cc: Jonnie Cure
Denny King



Charles C. Meeker
Partner
Telephone: 919.890.4168
Direct Fax: 919.835.4552
charlesmeeker@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

August 5, 2013

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, North Carolina 28786

AUG 7 2013

Re: Letter of August 4, 2013

Dear Mr. Miller:

Thank you for the above letter. In response to your letter and in regard to the real property appeal filed by the Kings, we were asked to assist the County in presenting the County's position on that appeal as well as responding to public information requests related to that appeal. Since we represented Haywood County on both of these closely related items, there was no conflict of interest.

In terms of your current request for public information, the Haywood County Assessor's office is following up on that matter and will be in touch with you directly.

With best wishes,

Sincerely,



Charles C. Meeker

CCM:act

cc: David B. Francis, Haywood Co. Tax Administrator (*via e-mail*)

PPAB 2142697v1

Parker Poe Adams & Bernstein LLP Attorneys and Counselors at Law Wells Fargo Capitol Ctr 150 Fayetteville St Ste 1400 Raleigh, NC 27601 PO Box 389 Raleigh, NC 27602-0389
t 919.828.0564 f 919.834.4564 www.parkerpoe.com

[Editors Note: Information flow from Meeker went dark...]

eof.

Monroe A. Miller Jr.