

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
July 2, 2014

Subject: Dialog with Becky Johnson, SMN, with interjections by Vicki Hyatt and Jessi Stone (WWIII).

This dialog with Becky Johnson started out innocently enough, but two things happened:

- Becky Johnson seems to be “getting it”, and
- WWIII with Vicki Hyatt and Jessi Stone of the Mountaineer, who jumped into the middle of this.

As usual, individual e-mails follow, each starting on a new page, with the earliest e-mail first, the latest e-mail at the end. Attachments are interspersed throughout when sent.

[Editors Note: This is the first time the Mountaineer has threatened me with copyright infringement. Previously, I had scanned articles and sent them to people, copied and pasted articles, and sent them to people, but during this dialog, Vicki Hyatt and Shelby Harrell got caught with their pants down, and they used Jessi Stone, Assistant Editor, to go after me. Jessie Stone made the request [“Please refrain from copying Mountaineer stories \[word for word\] onto your emails in the future.”](#) The articles I had originally sent during this e-mail dialog have been modified to conform with Fair Use Laws.]

As always, enjoy this e-mail experience.

Monroe A. Miller Jr.
Haywood County Taxpayer

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

Subject: Frequent county critic levels more accusations, By Vicki Hyatt
Date: Wed, 25 Jun 2014 17:06:35 -0400
From: Monroe Miller
To: Greg Boothroyd <ads@smokymountainnews.com>, Becky Johnson
<becky@smokymountainnews.com>
CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key
<jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Mark
Swanger <markswanger@bellsouth.net>, Michael Sorrells
<sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK
KIRKPATRICK <kirk@jwklaw.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Chuck
Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>,
Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <jhaynes@haywoodnc.net>

Ms. Johnson,

I read the on-line issue of the SMN today, and it appears as though you have missed a golden opportunity! Where was the hit piece you could have blasted me with? I thought I saw you at that meeting taking notes. Could it be that maybe you thought I had a point?

Anyway, don't worry, I'll be getting back to Vicki's and Jonathan Key's piece shortly. Watch for stuff on www.haywoodtp.net, probably as early as tomorrow morning. First one will be regarding Julie Davis. She is pretty much damaged goods right now.

Monroe Miller

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

Subject: Re: Frequent county critic levels more accusations, By Vicki Hyatt
Date: Wed, 25 Jun 2014 22:26:28 -0400
From: Becky Johnson <becky@smokymountainnews.com>
To: Monroe Miller, Greg Boothroyd <ads@smokymountainnews.com>
CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key
<jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark
swanger <markswanger@bellsouth.net>, Michael Sorrells
<sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk
kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck
Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>,
Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Hey Monroe,

I was actually doing email during your presentation, not taking notes. So there will not be a story on Julie Davis from us. Will have to leave that one up to toe prints.

--

Becky Johnson, reporter
Smoky Mountain News
828-507-9141 (cell)
828-452-4251 (office)

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

Subject: Re: Frequent county critic levels more accusations, By Vicki Hyatt
Date: Thu, 26 Jun 2014 08:31:06 -0400
From: Monroe Miller
To: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd
<ads@smokymountainnews.com>
CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key
<jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark
swanger <markswanger@bellsouth.net>, Michael Sorrells
<sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk
kirkpatrick <kirk@jwklaw.net>, kevin ensley <lkensley@bellsouth.net>, Chuck
Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>,
Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Ms. Johnson,

Thank you for your absolutely astonishing reply. You know, there are three ways you and the SMN could have handled this...

- Circle the wagons around Julie Davis by creating a parallel assassination hit-piece attempting to discredit me, but Vicki Hyatt is a liberal-hack pro, and likely your piece would wind up in second place,
- Go neutral, i.e., do nothing,
- Develop a set of [*****], go after Julie Davis for what she did to the teachers, students, parents and grandparents in this county by denying Haywood County Schools about \$15 Million Dollars, and start exposing the level of corruption in this county.

You have to work on your reasoning for going neutral a little bit (it's a little transparent)... There will be no story on Julie Davis from you all because you were doing e-mails during my presentation? I'm pretty sure that my public comment was splattered all over the Government Channel (unless Swanger edited it out) and it is probably viewable on the county website, www.haywoodnc.net, if you are interested. Also, you can read my piece on [www.haywoodtp.net http://haywoodtp.net/pubII/140616CrackedTheCode.pdf](http://www.haywoodtp.net/pubII/140616CrackedTheCode.pdf) .

