

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
May 5, 2014

Perry Newson
Executive Director
State Ethics Commission
1324 Mail Service Center
Raleigh, NC 27699

Subject: Ethics Complaint Against Mary Ann Enloe, 14-C-0010(E), NOTICE OF DISMISSAL.

I received a NOTICE OF DISMISSAL from you on May 1, 2014, dated April 28, 2014.

You stated multiple times in your letter cautioning me that this was a confidential document, and even your envelope was stamped with large red capital letters, CONFIDENTIAL.

- Item 8 in your letter stated “The Commission’s deliberations and determinations are **confidential** pursuant to N.C.G.S. § 138A-12(n).
- Your last sentence stated: “As provided by N.C.G.S. § 138A-12(n), the complaint, notice of dismissal, and all other related information and documentation are **confidential** and not public records.”
- Finally, your last line following your signature said: “Pursuant to the State Government Ethics Act and other laws, complaints, and all correspondence and information related thereto are **confidential** and should not be disclosed to or discussed with third parties.”

In addition, for your review, **N.C.G.S. § 138A-12(n)**, states:

(n) Confidentiality. – Complaints and responses filed with the Commission and reports and other investigative documents and records of the Commission connected to an inquiry under this section, including information provided pursuant to G.S. 147-64.6B or G.S. 147-64.6(c)(19), shall be confidential and not matters of public record, except as otherwise provided in this section **or when the covered person or legislative employee under inquiry requests in writing that the complaint, response, and findings be made public.** Once a hearing under this section commences, the complaint, response, and all other documents offered at the hearing in conjunction with the complaint, not otherwise privileged or confidential under law, shall be public records. If no hearing is held at such time as the Commission reports to the employing entity a recommendation of sanctions, the complaint and response shall be made public.

So what do I find when I look at the on-line version of the Mountaineer (our local Haywood County Newspaper) Friday morning?

[re: <http://themountaineer.villagesoup.com/p/complaint-against-enloe-dismissed/1176222>]

Complaint against Enloe dismissed
By Vicki Hyatt | May 02, 2014

A complaint filed with the N.C. Ethics Commission against Mary Ann Enloe, who serves on the Haywood Community College governing board and the county's board of equalization and review, has been found to be without merit.

The complaint was filed by Waynesville resident Monroe Miller, who alleged a violation of state law occurred when Enloe was reappointed to the board of equalization while serving both on the college and the fairgrounds governing board, a nonprofit organization.

An April 28 notification received by Enloe from the State Ethics Commission stated the complaint was dismissed "for failing to allege sufficient facts to constitute a violation within the Commission's jurisdiction."

"This is what I expected," Enloe said. "I did receive a call the day of the meeting from the staff ...

I purchased a Mountaineer this morning, cut the full and complete article out on Page 2 of the paper and am also attaching it to this correspondence.

I immediately sent an e-mail to Vicki Hyatt, news editor of the Mountaineer, asking why she was printing that the Ethics Complaint against Mary Ann Enloe was dismissed. Soon thereafter, I was copied on an e-mail from Mary Ann Enloe to Jonathan Key, owner of the Mountaineer [re: entire e-mail dialog appended to this letter, copy going to Michele Presnell, **NC House of Representatives**]. Mary Ann Enloe stated:

Dear Jonathan:

About three weeks ago I received a telephone call from Mr. Carson Carmichael III, Complaints Attorney for the State Ethics Commission. He told me that the Commission had met that morning and dismissed the complaint filed against me by Monroe Miller. He said that the formal letter would be mailed sometime after Easter. I received the formal letter yesterday.

The initial correspondence I received from the SEC was marked "confidential" and I told Mr. Carmichael on the phone that I was not comfortable being told that I can't discuss my own business. I explained to him that I had always been open in all my years of public service, both as a mayor and as a county commissioner, and that I now do some newspaper work and felt that I should be able to continue to be forthcoming about myself.

He assured me that I could talk about it if I wanted to. "The confidentiality is to protect you," he said. "If you want to talk to the newspaper, you can. But if the newspaper calls ME for a comment, I can't even admit there has been an investigation."

At no time did the SEC attorney say I had to submit a written request to the SEC to talk about my own life. There were stories on the front page of "The Mountaineer" from the time Mr. Miller filed his complaint. It was discussed at televised Haywood County Board of Commissioner meetings.

