

Haywood County “Toeprints”

May 6, 2016

Vol. #7 Issue #9 (Subject: CES Closure Lawsuit!)

www.haywoodtp.net

What’s Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

16CVS405 - Melrose Lawsuit against the School Board.

Mark Melrose filed a lawsuit against the Haywood County School Board for wrongfully closing Central Elementary School (CES). Melrose hit the Board on procedures, see:

<http://haywoodtp.net/pubII/160504MelroseLawsuit.pdf>,

whereas my investigation was aimed at Finances, see:

<http://haywoodtp.net/pubTP/T160323.pdf>

[**Editors Note:** My investigation conclusion did not get a single word in either the Mountaineer nor the Smoky Mountain News, but Mark Melrose got an interview on WLOS. I’ll have to figure out how he does that...]

The Melrose lawsuit exposes the soft underbelly of what has been going on in Haywood County for years. Melrose is to be commended for bringing forth this lawsuit, as this type of thing would have been unheard of even a year ago in Haywood County.

This issue will connect the dots of what is really going on here, and who the main players are.

First the players:

- **Mark Swanger** and all of his followers on his board.
- **Chuck Francis** and all of his followers on his board.
- **Pat Smathers**
- **Anne Garrett**
- **Vicki Hyatt** and **Becky Johnson**
- **David Francis**
- **Ira Dove** and **Chip a.k.a. Leon Killian**
- **Julie Davis**

The Pieces of the puzzle:

- The Historic Hospital, home to the School Administration
- The Glorified Dog Pound
- The Lease between the County and School Admin.
- Animosity between **Swanger** and **Garrett**
- **Swanger’s** belief that he is the boss of all things.

Lease between County and School Administration.

It was brought to my attention that a piece of paper, about 20 years old, existed that the County was responsible for providing a home for the School Administration. On a

whim, I asked, in a hand written note, if Anne Garrett knew anything about this. She said “Sure, I have it on my desk. Come over and get a copy.” What the ??? I did, then made two (2) copies (one for Terry Ramey, and the second delivered to the law office of Mark Melrose), and posted it on www.haywoodtp.net.

<http://haywoodtp.net/pubII/160324CountySchoolBuildingLease.pdf>

The lease originated on September, 1980 and automatically renews every 10 years, unless terminated. It has never been terminated. It states:

... It is therefore agreed by and between the parties that if for any reason the Haywood County Commissioners should, at a later date, terminate this Contract, or cannot for any reason furnish and provide that portion of the Hospital Building hereinafter referred as an office for Lessee, then and in that event, Lessor will promptly furnish and provide Lessee with comparable quarters within the Town of Waynesville (or elsewhere as agreed upon by both parties) with due regard to the requirements of Lessee as to square footage, type of construction, and design suitable to meet the needs and requirements of Lessee; in other words, “equal” offices. ...”

What the [Expletive Deleted!]? **Swanger** and **David Francis** are yanking the rug out from under the School Administration by selling off the Hospital for low-income housing. See:

<http://haywoodnc.net/downloads/commissioners/agmin2016/0502/a14.pdf>

Animosity between **Swanger** (the ex-FBI guy who believes he is the boss of everyone) and **Garrett** has been long standing and well documented. I first became aware of this at a county commission Budget Work Session, when **Anne Garrett** requested a budget increase one year, and Swanger lambasted her, telling her that is what the Funding Formula was for.

[**Editor’s Note:** Why is **Anne Garrett’s** name in bold, and why didn’t she ask for a budget increase this year, especially after the School Board closed CES? We will get to that.]

Swanger’s “public” effort to sell the Old Hospital to Landmark Developers has been relatively recent, from about the first of this year, but as we shall see from the lawsuit, Tracy Hardgrove had estimated it would take one and a half Million to make the move. But wait! Tracy Hardgrove had left the building back late last year, about the time I had my

run-in with this character **Randy Siske**: See <http://haywoodtp.net/pubII/151211FrancisFarmVideo.pdf>

The point is, everyone seemed to know that **Swanger** was forcing **Garrett** and the School Administration between a rock and a hard place.



(**Swanger**, the boss of everything. File Photo, Mountaineer)

Anne Garrett certainly knew about the Lease, yet they were developing contingencies about costs analysis of moving from the Old Hospital to CES. Why couldn't **Garrett** do anything? Who knows why the Lease was not brought out in a very public way. Where was **Chuck Francis** in all of this.

This is where he was...



This photo of the mama goose in Lake Junaluska swimming along, and all the other little geese in tow is analogous to what is happening here. That would be **Swanger** leading the little geese, and that would be **Chuck Francis** immediately behind **Swanger**. Unfortunately, when **Swanger** stops, **Chuck Francis** has his head so close that it gets shoved up **Swanger's** [expletive deleted]. **Francis** should be able to give a report on what **Swanger** had for breakfast that morning.