By the way, did you notice while you were doing your e-mails during the county commission meeting after my presentation, that not only was Swanger fuming, but Kirkpatrick was also fuming? Didn't say much, did he? Want to know why?

Immediately prior to the meeting, county commissioners interviewed two candidates for the Junaluska Sanitary District Board, Terry Ramey and a plant named Tom Posey (who won). Commissioners were crucified, especially Kirkpatrick. I recorded the session with Terry Ramey and is now on my web site. Be patient on the download time, and audio lasts about 15 minutes.

[.MP3 Audio, Terry Ramey interviewed by County Commissioners for Junaluska Sanitary Board. Kirkpatrick abstained from voting - Conflict of Interest - Kirkpatrick represented Scarlett Heatherly for Embezzling \\$200K and got her off with a slap on the wrist. 6/16/2014. 6/24/2014...](http://www.haywoodtp.net/pubII/140616RameyJunaluskaInterview.MP3)

[http://haywoodtp.net/pubII/140616RameyJunaluskaInterview.MP3](http://www.haywoodtp.net/pubII/140616RameyJunaluskaInterview.MP3)

Monroe Miller

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

Subject: Re: Frequent county critic levels more accusations, By Vicki Hyatt
Date: Thu, 26 Jun 2014 22:20:00 -0400
From: Becky Johnson <becky@smokymountainnews.com>
To: Monroe Miller, Greg Boothroyd <ads@smokymountainnews.com>
CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Hi Monroe,

We were aware the school funding formula was sidelined for those four years during the recession, which is why it doesn't seem like news to suddenly discover an "undercover plot" to not use the funding formula.

See this article in 2012:

<http://www.smokymountainnews.com/news/item/6970-haywood-lends-helping-hand-to-schools-but-not-enough-to-make-up-the-gap>

Specifically, these sentences:

The increase is designed to get the county back on track with a funding formula that had fallen by the wayside during the recession.

"We were able to go by the formula until the economy went over the cliff," said Board Chairman Mark Swanger.

About eight years ago, the county brokered a deal with the school system designed to curb what had become an annual fight over how much money the county would pony up.

"It seemed like there was always a fight," said Commissioner Kevin Ensley, adding that talks are more agreeable since both parties approved the formula.

Under the deal, the county would use a formula based on student population to determine school funding each year. The formula also built in a 1 percent increase year to year. But, it has been frozen for the past four years.

As the economic prospects have started looking a bit sunnier, officials were grateful for the help from commissioners.

"We would be pleased to be back on the formula," Nolte said. "The economy is still not recovered so if they have the revenue to put us back on the formula negotiated several years ago, we would view that as very positive and be every thankful for that."

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

Subject: "undercover plot"

Date: Fri, 27 Jun 2014 08:20:25 -0400

From: Monroe Miller

To: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd
<ads@smokymountainnews.com>

CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key
<jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark
swanger <markswanger@bellsouth.net>, Michael Sorrells
<sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk
kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck
Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>,
Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Please see attached.

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
June 27, 2014

Becky Johnson
Smoky Mountain News

Subject: “undercover plot”

Thank you for referencing the SMN article and bringing it to my attention.

<http://www.smokymountainnews.com/news/item/6970-haywood-lends-helping-hand-to-schools-but-not-enough-to-make-up-the-gap>.

I see that it was written by a Caitlin Bowling on May 9, 2012, about the time County Budgets’ are discussed. I also see that **you** contributed to this article. I have appended the complete article at the end of this letter for a reference. There are a couple of relevant comments which I will direct your attention to:

- The increase is designed to get the county back on track with a funding formula that had fallen by the wayside during the recession.
- “We were able to go by the formula until the economy went over the cliff,” said Board Chairman Mark Swanger.
- Under the deal, the county would use a formula based on student population to determine school funding each year. The formula also built in a 1 percent increase year to year. But, it has been frozen for the past four years.

Unfortunately, Julie Davis did not get the memo about freezing the “Funding Formula” for those past four years. Instead, she dutifully continued cranking away on her spread sheet during those years, providing county commissioners with numbers to plug into the Haywood County School section of each years budget.

I obtained a rather complete document showing Julie Davis’ handy work from 2003 to the current year, but I did not ever get it from her. I received it from the Haywood County School System, and is shown on www.haywoodtp.net ,

[UPDATE! Budget Funding Formula Calculation\(s\) for Haywood School Appropriations, prepared for County Commissioners by Julie Davis, who will explain when she feels like it, 4/29/2014. 5/15/2014...](#)

or

<http://haywoodtp.net/pubII/140515FormulaJulieDavis.pdf>

I have also attached the four (4) output sheets in an attachment to this e-mail (140627 Info for SMN.pdf).

