

Monroe A. Miller, Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
February 2, 2012

Samantha Ewens, PE  
Director, Code Enforcement Services  
**NC Dept of Insurance** - Office of State Fire Marshal  
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**Subject: Complaint Investigation Report concern - Haywood County Fairgrounds Arena Building.**

Ms. Ewens,

Thank you for taking the time to explain to me how this investigation will proceed regarding Bruce Crawford and Johnny Glance. I have to take a moment to compliment you and all of the folks at NCDOI for being extremely helpful and courteous in addressing my concerns.

I have a concern that a response made in the Complaint Investigation Report made by Bruce Crawford can be taken out of context. In the best case, I feel that the statement is misleading, and worst case, deliberately misleading.

I had intended to present this concern to Hayden Lutterloh, but do not want to make any procedural mistakes. So, I will present this information to you instead, and leave it to your best judgement when, or even if, to present it to Mr. Lutterloh at the time you see appropriate.

I have included a Time Line of events that I feel pertain directly to Bruce Crawford's response, as a separate enclosure at the end of this letter.

I filed a formal complaint with the **North Carolina Department of Insurance** on February 22, 2011, against Bruce Crawford and Johnny Glance regarding the Haywood County Fairgrounds Arena Building. In that complaint, I stated:

*"I requested an examination of the Certificate of Occupancy for the Haywood County Fairgrounds Arena Building from Bruce Crawford January 4, 2011. He indicated the building is under a Temporary Certificate of Occupancy, for which there is no time limit or expiration date, it can be extended indefinitely."*

I received the Complaint Investigation Report dated January 12, 2012 on January 23, 2012. On page 6 of that report, about midway down the page as part of Crawford's response, he stated:

“The arena was closed for the season in late 2010 when it was brought to my attention that the temporary c/o was still in effect and I notified fairground officials it that was to remain closed until approved toilet facilities were installed and complete.”

As one reads this statement, Crawford plainly states (one interpretation) that he closed the arena in late 2010 when all of a sudden when it was brought to his attention that the temporary c/o was still in effect in late 2010. Crawford never stated who “brought this to his attention”, and makes it appear that he is taking the initiative on this action.

It was I that brought to his attention that the temporary c/o was still in effect when I went to his office on January 4, 2011, and asked to inspect it, and “he indicated the building is under a Temporary Certificate of Occupancy, for which there is no time limit or expiration date, it can be extended indefinitely”.

The first time that the Fairgrounds Arena Building was closed was when NCDOI rode into town (site investigation) on February 7, 2011, [re: Complaint Investigation Report, and Fairground events put in jeopardy, By Vicki Hyatt, The Mountaineer, February 23, 2011]. The first two paragraphs of the Mountaineer article say:

“Unfinished building issues at the county fairgrounds’ multi-purpose arena are threatening the slate of shows and events planned at the facility this summer.

At last night’s county board meeting, Commissioner Kevin Ensley, who serves on the Haywood County Fairgrounds board, broke the bad news that the newest building on the fairgrounds complex can no longer operate under a temporary certificate of occupancy. That means the arena can’t be used until it meets state building codes regarding required restroom facilities. ...”

I expressed my concern regarding Bruce Crawford’s ambiguous response to Shane Phelps the other day. Mr. Phelps response corroborates my concern when he replied to me on 1/25/2012:

“I did take your second point into consideration when writing the report, but I think I read it differently. I think Crawford was saying the arena was already closed down for the winter season when the issue was brought to his attention. I got the impression that the covered arena area was not used during the winter months. Either way, I had already taken into account that no action was taken until after NCDOI became involved.”

I concede that it was the dead of winter (January 4, 2011) when the issue was brought to his attention - my first visit to his office.

I also concede that the covered arena was not used during the winter months, as was the typical case over the past couple of years during winter months.

Finally, I certainly concede and agree that there was no action taken by Crawford until after NCDOI became involved (first site visit by Phelps).