Dirty Little Secret.

The smoking gun that Mark Melrose was able to obtain through a Freedom of Information Act Request, was the video of the School Board Budget Workshop meeting chaired by **Jim Harley Francis**. Why they did not destroy that video, I will never be able to understand.

[**Editor's Note**: I need to find out how to file a Freedom of Information Act Request, as I am getting a bunch of static now from Candy Way and **David Francis** on Landfill documentation they refuse to turn over.]

I have attended both **Jim Harley Francis's** budget committee meetings, and several of the School Board meetings. **Jim Harley Francis** buckled at the meeting I attended (at the time period I had exposed **Julie Davis** and her falsifying the PPA values in the Funding Formula). He said one thing before the meeting, yet caved during the meeting. All run under the strict hand of **Chuck Francis**. **Chuck Francis** cut me off at 3 minutes during one of my public comments (much as **Mark Swanger** cuts off Debbie King at 3.000000 minutes during county commission meetings), yet allow as much time as necessary to those speaking in favorable terms.

What this video exposed was that during public meetings (**Jim Harley Francis** budget workshop was indeed a public meeting), strategy was indeed discussed how to close CES.

This is the seedy underbelly of how things are done here in Haywood County, all finally documented and exposed with this lawsuit.

Imagine what would happen if a Judge grants an injunction against the School Board from having closed CES.

Here is the scenario...

- Judge grants the injunction.
- School Administration is blocked from moving to CES.
- Landmark cannot begin demolition of Old Hospital.
- CES closure has to be re-evaluated.
- CES opens during this phase, redistricting students again

By the way, it has been brought to my attention that CES is having a nice WIFI system installed as we speak.

What should the county commissioners do?

- Commissioners should be held accountable to Lease.
- Suspend any new costs for the Glorified Dog Pound.
- Build the School Administration a new Office instead.
- When complete, build a sensible Dog Pound.

Landmark Developers ought to sue the pants off of **Swanger, Ensley, David Francis** and the rest of the county commissioners for selling the Old Hospital when they knew damn well they were breaking a Lease.

Anne Garrett exchange...

I don't know about you, but I was fuming mad after I read the Melrose lawsuit. Then it clicked... I sent the following e-mail to **Anne Garrett**:

[Read e-mail at end of newsletter].

Anne Garrett called me about 30 minutes after I sent the e-mail, and said she never lied to me. They never discussed this in a meeting. Said she didn't care if her name was in **bold**. Slammed the phone down.

It appears that will be the defense that the School Board will use when this goes to court. Who is at the bottom of this brilliant strategy?

It has to be their lawyer, **Pat Smathers**, mentioned in the lawsuit.

To this day, other than **Jimmy Rogers**, [re: <http://haywoodtp.net/pubTP/T160323.pdf>], no one has officially admitted that the School Administration is going to occupy CES.

Where is **Rhonda Schandavel**? She is a part of all of this scheming, yet has she spoken out? Is this the behavior to be expected by someone that is running for an NC Representative slot? I don't think so.

I have a new file photo I will be using for folks such as **Mark Swanger, Chuck Francis, David Francis**, and the like. It's the "How did I get into this position photo". Hope you like it...



Legend: If any name is in **bold**, it can't be a good thing.

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Si vis pacem, para bellum

Subject: Lied?

Date: Thu, 5 May 2016 07:59:37 -0400

From: Monroe Miller

To: Anne Garrett <anne@haywood.k12.nc.us>, PAT SMATHERS <pat@smatherslaw.com>

CC: Chuck Francis <chuckfrancis@charter.net>, Bill Nolte <nolte@haywood.k12.nc.us>, Mark Swanger <markswanger@bellsouth.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, Bill Upton <billupton@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>

Anne,

Do you recall at the end of your session at the County Commissioner Budget Work Session on 4/12/2016, where I handed you my hand written notes to look at? I had written:

- “Big Elephant in the Room”.
- “Where will Administration Go?”

You said aloud: "We haven't even had a meeting about this. What are they going to do - kick us out?"

See: [16 CVS 405. Mark Melrose Lawsuit against Haywood County School Board for wrongful closure of Central Elementary School. Watch these key players: Mark Swanger, Chuck Francis, Rhonda Schandavel, Pat Smathers and Vicki Hyatt. 5/3/2016. 5/4/2016...](#)

or

<http://haywoodtp.net/pubII/160504MelroseLawsuit.pdf>

You lied to me. I am hurt.

You should think about resigning... (along with the entire School Board, that includes Rhonda Schandavel, and entire set of County Commissioners).

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.