These four pages show that Julie Davis was using the spread sheet during these years. This is where the “undercover plot” was discovered. Instead of “freezing the funding formula”, Julie Davis, very cleverly, mind you, began manipulation of the PPA numbers as a way to “cook the books”, so that the spread sheet could continue marking time, and when re-activated, the rate of increase of PPA would have changed, the dominant

element of the Funding Formula. Julie Davis did not use computed values of PPA, as she should have, but manipulated / falsified / fabricated the values of PPA to reflect that she could keep the budget in line with Swanger's comment "[We were able to go by the formula until the economy went over the cliff,](#)".

In addition, I have attached my sheet of graph paper plotting values of PPA (Per Pupil Appropriation) indicating the years in question that Julie Davis falsified PPA values (same attachment, 140627 Info for SMN.pdf).

The yearly PPA rate of increase started out and remained steady at about 5.2% since 2003, up to the first year Julie Davis falsified the PPA value in 2008-2009. By the time she had finished mucking with the values, and restarted applying computed values of PPA back into the equation, she had changed the rate to about 1%. Damn, she is good. That ought to keep the Haywood County School System in line for the next several years. Julie has already computed next year's Haywood County School increase, and from the attachment, you will see that it is .89%.

All of this was completely hidden away in the bowels of her spread sheet until I reverse engineered what was going on and Cracked the Code.

Your article also referenced "a 1% increase year to year". The only time a 1% increase was ever mentioned in any of the formula's was the second (2nd) Resolution (i.e. 2006-2009), signed by Swanger,

[re: <http://haywoodtp.net/pubII/140616CrackedTheCode.pdf>]

where it said "Current Fiscal Year's 10 day ADM increased by 1%,", and that went away with the third resolution in 2009 signed by Kirk Kirkpatrick. Your article gives the impression that the school system will get an automatic 1% increase on top of everything else, when this 1% only applied to a single value in the equation, and that went away by the time your article was written.

What appears to be the case, and I can run a special spread sheet computation just for you, Ms. Johnson, is what the final new rate of PPA will finally settle to. I'll bet it is around 1%. Let me know if you want me to do this, as I now have an operational spread sheet.

By the way, your article and Bill Nolte keep commingling and clouding the issue of state funding and the "Funding Formula". In actuality, the two items are not related at all. The Funding Formula does not include any aspect of State Funding in the equation. That is why I have focused entirely on the Funding Formula, and not dove into any money received from the state.

I hope this clears things up a little bit for you. By the way, does anyone around your office know math?

Monroe A. Miller Jr.

Wednesday, 09 May 2012 20:38

Haywood lends helping hand to schools, but not enough to make up the gap

Written by Caitlin Bowling

...

The increase is designed to get the county back on track with a funding formula that had fallen by the wayside during the recession.

...

“We were able to go by the formula until the economy went over the cliff,” said Board Chairman Mark Swanger.

...

Under the deal, the county would use a formula based on student population to determine school funding each year. The formula also built in a 1 percent increase year to year. But, it has been frozen for the past four years.

...

(Reporter Becky Johnson contributed to this story.)

FORMULA:

Haywood County FYA X (1 plus 5-year average % increase per year) X (current year ADM increased 1%, and adjusted to actual 10 day ADM when avail.) = County Appropriation, before ABC-revenue
 $\$1,568 \times 105.37\% \times \frac{\$13,172,652}{\$13,129,647}$ with actual 10 day known in Aug. 2008

Using new approach, As if 10 day ADM each year

Fiscal Year 2002-2003:
 County Approp ADM \$ 10,518,870
 County Allocation per pupil \$ 1,341

Fiscal Year 2003-2004:
 County Approp ADM \$ 11,164,088 6.13%
 County Allocation per pupil \$ 1,410

Fiscal Year 2004-2005:
 County Approp ADM \$ 11,729,270 5.06%
 County Allocation per pupil \$ 1,489

ACTUAL FY06
 12,486,304
 (before formula calc)
 County Approp ADM \$ 12,381,006 5.56%
 County Allocation per pupil \$ 1,568

First yr of new formula
 Fiscal Year 2006-2007:
 County Approp ADM \$ 13,129,647 6.05%
 County Allocation per pupil \$ 1,652
 (original formula calculated to 7976)