So, the question I would ask Hayden Lutterloh to ask Bruce Crawford at the hearing is: “When I [Miller] went over to Bruce Crawford’s office for the first time on January 4, 2011 and I asked him to inspect the Certificate of Occupancy for the Fairgrounds Arena Building, why didn’t he tell me that he had closed the arena and that it was to remain closed until approved toilet facilities were installed and complete, instead of telling me that “the building is under a Temporary Certificate of Occupancy, for which there is no time limit or expiration date, it can be extended indefinitely”? [re: A few good men].”

Bruce Crawford did not close the arena building in 2010.

Bruce Crawford did not close the arena building “when it was brought to my [Crawford] attention that the temporary c/o was still in effect”. [re: Time Line].

Bruce Crawford did not take any initiative whatsoever to close the arena building until a full month later when NCDOT personnel became involved.

Sincerely,

Monroe A. Miller Jr.

enc: Time Line

cc: Shane Phelps, **North Carolina Department of Insurance**

Monroe A. Miller, Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
February 2, 2012

### **Time Line**

Rebutting Bruce Crawford response  
in  
Complaint Investigation Report

**North Carolina Code Officials Qualification Board**  
322 Chapanoke Road, Suite 200  
Raleigh, North Carolina 27603  
January 12, 2012

I received the Complaint Investigation Report dated January 12, 2012 on January 23, 2012. On page 6 of that report, about midway down the page as part of Crawford's response, he stated:

*"The arena was closed for the season in late 2010 when it was brought to my attention that the temporary c/o was still in effect and I notified fairground officials it that was to remain closed until approved toilet facilities were installed and complete."*

This sentence can have multiple meanings, and the purpose of this time line is to document what I feel is one such meaning. This time line contains documents and e-mails from January 4, 2011, including up to the point that personnel from NCDOI made a site visit to the Fairgrounds Arena Building in Haywood County February 7, 2011, and ending with an article about the Fairgrounds Arena in The Mountaineer on February 23, 2011.

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1/4/2011 Visit to office of Bruce Crawford with the following letter.

Bruce Crawford, Director  
**Haywood County Building Inspections**  
County Offices Annex II  
1233 N. Main St.  
Waynesville, NC 28786  
(828) 452-6638  
bcrawford@haywoodnc.net

**Subject:** Request for Public Information.

I would like to inspect the following items:

- Certificate of Occupancy for the Fairgrounds Arena Building,
- Recent and Current Fire Sprinkler Pressure Test for the Fairgrounds Arena Building,
- Recent and Current Fire Sprinkler Pressure / Volume Test for River Bend Elementary School.

Thank you again for all your assistance.

1/4/2011 Sent follow-up letter.

Bruce Crawford, Director  
**Haywood County Building Inspections**  
County Offices Annex II  
1233 N. Main St.  
Waynesville, NC 28786  
(828) 452-6638  
[bcrawford@haywoodnc.net](mailto:bcrawford@haywoodnc.net)

**Subject:** Amended Request for Public Information.

Thank you for talking with me this morning regarding the following items:

- Certificate of Occupancy for the Fairgrounds Arena Building,
- Recent and Current Fire Sprinkler Pressure Test for the Fairgrounds Arena Building,
- Recent and Current Fire Sprinkler Pressure / Volume Test for River Bend Elementary School.

In summary, you indicated the following:

- Certificate of Occupancy for the Fairgrounds Arena Building.

The building is under a Temporary Certificate of Occupancy, for which you indicated there is no time limit or expiration date, it can be extended indefinitely. The building was started in 2004, completed in 2006, and the fire system was installed in 2007. There was a horse show prior to the fire system being installed, but the Fire Marshall was present. I was under the impression that a Temporary Certificate of Occupancy was good for one hundred eighty (180) days, and could be only extended twice.

You indicated you did not have the Temporary Certificate of Occupancy handy. Can you please locate it and let me know when you have it handy, so that I can come by and actually inspect it?

- Recent and Current Fire Sprinkler Pressure Test for the Fairgrounds Arena Building.

I went over to the Fire Marshall's office this morning, and Johnny Glance was out, as you said, and neither of the other two employees of the Fire Marshall's staff were in or available. I will check back with Johnny Glance next week.

- Recent and Current Fire Sprinkler Pressure / Volume Test for River Bend Elementary School.

