

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
January 23, 2022

To: Rob Hites
Town Manager, Town of Waynesville
Waynesville, NC 28786

Subject: Validity of Confidentiality Agreement between Town of Waynesville and Nicole Kott.

Discrepancies have arisen with the AGREEMENT OF PROGRAM SUBSIDY TO TEMPORARILY HOUSE INDIVIDUALS EXPERIENCING HOMELESSNESS (a.k.a. the Confidentiality Agreement) between the Town of Waynesville (i.e. Gary Caldwell, Mayor / Eddie Ward, Town Clerk) and Nicole Kott, *Executive Director* of Helping Hands of Haywood. I recommend that you have the town lawyer, Martha Sharpe Bradley, look into this matter, and determine the validity of this contract prior to the Aldermen Meeting Tuesday, 1/25/2022 at 6:00pm.

Specifically, there seem to be irregularities with:

- Eddie Ward notarization of Helping Hands of Haywood (a perceived conflict of interest), and
- Nicole Kott portraying herself representing Helping Hands of Haywood as Executive Director.

Generally, notaries cannot notarize for themselves, family members, etc. Why on God's Green Earth did the Town have Eddie Ward perform the notary for Nicole Kott, when Eddie Ward's signature also appears on the last page of the contract as Town Clerk? Why even give the appearance of impropriety?

Please review the last two pages of the AGREEMENT OF PROGRAM SUBSIDY TO TEMPORARILY HOUSE INDIVIDUALS EXPERIENCING HOMELESSNESS (a.k.a. the Confidentiality Agreement).

The first two images are pages 6 and 7 of the AGREEMENT OF PROGRAM SUBSIDY TO TEMPORARILY HOUSE INDIVIDUALS EXPERIENCING HOMELESSNESS (a.k.a. the Confidentiality Agreement), showing clearly the notary pages and the signature page.

The second two images are from the NC Secretary of State Website, depicting the most current Articles of Incorporation for the Non Profit Corporation - Helping Hands of Haywood, listing Nicole Kott as the PRESIDENT, not the Executive Director. It is noted that Helping Hands of Haywood, Item 6 (b) indicates that the Corporation will not have members. So, did Nicole Kott demote herself to the new title of Executive Director, or did she purposely misrepresent herself to a Notary (Eddie Ward) as being the Executive Director of Helping Hands of Haywood?

Under any circumstances, you need to get *an opinion* from your town lawyer, Martha Sharpe Bradley to see if she can hold it together and keep this Agreement from being thrown in the trash can, and having to start from scratch and renegotiate the whole thing over, and do this before the next Aldermen meeting, Tuesday, 1/25/2022 at 6:00pm.

Let me know how it goes...

Monroe A. Miller, Jr.
Haywood County Taxpayer

LetsGoBrandon

JAN 23 2022

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
TOWN OF WAYNESVILLE

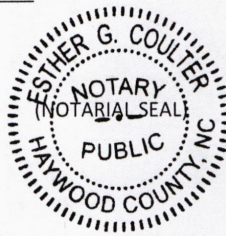
I, Esther Coultter, a Notary Public of said County and State, certify that Eddie Ward personally came before me this day and acknowledged that she is the Town Clerk for the Town of Waynesville, and that by authority duly given and as the act of the body politic, the foregoing instrument was signed in its name by its Mayor Gary Caldwell, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and seal this the 18th day of August, 2021.

Esther G. Coultter
Notary Public

My Commission Expires July 26, 2025

My commission expires:



HELPING HANDS OF HAYWOOD

I, Eddie Ward, a Notary Public of said County and State, certify that Nicole Kott personally came before me this day and acknowledged that he/she is Executive Director for HELPING HANDS OF HAYWOOD a nonprofit 501(c)(3) corporation and that he/she being authorized to do so, executed the foregoing instrument on behalf of HELPING HANDS OF HAYWOOD.

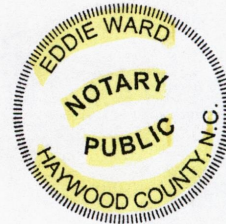
WITNESS my hand and seal this the 18th day of August, 2021.

Eddie Ward
Notary Public

My commission expires:

4-18-25

NOTARIAL SEAL)



Entered into this 18 day of August, 2021.

JAN 23 2022

TOWN OF WAYNESVILLE:

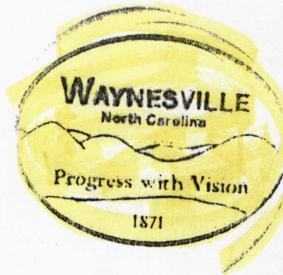
BY: Gary Caldwell
Gary Caldwell, Mayor

HELPING HANDS OF HAYWOOD

BY: [Signature]
Nicole Kott, Executive Director

ATTEST:

Eddie Ward
Eddie Ward, Town Clerk
(SEAL)



State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

JAN 23 2022

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the nonprofit corporation is: Helping Hands of Haywood

2. (Check only if applicable.) The corporation is a charitable or religious corporation as defined in NCGS §55A-1-40(4).

3. The name of the initial registered agent is: Nicole Kott

4. The street address and county of the initial registered agent's office of the corporation is:

Number and Street: 217 Assembly St
City: Waynesville State: NC Zip Code: 28786 County: Haywood

The mailing address *if different from the street address* of the initial registered agent's office is:

Number and Street or PO Box: _____
City: _____ State: NC Zip Code: _____ County: _____

5. The name and address of each incorporator is as follows:

Name	Address
<u>Nicole Kott</u>	<u>217 Assembly St., Waynesville, NC 28786</u>
_____	_____
_____	_____

6. (Check either "a" or "b" below.)

a. The corporation will have members.

b. The corporation will not have members.

7. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.

8. Any other provisions which the corporation elects to include are attached.

JAN 23 2022

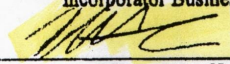
9. The street address and county of the principal office of the corporation is: _____
 Principal Office Telephone Number: 828-508-3420
 Number and Street: 217 Assembly St.
 City: Waynesville State: NC Zip Code: 28786 County: Haywood
 The mailing address *if different from the street address* of the principal office is:
 Number and Street or PO Box: _____
 City: _____ State: _____ Zip Code: _____ County: _____

10. (Optional): Listing of Officers (See instructions for why this is important)

Name	Address	Title
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

11. (Optional): Please provide a business e-mail address: _____
 The Secretary of State's Office will e-mail the business automatically at the address provided at no charge when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is being offered, please see the instructions for this document.
12. These articles will be effective upon filing, unless a future time and/or date is specified: _____

This is the 3 day of December, 2019.

 Incorporator Business Entity Name


 Signature of Incorporator
Nicole Kott, President

 Type or print Incorporator's name and title, if any

NOTES:

1. Filing fee is \$60. This document must be filed with the Secretary of State.

BUSINESS REGISTRATION DIVISION P. O. BOX 29622 RALEIGH, NC 27626-0622
 (Revised August, 2017) Form N-01