13,902,083
 13,926,372
 (24,289)

five year average

2nd yr of new formula

Fiscal Year 2007-2008:
 County Approp ADM \$ 13,902,083 5.88%
 County Allocation per pupil \$ 1,734.94
 (original formula calculated to 8027)
 5.02% per pupil alloc increase over prior year

YR 1

3rd year of new formula

Fiscal Year 2008-2009:
 County Approp ADM \$ 13,426,920 -3.42% (11 increase over prior year)
 County Allocation per pupil \$ 7,904, adjusted at 10 day ADM (original formula calculated to 8083)

jd-4/16/2014 school formula with 10 day ADM FOR BUDGET 2013-2014.xls

YR 2

County Allocation per pupil \$ 1,888.75 -2.09% per pupil alloc increase over prior year

FORMULA:

Haywood County IPA X (1 plus 5-year average % increase per year) X (MC CDF ADM state planning allotment, using the highest projection amount, and adjusted to actual 10 day ADM when avail) = County Appropriation, before ABC revenues
 \$1,568 X 105.37% X 7,948 = \$13,131,058

newer formula year 1

Fiscal Year 2009-2010 County Approp ADM \$ 14,403,307 7.27%
 County Allocation per pupil \$ 1,880.41 8.52% per pupil alloc increase over prior year

newer formula year 2

Fiscal Year 2010-2011 County Approp ADM \$ 14,403,307 0.00%
 County Allocation per pupil \$ 1,879.59 1.03% per pupil alloc increase over prior year

newer formula year 3

Fiscal Year 2011-2012 County Approp ADM \$ 13,871,307 -3.00%
 County Allocation per pupil \$ 1,820.66 -2.66% per pupil alloc increase over prior year

NEW 2010 formula AVE OF 5 year 4

Fiscal Year 2012-2013 County Approp ADM \$ 14,144,926 1.26%
 County Allocation per pupil \$ 1,859.29 2.17% per pupil alloc increase over prior year

Fiscal Year 2013-2014 County Approp ADM \$ 14,402,707 1.82%
 County Allocation per pupil \$ 1,859.09 1.56% per pupil alloc increase over prior year

Fiscal Year 2014-2015 County Approp ADM \$ 14,845,044 1.88%
 County Allocation per pupil \$ 1,943.34 2.33% per pupil alloc increase over prior year

ADJUSTED 11/19/2012

Fiscal Year 2015-2016
County Approp
ADM \$ 14,830,720 1.27%
ADM 7,264 adjusted at 10 day ADM (original formula calculated to ----)
County Allocation
per pupil \$ 1,960.70 0.85% per pupil alloc increase over prior year

HAYWOOD COUNTY and BOARD OF EDUCATION
 BUDGET FORMULA for SCHOOL APPROPRIATIONS
 JHO

YEAR	HAY. CO. PPA	% INCREASE	YEAR	HAY. CO. PPA	% INCREASE
1987/88	1,043		1987/88	1,043	
1988/89	1,076	3.10%	1988/89	1,076	3.10%
1989/90	1,131	5.07%	1989/90	1,151	5.97%
2000/01	1,213	5.38%	2000/01	1,213	5.38%
2001/02	1,260	6.60%	2001/02	1,286	6.08%
2002/03	1,341	3.73%	2002/03	1,341	-100.00%
2003/04	1,410	5.17%	2003/04	1,341	-4.89%
2004/05	1,488	5.57%	2004/05	1,341	-9.47%
2005/06	1,579	6.37%	2005/06	1,341	-14.57%
2006/07	1,652	4.88%	2006/07	1,341	-18.77%
2007/08	1,735	5.02%	2007/08	1,341	-22.54%
2008/09	1,699	-2.06%	2008/09	1,341	-23.57%
2009/10	1,860	9.52%	2009/10	1,341	-27.41%
2010/11	1,800	-3.23%	2010/11	1,341	-26.67%
2011/12	1,900	5.56%	2011/12	1,341	-29.41%
2012/13	1,969	3.63%	2012/13	1,341	-31.57%
2013/14	1,899	-3.56%	2013/14	1,341	-31.57%
2014/15	1,943	2.33%	2014/15	1,341	-31.57%
2015/16	1,981	1.96%	2015/16	1,341	-31.57%
2016/17			2016/17	1,341	-31.57%

old formula year end ppa

new 10 day ACH formula 10 day comp.