You indicated that a Fire Sprinkler System was not required at River Bend Elementary School, and I didn't catch the reason that you gave. However, it was brought to my attention that the school is loaded with Fire Sprinkler heads (\$1/4 Million worth of sprinkler heads), and I'm wondering why? Why not make them work if they had been installed? If I had a child at that elementary school, I would feed better if I knew the system worked.

I would like to amend my initial request to include Appendix B of the architectural drawing for the River Bend Elementary School.

Can you please let me know when you have both the Temporary Certificate of Occupancy for the Fairgrounds Arena and Appendix B for the River Bend Elementary School available, and I will make another visit to your office.

Thank you again for all your assistance.

1/5/2011 Sent the following e-mail to Bruce Crawford, cc Rebecca Morgan.

Hello Mr. Crawford,

I wanted to remind you that I had not heard back from you since I sent you my letter on December 4th regarding amending my request for public information: Can you please let me know when you have both the Temporary Certificate of Occupancy for the Fairgrounds Arena and Appendix B for the River Bend Elementary School available, and I will make another visit to your office.

From the North Carolina Guide to Open Government and Public Records by Roy Cooper, North Carolina Attorney General [conveniently located on [www.haywoodtp.net](http://www.haywoodtp.net) ], on page 2 in Section 4, it says when a request for information is made, the responding entity should:

4. Notify the requesting party in writing that the request has been received and give a reasonable timetable for a response.

Could you please let me know in writing that the request has been received and give me a reasonable timetable for a response?

Another e-mail, same date. Followed up with a slight correction.

Mr. Crawford,

I misstated the date in my request reminder to you. It should have been January 4th, not December 4th.

1/6/2011 E-mail reply from Bruce Crawford.

Mr. Miller,

I am sorry for the delay. Your previous message ended up in my spam folder. Your request has been forwarded to David Teague in the Public Information Office pursuant to Haywood County policy.

Thank you for your patience.

Regards,

Bruce Crawford

E-mail to David Teague.

David,

Please find a forwarded response I received from Bruce Crawford this morning, the Haywood County Building Inspector, regarding a request for information I had made.

Find attached two (2) requests I submitted to Mr. Crawford on January 4th, the first being an original request for information, and a second amended request for information which included a summary of the conversation I had with Mr. Crawford in his office that morning.

Pursuant to the North Carolina Guide to Open Government and Public Records by Roy Cooper, North Carolina

Attorney General [conveniently located on [www.haywoodtp.net](http://www.haywoodtp.net) ], on page 2 in Section 4, it says when a request for information is made, the responding entity should:

4. Notify the requesting party in writing that the request has been received and give a reasonable timetable for a response.

Evidently there is a county policy now prohibiting Mr. Crawford from dealing with me directly.

To reiterate the amended request, I had asked Mr. Crawford to let me know when he has both the Temporary Certificate of Occupancy for the Fairgrounds Arena and Appendix B for the River Bend Elementary School available. I presume now that he is going to dig those up and forward them over to you for my inspection.

You know, this seems like one of those clumsy County Policies that are redundant, and waste other peoples time and energy, including yours, and should be dispensed with, when I could have simple made a visit to Mr. Crawford's office in the first place.

Under any circumstances, could you please let me know in writing that the request has been received and give me a reasonable timetable for a response?

1/8/2011 E-mail to David Teague.

David,

Thank you for seeing me yesterday regarding the request for information that was forwarded to you by Bruce Crawford, Head of the Haywood County Building Inspection Department. You indicated that you were out the day before, Thursday, and probably would not get to my request yesterday. Sure enough, I did not get a response from you yesterday.

Unfortunately, I consider this request to be of the nature that time is of the essence. You see, I don't have the current schedule of activities for the Haywood County Fairgrounds, and I would feel better knowing I did all I could to insure that people attending any event at that Fairgrounds were confident that the Fairgrounds Arena Building, for example, were held to and maintained at the standards people and Taxpayers of this county expect, and of course, per law.

Suppose, for example, a person in a wheelchair attending an event at the Haywood County Fairgrounds in the Arena Building has to tinkle, [or #2]. Will they have the proper access to the nearest toilet?