At no time has this been confidential. It's been spread across Haywood County since Mr. Miller filed his complaint. When I received the formal notice of dismissal yesterday, I took it to Vicki. Folks have a right to know how this played out.

That's only fair to me.

Mary Ann

Enloe released confidential information and documentation to the newspaper on the verbal **opinion** of a lawyer, Carson Carmichael III, which directly contradicts **N.C.G.S. § 138A-12(n)**. These statues were created for the protection of **everyone** (not just Enloe), and I tend to go by the letter of the law. You see, when a lawyer's **opinion** contracts a General Statue, I go with the General Statue.

I had requested to see Enloe's written request to the NC Ethics Commission and your (NC Ethics Commission) response, but she indicated she was never told she had to make a written request. Has anyone ever heard the phrase, "Ignorance of the law is no excuse"?

Enloe's last quoted statement in the Mountaineer article said: "... and I will continue to be involved for the good of the people of Haywood County, despite the efforts **of folks who don't have our best interests at heart.**" That was a direct slam at me! I happen to believe I have better interest at heart for the people of Haywood County than Enloe does.

I have a website, www.haywoodtp.net. Since Enloe published the confidential results of this investigation, I am writing this request to you to now be able to respond to Mary Ann Enloe, since I am now the victim, and I am the one who has been libeled. I plan on, not only publishing your letter sent to me on April 28, 2014, but the entire complaint against Mary Ann Enloe. Please provide approval to release this confidential information.

By the way, did you know about the conflict of interest between Mary Ann Enloe and the Mountaineer? Enloe writes puff-pieces for the Mountaineer and gets paid, so it is no surprise that Vicki Hyatt and the Mountaineer are circling the wagons for Mary Ann Enloe?

Thank you,

Monroe A. Miller Jr.

enc: Copy of Mountaineer on-line article (abbreviated)
Copy of full article in Mountaineer in Monday, May 5, 2014 printed edition
Copy of your letter to me dated April 28, 2014
E-mail Dialog with the Mountaineer.

cc: Michele Presnell
NC House of Representatives
316 Woodstock Drive
Burnsville, NC 28714

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

Subject:

<http://themountaineer.villagesoup.com/p/complaint-against-enloe-dismissed/1176222>

Date: Fri, 02 May 2014 10:18:06 -0400

From: Monroe Miller

To: Vicki Hyatt <vhyatt@themountaineer.com>, Mary Ann Enloe
<maryannenloe@bellsouth.net>

CC: Greg Christopher <gchristopher@haywoodnc.net>, Becky Johnson
<becky@smokymountainnews.com>

Vicki!

I just saw your on-line article

<http://themountaineer.villagesoup.com/p/complaint-against-enloe-dismissed/1176222>,
Complaint against Enloe dismissed.

I am wondering where you got the information for that article. Was it from Mary Ann Enloe?

Did you see the Notice (presumably the same one that I received) from the N.C. Ethics Commission, and in particular, where it said -

"As provided by N.C.G.S. § 138A-12(n), the complaint, notice of dismissal, and all other related information and documentation are confidential and not public records".

Sheriff Christopher, do you mind going downtown and start arresting people for violation of N.C.G.S. § 138A-12(n) ?

Thanks,

Monroe Miller

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By Vicki Hyatt | May 02, 2014

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The complaint was filed by Waynesville resident Monroe Miller, who alleged a violation of state law occurred when Enloe was reappointed to board of equalization while serving both on the college and the fairgrounds governing board, a nonprofit organization.

An April 28 notification received by Enloe from the State Ethics Commission stated the complaint was dismissed "for failing to allege sufficient facts to constitute a violation within the Commission's jurisdiction."

"This is what I expected," Enloe said. "I did receive a call the day of the meeting from the staff ...

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

Subject: Fwd:
<http://themountaineer.villagesoup.com/p/complaint-against-enloe-dismissed/1176222>
Date: Fri, 02 May 2014 12:07:23 -0400
From: Monroe Miller
To: Jonathan Key <jkey@themountaineer.com>
CC: Jonnie Cure <jcubed41@gmail.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>

Mr. Key,

What is the fine and/or penalty that the Mountaineer is going to have to pay for this blunder?