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



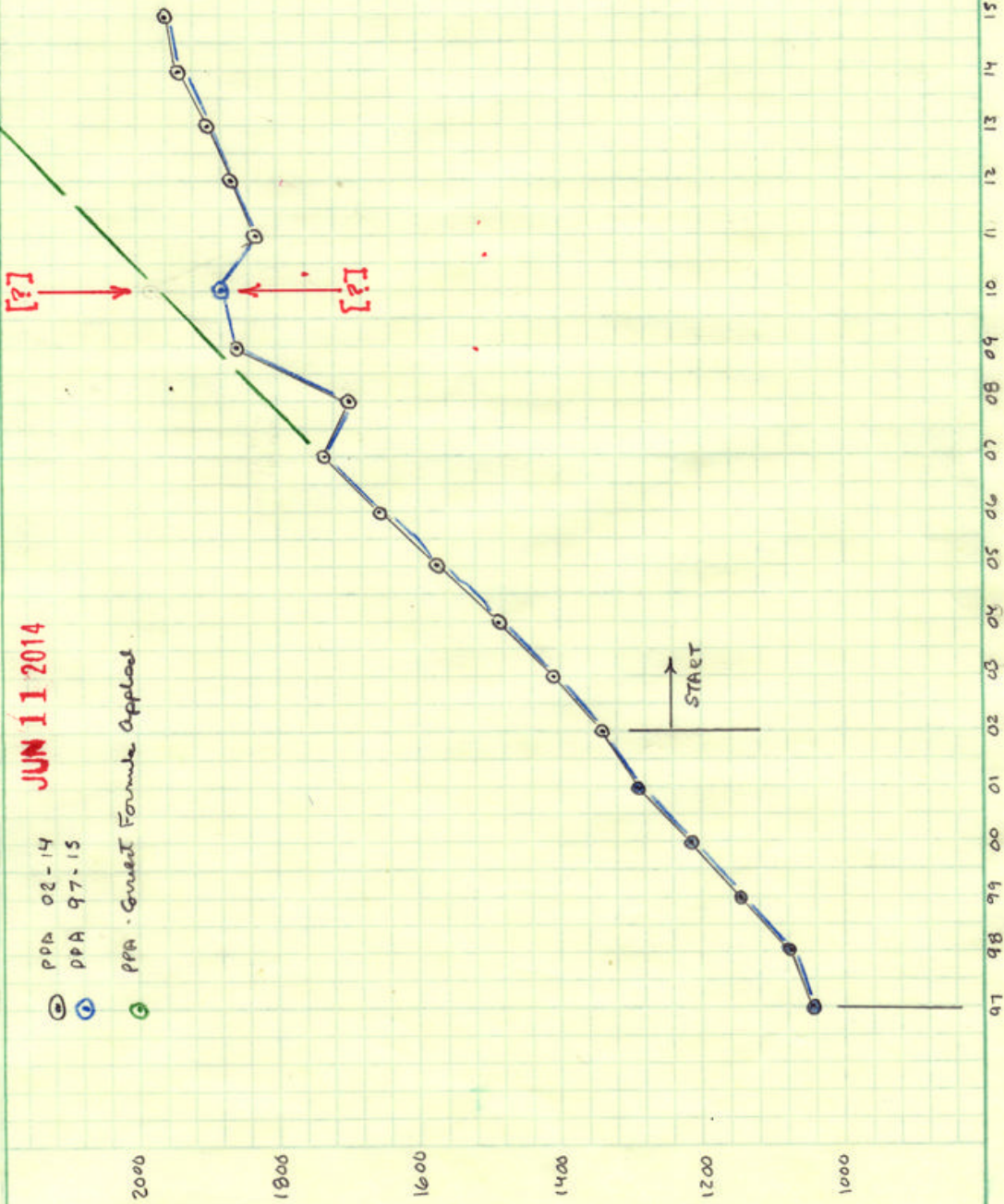
AMPAD

JUN 11 2014

PPA 02-14

PPA 97-15

PPA - Guest Formula Applied



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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 11:57:27 -0400
From: Monroe Miller
To: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>
CC: Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lkensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Ms. Johnson,

Please see attached.

I did some data mining on your competitors website, the Mountaineer, searching for instances of "Funding Formula". I found two recent articles where Swanger contradicts himself all over the place. I have copied the articles into two (2) files which I have attached to this e-mail. I have highlighted concerns in yellow, and indicated my unhappiness with the following designations, **[Editors Note: bla, bla, bla.]**, in bold Red.