It is my understanding that the Department of Justice has jurisdiction in matters like this. If your In Basket is too full of other important Public Information things, let me know and I can get some help for you. I can copy the Department of Justice on my next e-mail reminder to you, and I expect the first place DOJ will show up is at your door to assist you.

I'm wondering who the genius was that decided that these public information requests from the Taxpayers of Haywood County must now go through your In Basket Bottleneck. Do you know who the genius is?

At your option, if you are too busy with other important Public Information things, you could refer me back directly to Bruce Crawford, and I can work with him directly.

To be clear, I had requested to inspect the Temporary Certificate of Occupancy for the Fairgrounds Arena Building, which evidently can be extended indefinitely, and Appendix B of the Architectural Drawings for the River Bend Elementary School.

By the way, I had requested to inspect the Recent and Current Fire Sprinkler Pressure Test for the Fairgrounds Arena Building, and Bruce Crawford referred me to Jonnie Glance, the Haywood County Fire Inspector. Jonnie Glance was out last week. Now that I know the drill here, Jonnie Glance will probably refer his request to you and your In Basket Bottleneck. So we can save some time here. Please add this to the requests that were forwarded to you by Bruce Crawford.

Again, pursuant to the North Carolina Guide to Open Government and Public Records by Roy Cooper, North Carolina Attorney General [conveniently located on [www.haywoodtp.net](http://www.haywoodtp.net) ], on page 2 in Section 4, it says when a request for information is made, the responding entity should:

4. Notify the requesting party in writing that the request has been received and give a reasonable timetable for a response.

Could you please let me know in writing that the request has been received and give me a reasonable timetable for a response?

Thank you, as always, for your attention in these matters.

1/11/2011 E-mail from David Teague. Temporary C/O attached.

Mr. Miller,

Per your request, Mr. Crawford has provided me with a copy of the Temporary Certificate of Compliance/Occupancy for the Fairgrounds Arena Building, as well as the portion of the NC Administrative Code and Policies that addresses temporary occupancy. In addition, I have the blueprints for River Bend Elementary School, including Appendix B, as you requested.

Regarding the Fire Sprinkler Pressure Test for the Fairgrounds Arena Building and the Fire Sprinkler Pressure/Volume Tests for River Bend Elementary, Fire Marshal Johnny Glance is working on this part of your request and will provide the documents as soon as possible.

Also attached, please find a copy of the Public Records Request Policy adopted by the Board of Commissioners last September, which describes how to make a Public Records Request and the estimated time for an initial response from my office. Please note that it states my office will attempt to make an initial response to public records requests within three business days of receiving the request. I apologize for the slight delay in getting my initial response to you. I was in Charlotte last Thursday to accompany my father to a medical appointment. As a result, I was on deadline Friday to complete another project that needed to be released that day, and that is why I did not stop to discuss your request when you came by my office.

Please let me know when you would like to come by and review the documents Mr. Crawford has provided so far, and I will keep you posted on our progress related to the other documents.

Sincerely,

David V. Teague

1/12/2011 E-mail from David Teague.

Mr. Miller,

I think it might be helpful if we arrange for you to talk with Mr. Glance and Mr. Crawford next week regarding their responsibilities, and how they relate to Building Codes, ADA requirements and the National Fire Protection Association. You can either contact them by phone or I will be glad to check with them and get back with you on some possible meeting dates.

Thank you,  
David V. Teague

Note: I declined the offer.

2/3/2011 Sent letter of concern regarding Fairgrounds Arena Building to NCDOT, Phelps and Strickland.

2/7/2011 Site visit by NCDOT personnel.

2/23/2011 **Fairground events put in jeopardy**, By Vicki Hyatt, The Mountaineer, February 23, 2011. The first two paragraphs of the Mountaineer article say:

“Unfinished building issues at the county fairgrounds’ multi-purpose arena are threatening the slate of shows and events planned at the facility this summer.

At last night’s county board meeting, Commissioner Kevin Ensley, who serves on the Haywood County Fairgrounds board, broke the bad news that the newest building on the fairgrounds complex can no longer operate under a temporary certificate of occupancy. That means the arena can’t be used until it meets state building codes regarding required restroom facilities. ...”

End Time Line.