Monroe Miller

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

Subject:

<http://themountaineer.villagesoup.com/p/complaint-against-enloe-dismissed/1176222>

Date: Fri, 02 May 2014 12:44:13 -0400

From: Monroe Miller

To: Jonathan Key <jkey@themountaineer.com>

CC: Jonnie Cure <jcubed41@gmail.com>, Vicki Hyatt <vhyatt@themountaineer.com> ,

Becky Johnson <becky@smokymountainnews.com>, Mary Ann Enloe

<maryannenloe@bellsouth.net>, Eddie Cabe <aecabe@bellsouth.net>, Denny King

<kingsplace@charter.net>

Mr. Key,

Below is N.C.G.S. § 138A-12(n)

(n) Confidentiality. - Complaints and responses filed with the Commission and reports and other investigative documents and records of the Commission connected to an inquiry under this section, including information provided pursuant to G.S. 147-64.6B or G.S. 147-64.6(c)(19), shall be confidential and not matters of public record, except as otherwise provided in this section or when the covered person or legislative employee under inquiry requests in writing that the complaint, response, and findings be made public. Once a hearing under this section commences, the complaint, response, and all other documents offered at the hearing in conjunction with the complaint, not otherwise privileged or confidential under law, shall be public records. If no hearing is held at such time as the Commission reports to the employing entity a recommendation of sanctions, the complaint and response shall be made public.

I would like to see the request Mary Ann Enloe requested in writing to the North Carolina Ethics Commission for these findings to be made public. Further, I would like to see the quick response from the North Carolina Ethics Commission approving her request.

As soon as I get a printed copy of the mountaineer Monday, I intend to clip this article, send it to the North Carolina Ethics Commission, and ask them why you get to make these findings public and I do not.

You know, I haven't received a response from Vicki Hyatt or Mary Ann Enloe yet on this matter.

Can you please give her a call on the intercom and let her know I would like a response?

Thanks,

Monroe Miller

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

Subject: Mary Ann Enloe

Date: Fri, 2 May 2014 10:26:27 -0700 (PDT)

From: MARYANN ENLOE <maryannenloe@bellsouth.net>

Reply-To: MARYANN ENLOE <maryannenloe@bellsouth.net>

To: Jonathan Key <jkey@themountaineer.com>

CC: Vicki Hyatt <vhyatt@themountaineer.com>, state ethics commission <ethics.commission@doa.nc.gov>, Monroe Miller

Dear Jonathan:

About three weeks ago I received a telephone call from Mr. Carson Carmichael III, Complaints Attorney for the State Ethics Commission. He told me that the Commission had met that morning and dismissed the complaint filed against me by Monroe Miller. He said that the formal letter would be mailed sometime after Easter. I received the formal letter yesterday.

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He assured me that I could talk about it if I wanted to. "The confidentiality is to protect you," he said. "If you want to talk to the newspaper, you can. But if the newspaper calls ME for a comment, I can't even admit there has been an investigation."

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At no time has this been confidential. It's been spread across Haywood County since Mr. Miller filed his complaint. When I received the formal notice of dismissal yesterday, I took it to Vicki. Folks have a right to know how this played out.

That's only fair to me.

Mary Ann

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

Subject: Re: Mary Ann Enloe

Date: Fri, 02 May 2014 14:19:36 -0400

From: Monroe Miller

To: MARYANN ENLOE <maryannenloe@bellsouth.net>, Jonathan Key
<jkey@themountaineer.com>

CC: Vicki Hyatt <vhyatt@themountaineer.com>, state ethics commission
<ethics.commission@doa.nc.gov>, Becky Johnson <becky@smokymountainnews.com>, Jonnie
Cure <jcubed41@gmail.com>

Ms. Enloe and Mr. Key,

You have given me a great idea!

I believe that what I can do is to make a written request to the N.C. Ethics Commission myself, so that I can release the actual complaint against you (Ms. Enloe). As equal time in the Mountaineer, I expect you, Mr. Key, to cheerfully print the entire complaint on the editorial page (it is sixteen pages long), and you failing to that, I always have my website, www.haywoodtp.net.

What do you think?

Monroe Miller

Complaint against Enloe dismissed

By Vicki Hyatt | May 02, 2014




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Ethics complaint dismissed

VICKI HYATT Editor
news@themountaineer.com

A complaint filed with the N.C. Ethics Commission against Mary Ann Enloe, who serves on the Haywood Community College governing board and the county's board of equalization and review, has been found to be without merit.