By the way, I didn't know that the recession only lasted four years. I thought we were still in one. Is the trigger point for using or freezing the Funding Formula contained within the Funding Formula? I sure didn't see it. How do we know Swanger is not going to pull this stunt again (i.e. freezing the funding formula, but letting Julie Davis have her way with it)?

Monroe Miller

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
~~June 27, 2014~~
July 2, 2014

Subject: County gives school funding request a cool shoulder

County gives school funding request a cool shoulder
By Vicki Hyatt | Apr 25, 2014

[**Editors Note:** From Jessi Stone on 6/27/2014 - “I am familiar with fair use and I would argue that you copying and pasting our stories word for word in emails to others is not fair use, but of course that would be for a judge to decide. If you would like, I can have Ms. Martin email you a more detailed opinion with a cease and desist letter.” In deference to Jessi Stone, the original article data mined from the Mountaineer has been trimmed up a bit so that what you see here is not a word for word cut and paste. It is interesting that reasonable news sources, like the John Locke Foundation, encouraged me to cut and paste word for word any article that they created. It seems like only those that have something to hide are pitching a fit when they get called out for printing erroneous stuff. The little “...”s indicate sections have been deleted per fair use laws.]

...

A decade ago, Haywood became one of the first counties in the state to determine its school system allocation according to a funding formula. The formula uses a five-year average based on the number of students and is adjusted based on actual student numbers shortly after the school year begins. The county appropriation amount also includes the taxes on alcohol collected locally.

[**Editors Note: Vicki, this is wrong! It is based partially on the ADM (number of students, but the 5 year average is related to PPA (Per Pupil Appropriation). Specifically, “PPA (Per Pupil Appropriation) increased by 5 year average of percentage increase”].**

...

“Is everyone on board with formula?” Commission Chairman Mark Swanger asked.

[**Editors Note: Everyone except Julie Davis and the county commissioners when they froze it, re: ““We were able to go by the formula until the economy went over the cliff,” said Board Chairman Mark Swanger.”, <http://www.smokymountainnews.com/news/item/6970-haywood-lends-helping-hand-to-schools-but-not-enough-to-make-up-the-gap>].**

...

“Some would say you don’t have a formula if we do this,” Swanger said of the school’s budget request.

[**Editors Note: Here is Swanger acting as a hypocrite, chiding Dr. Garrett for not following the Funding Formula when commissioners threw them a boat anchor during the recession. By the way, I didn’t know that we had recovered from this recession yet.]**

...

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
~~June 27, 2014~~
July 2, 2014

Subject: School board to re-visit funding formula

School board to re-visit funding formula
By Shelby Harrell Staff Writer | May 12, 2014

[**Editors Note:** From Jessi Stone on 6/27/2014 - “I am familiar with fair use and I would argue that you copying and pasting our stories word for word in emails to others is not fair use, but of course that would be for a judge to decide. If you would like, I can have Ms. Martin email you a more detailed opinion with a cease and desist letter.” In deference to Jessi Stone, the original article data mined from the Mountaineer has been trimmed up a bit so that what you see here is not a word for word cut and paste. It is interesting that reasonable news sources, like the John Locke Foundation, encouraged me to cut and paste word for word any article that they created. It seems like only those that have something to hide are pitching a fit when they get called out for printing erroneous stuff. The little “...”s indicate sections have been deleted per fair use laws.]

...

Haywood became one of the first counties in the state to determine its school system allocation according to a funding formula. The formula uses a five-year average based on the number of students and is adjusted based on actual student numbers shortly after the school year begins.

[**Editors Note: Shelby, this is wrong! It is based partially on the ADM (number of students, but the 5 year average is related to PPA (Per Pupil Appropriation). Specifically, “PPA (Per Pupil Appropriation) increased by 5 year average of percentage increase”. Besides, it sounds like you are plagiarizing Vicki Hyatt in her 4/25/2014 article when she said the same thing.]**

...

The formula was established when Swanger and Commissioners Kirk Kirkpatrick and Kevin Ensley formed a committee and researched other states with funding formulas in place.

[**Editors Note: So this is all Swanger’s, Kirkpatrick’s and Ensley’s doing!]**

...

“The formula protects us during hard times,” Upton added. “Commissioners will change and you don’t want a group to come in and just do away with this formula and say, ‘We’ll give them we want to give them.’”

[**Editors Note: Yeah! We just freeze it in hard times! But we let Julie Davis have her way with it.]**

...

“If you look back at what you’ve received, that ought to be the clue,” Swanger responded. “You’ve received what the funding formula said every year to a penny. That was our end of the bargain.”

[**Editors Note: Wait just a (Expletive Deleted) moment! Swanger just indicated they did use the funding formula during the recession, re: <http://www.smokymountainnews.com/news/item/6970-haywood-lends-helping-hand-to-schools-but-not-enough-to-make-up-the-gap>].**

...

Swanger suggested putting the formula on the agenda to discuss whether the board wanted continue with the formula.

[**Editors Note:** It was at this point that Vicki Hyatt and Jessi Stone of the Mountaineer decided to inject themselves into this little e-mail dialog I was having with Becky Johnson (and the world) ...]

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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 12:32:58 -0400
From: Vicki Hyatt <vhyatt@themountaineer.com>
To: Monroe Miller
CC: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

I find it odd, Mr. Miller, that you have been "mining" The Mountaineer website since you proudly proclaim you don't have a subscription and only buy the paper when you are in it. The articles you attached were "premium" meaning they could only be accessed with a user name and log in. Are you stealing something you should be paying for?
Vicki

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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 13:14:06 -0400
From: Monroe Miller
To: Vicki Hyatt <vhyatt@themountaineer.com>
CC: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd
<ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>,
Jonathan Key <jkey@themountaineer.com>, mark swanger
<markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>,
Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick
<kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis
<chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie
Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Vicki,

I have a subscription!

Monroe Miller

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

Subject: Copyright concerns
Date: Fri, 27 Jun 2014 13:01:43 -0400
From: Jessi Stone <jstone@themountaineer.com>
To: Monroe Miller
CC: Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson
<becky@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>

Mr. Miller,

I have consulted with Amanda Martin, lead counsel for the N.C. Press Association and a media law expert, about recent copyright concerns I had. She informed me that it is against the law for anyone to copy a newspaper's content and disseminate it word for word through email. Even if you have a subscription to our website, it is copyright infringement to copy and paste our content to send out to others. Please refrain from copying Mountaineer stories onto your emails in the future. If you wish to reference a story, please use a direct link to our website in the future.

Thank you,
Jessi Stone

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

Subject: Re: Copyright concerns
Date: Fri, 27 Jun 2014 13:33:01 -0400
From: Monroe Miller
To: Jessi Stone <jstone@themountaineer.com>
CC: Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson
<becky@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>

Ms. Stone,

I properly referenced the name of the paper, the title of the article, the author of the article and date of the article. Nothing much different than scanning an article and e-mailing that out.

Show me the law.

Speaking of liable, what about all the liable Vicki Hyatt put in her article about me, <http://themountaineer.villagesoup.com/p/frequent-county-critic-levels-more-accusations/1199490?>

I'm checking Am Jur now for the laws on that.

Monroe Miller

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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 13:54:15 -0400
From: Vicki Hyatt <vhyatt@themountaineer.com>
To: Monroe Miller
CC: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

That's contrary to what you have said in the past. Must be a recent development.
Vicki

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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 13:57:29 -0400
From: Monroe Miller
To: Vicki Hyatt <vhyatt@themountaineer.com>
CC: Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>

Vicki,

I decided to move forward when you created your Character Assassination Hit Piece on me,

<http://themountaineer.villagesoup.com/p/frequent-county-critic-levels-more-accusations/1199490>

and your Editorial,

<http://themountaineer.villagesoup.com/p/questions-are-ok-vicious-attacks-cross-the-line/1200559>.

Monroe Miller

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

Subject: Re: Copyright concerns
Date: Fri, 27 Jun 2014 14:23:13 -0400
From: Jessi Stone <jstone@themountaineer.com>
To: Monroe Miller, Vicki Hyatt <vhyatt@themountaineer.com>

Mr. Miller,

Proper attribution does not protect you from copyright infringement as I understand it from Ms. Martin. This pdf may help explain -

<http://www.copyright.gov/title17/92chap5.pdf>.

Libel, not liable, is a completely different matter - one that we are well aware of.

Thank you,

Jessi

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

Subject: Re: Copyright concerns
Date: Fri, 27 Jun 2014 14:30:39 -0400
From: Monroe Miller
To: Jessi Stone <jstone@themountaineer.com>, Vicki Hyatt
<vhyatt@themountaineer.com>

Ms. Stone,

I stand corrected, libel.

You can review this in the meanwhile.