The complaint was filed by Waynesville resident Monroe Miller, who alleged a violation of state law occurred when Enloe was reappointed to board of equalization while serving both on the college and the fairgrounds governing board, a nonprofit organization.

An April 23 notification received by Enloe from the State Ethics Commission stated the complaint was dismissed "for failing to allege sufficient facts to constitute a violation within the Commission's jurisdiction."

"This is what I expected," Enloe said. "I did receive a call the day of the meeting from the staff attorney for the State Ethics Commission, and he told me they had met and dismissed the complaint."

After Miller and others raised questions about the number of governing board Enloe served on, she immediately resigned her fairgrounds board position, saying she wished to avoid any embarrassment to either the commissioners who appointed her or herself. The county attorney found the fairgrounds board, as a private nonprofit organization, didn't qualify under state law and the constitution as one of the two public boards individuals could legally serve on.

"I've spent my adult life in public service," Enloe said, "and I will continue to be involved for the good of the people of Haywood County, despite the efforts of folks who don't have our best interests at heart."

MAY 1 2014

NORTH CAROLINA
WAKE COUNTY

BEFORE THE N.C. ETHICS COMMISSION
14-C-0010(E)

IN THE MATTER OF:
Mary Ann Enloe,
Respondent.

NOTICE OF DISMISSAL

THIS CAUSE, coming before the North Carolina State Ethics Commission (Commission), by and through its duly-constituted Preliminary Inquiry Panel (Panel), on April 9, 2014, pursuant to North Carolina General Statute (N.C.G.S.) § 138A-12(d) and (f), and 30 NCAC 9B .0101, and it appearing to the Commission that:

1. On February 27, 2014, Monroe A. Miller, Jr. (Complainant) filed a complaint with the Commission against Mary Ann Enloe (Respondent).
2. Respondent is a member of the Haywood Community College Board of Trustees. As a member, Respondent is a public servant covered by North Carolina General Statutes (N.C.G.S.) 138A, the State Government Ethics Act (Ethics Act), and therefore a "covered person" under the Ethics Act.
3. Complainant alleges Respondent was recently appointed to the Haywood County Board of Equalization and Review while serving on the Haywood County Fairgrounds Board and the Haywood Community College Board of Trustees. Complainant alleges that this is a violation of N.C.G.S. §§ 128-1.1 and 138A-36.
4. Pursuant to N.C.G.S. § 138A-12(a1), Respondent was immediately notified of the allegations.
5. On March 13, 2014, according to N.C.G.S. § 138A-12(c)(5) and (d), Commission staff sent a copy of the complaint to Respondent, and initiated a preliminary inquiry.
6. Pursuant to N.C.G.S. § 138A-12(d) and (f), on April 9, 2014, the Panel reviewed the information resulting from the preliminary inquiry, including the complaint with attached supporting documentation.
7. After reviewing the information provided in the complaint and the supporting information provided by Complainant, the Panel determined that the complaint, including the attached supporting documentation, did not allege facts sufficient to constitute a violation within the Commission's jurisdiction.
8. The Commission's deliberations and determinations are confidential pursuant to N.C.G.S. § 138A-12(n).

Mary Ann Enloe
14-C-0010(E)

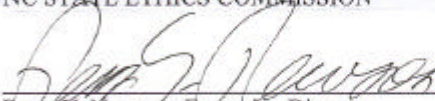
Therefore, pursuant to N.C.G.S. § 138A-12(f)(2) and the rules of the Commission, the complaint is dismissed for failing to allege sufficient facts to constitute a violation within the Commission's jurisdiction.

Written notice of dismissal of a complaint will be provided to all appropriate persons or entities listed in N.C.G.S. § 138A-12(f).

As provided by N.C.G.S. § 138A-12(n), the complaint, notice of dismissal, and all other related information and documentation are confidential and not public records.

This the 28th day of April, 2014.

NC STATE ETHICS COMMISSION


Perry Y. Newson, Executive Director
For the Panel

Pursuant to the State Government Ethics Act and other laws, complaints and all correspondence and information related thereto are *confidential* and should not be disclosed to or discussed with third parties.

STATE ETHICS COMMISSION
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Raleigh NC 27699-1324



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Waynesville, NC 28786

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