<http://www.nolo.com/legal-encyclopedia/fair-use-rule-copyright-material-30100.html>

Monroe Miller

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

Subject: Re: Copyright concerns
Date: Fri, 27 Jun 2014 14:38:32 -0400
From: Jessi Stone <jstone@themountaineer.com>
To: Monroe Miller, Vicki Hyatt <vhyatt@themountaineer.com>, Jonathan Key <jkey@themountaineer.com>

I am familiar with fair use and I would argue that you copying and pasting our stories word for word in emails to others is not fair use, but of course that would be for a judge to decide. If you would like, I can have Ms. Martin email you a more detailed opinion with a cease and desist letter.

Thank you,
Jessi

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

Subject: Re: Copyright concerns
Date: Fri, 27 Jun 2014 14:42:28 -0400
From: Monroe Miller
To: Jessi Stone <jstone@themountaineer.com>, Vicki Hyatt
<vhyatt@themountaineer.com>, Jonathan Key <jkey@themountaineer.com>

Ms. Stone,

Since you are familiar with Libel, you can review this also.
<http://www.dmlp.org/legal-guide/north-carolina-defamation-law>

Monroe Miller

[**Editors Note:** From the above referenced article -

North Carolina Defamation Law

Note: This page covers information specific to North Carolina. For general information concerning defamation, see the Defamation Law section of this guide.
Elements of Defamation

The elements of a defamation claim in North Carolina are essentially similar to the elements discussed in the general Defamation Law section, with the following exceptions and clarifications:

Defamation Per Se

North Carolina has a broad definition of libel per se. This term refers to statements so egregious that they will always be considered defamatory and are assumed to harm the plaintiff's reputation, without further need to prove that harm. In North Carolina, a statement that does any of the following things amounts to libel per se:

charges that a person has committed an infamous crime;
charges a person with having an infectious disease;
tends to impeach a person in that person's trade or profession; or
otherwise tends to subject one to ridicule, contempt, or disgrace.

This last category of libel per se is quite broad and is not recognized by most other states.

[**Editors Note:** This was the last time I heard from either of these two...]

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

Subject: Re: "undercover plot"
Date: Fri, 27 Jun 2014 22:29:49 -0400
From: Becky Johnson <becky@smokymountainnews.com>
To: Monroe Miller

Is the issue whether commissioners use the funding formula as a crutch when it comes to school funding? Is the funding formula politically expedient by allowing commissioners to avoid a more difficult annual conversation about school funding? Is the school funding formula working for both parties, or does it benefit one part more than the other? If the funding formula wasn't followed, why do the commissioners continue to publicly tout the funding formula as a success? Is it genuine to herald the funding formula as an accomplishment, if it wasn't followed as many times as it was? Is the funding formula obsolete now given the changing needs of the school system?

I agree those are questions are legitimate and worth asking, but it was difficult to tease out those more substantive issues from your attack on Julie Davis for some sort of wrong doing.

A quote from a Jackson County commissioner who was running for election two years ago stuck with me and I think about it often in my own weekly interactions. She said "Do you want to be right, or do right?"

Those can be mutually exclusive.

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

Subject: "undercover plot"
Date: Sat, 28 Jun 2014 09:18:10 -0400
From: Monroe Miller
To: Becky Johnson <becky@smokymountainnews.com>
CC: Greg Boothroyd <ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, mark swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, kirk kirkpatrick <kirk@jwklaw.net>, kevin ensley <lakensley@bellsouth.net>, Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Julie Davis <jhdavis@haywoodnc.net>, Jeff Haynes <JHaynes@haywoodnc.net>, Greg Christopher <gchristopher@haywoodnc.net>, Heidi Warren <HWarren@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Eddie Cabe <aecabe@bellsouth.net>, Lisa Womack <lisa.a.womack@gmail.com>, Denny King <kingsplace@charter.net>, Anne Garrett <anne@haywood.k12.nc.us>, Jessi Stone <jstone@themountaineer.com>

Becky (if I can call you Becky),

You are about to receive the first compliment I have ever paid you (that I can recall). Strap yourself in!

You are finally getting it. My intent of exposing (attacking) Julie Davis for cooking the books [re: <http://haywoodtp.net/pubII/140616CrackedTheCode.pdf>] was to raise the level of public consciousness in Haywood County about how Swanger and his good ole boys on the county commission were adversely affecting the quality of Public Education in Haywood County with the Funding Formula.

You came up with these questions, not me, and these questions are not for me to respond to (although I already know all the answers). You are in a responsible position to put these questions out the people of Haywood County and get their response.

Nice work.

Monroe Miller

p.s. Jonnie - okay to e-blast.