

Haywood County “Toeprints”
January 14, 2018
Vol. #9 Issue #1 (Subject: Avcon.)
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.

Who is Avcon?

What started out innocuously by **David Francis** to grab some dirt that had to be removed from the new Publix site and move it over to the **James Weaver “Kirk” Kirkpatrick III** Super Duper Sports Complex, has turned out to be a Quarter of a Million Dollar Project (and could easily escalate to Half a Million Dollar Project), and all this was done in the dark of night with the contract awarded to a company called Avcon USA, LLC.

What the [Expletive Deleted]?

Prior to the County Commissioners approving this contract to Avcon USA, LLC, no one I know had ever heard of Avcon.

Avcon did not show up with a simple search on the NC Secretary of State website, but did pop up when the SOSID number was used. SOSID: 1155004.

[**Editors Note:** Some of the documents relating to Avcon are located on pages following the end of this Toeprints.]

From the Articles of Organization, we find that Avcon USA, LLC was formed by **LegalZoom, Inc., over on 7083 Hollywood Blvd., Suite 180, Los Angeles, CA 90028.**

The registered office is located at **133 Montana Stone Trail in Waynesville, NC 28785.**

The registered agent is Sara Stalnaker McCoy.

Attached is the Haywood County Maps On Line information relating to 133 Montana Stone Trail. It is a Half Million Dollar residence owned by David and Nancy Mullen.

A quick on-line search reveals that David Mullen is a lawyer in Indiana, see attached.

Also attached from the SOS site is the most recent Annual Report, listing the Principle Office Address at: 120 Miller Street.

Attached is a photo of the Avcon USA, LLC Store Front on Miller Street.

I guess that pretty well establishes who Avcon USA, LLC is.

Bidding Irregularities?

As far as I can determine, there were only two (2) people ramming this project down the throats of Haywood County Taxpayers:

- **David Francis**, Administrative Program Evaluator,
- Scott Burwell, Project Manager, McGill Associates.

At the first inkling of this fiasco, during the November 20th County Commission meeting, **David Francis**, whose title on the agenda was listed as Program Administrator, provided an attachment (ATTACHMENT 12) -

<http://haywoodnc.net/downloads/commissioners/agmin2017/1120/a12%201120.pdf>

which included a letter from Scott Burwell thanking **David Francis** for “... requesting McGill Associates to provide this proposal to assist Haywood County with survey, civil engineering design, etc., etc., etc.”.

There is no evidence that **David Francis** ever bid this project to anyone else, other than McGill Associates.

I have a current Request for Public Information requesting the following:

<http://haywoodtp.net/pubII/180113DialogAvconBiddingIrregularities.pdf>

“Attachment 12 from the 11/20/2017 county commission meeting shows a letter from Scott Burwell of McGill Associates, thanking David Francis, County Administrator, for requesting McGill to provide this proposal. Please provide all e-mail or any other correspondence between David Francis and McGill, and all other people that were invited to provide a proposal to David Francis prior to the 11/20/2017 county commission meeting.”

Let me know if there is anyone in Haywood County that believes I am going to get a response to this Request for Public Information.

The whole bidding process, instead of being run by the Haywood County Purchasing Department, was administered exclusively by Scott Burwell, Project Manager, McGill Associates. All bidding documents are on McGill Associates letterhead.

There were two bids. See:

<http://haywoodtp.net/pubII/180111-1700158CertBidTab-J-Crl-Soil-Prj.pdf>, and attached.

Custom Paving bid	\$499,996.00
Avcon USA, LLC bid	\$263,982.75

Whoa? !!!

There is a Quarter of a Million Dollars difference between these two bidders!!!

Does this raise a **Red Flag** with anyone else in Haywood County besides me?

It is interesting to note that as described in the Haywood County Procurement Process Overview -

[http://www.haywoodnc.net/downloads/finance/docs201314/procurement overview0114.pdf](http://www.haywoodnc.net/downloads/finance/docs201314/procurement%20overview0114.pdf)

that there are two types of bids.

- Formal Bidding Process (over \$500K)
- Informal Bidding Process (\$30K to \$500K)

It is hysterical that Custom Paving's bid was \$4.00 below the Formal Bidding Process level. I think someone worked really hard on the numbers to get it below \$500K.

Since Custom Paving has established a good reputation in Haywood County, I am more likely to believe Custom Pavings bid to be a more accurate representation of how much it will take to complete this job, based on the McGill Specifications.

As far as I can determine, there is no track record for anything with Avcon USA, LLC in Haywood County to compare against.

Let me tell you what I think is going to happen. This project will begin, and all of a sudden, some unexpected condition is going to arise, and **David Francis** will come crawling back to commissioners and ask for more money for Avcon. After all, the county is now pregnant with Avcon, and we can't stop now. It is a technique **David Francis** is familiar with and is an expert.

Please review www.haywoodtp.com Interesting Stuff -

<http://haywoodtp.net/pubII/180113DialogAvconBiddingIrregularities.pdf>

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

Monroe A. Miller Jr.,
Haywood County Taxpayer
2200 Camp Branch Road
Waynesville, NC 28786
www.haywoodtp.net
Si vis pacem, para bellum

SOSID: 1155004
 Date Filed: 6/17/2010 3:14:00 PM
 Elaine F. Marshall
 North Carolina Secretary of State
 C201016800187

State of North Carolina
 Department of the Secretary of State

Limited Liability Company
 ARTICLES OF ORGANIZATION

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: AVCON USA, LLC
2. If the limited liability company is to dissolve by a specific date, the latest date on which the limited liability company is to dissolve: *(If no date for dissolution is specified, there shall be no limit on the duration of the limited liability company.)*
3. The name and address of each person executing these articles of organization is as follows: *(State whether each person is executing these articles of organization in the capacity of a member, organizer or both).*
LegalZoom.com, Inc., as Organizer
7083 Hollywood Blvd., Suite 180
Los Angeles, CA 90028
4. The street address and county of the initial registered office of the limited liability company is:
 Number and Street 133 Montana Stone Trail
 City, State, Zip Code Waynesville, NC 28785 County Haywood
5. The mailing address, *if different from the street address*, of the initial registered office is:
6. The name of the initial registered agent is: Sara S. McCoy
7. Principal office information: *(Select either a or b.)*
 - a. ☒ The limited liability company has a principal office.
 The street address and county of the principal office of the limited liability company is:
 Number and Street 133 Montana Stone Trail
 City, State, Zip Code Waynesville, NC 28785 County Haywood
 The mailing address, *if different from the street address*, of the principal office of the corporation is:
 - b. ☐ The limited liability company does not have a principal office.

8. Check one of the following:

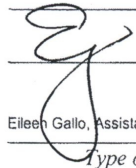
☒ (i) **Member-managed LLC**: all members by virtue of their status as members shall be managers of this limited liability company.

☐ (ii) **Manager-managed LLC**: except as provided by N.C.G.S. Section 57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.

9. Any other provisions which the limited liability company elects to include are attached.

10. These articles will be effective upon filing, unless a date and/or time is specified:

This is the 15 day of June, 20 10.



Signature
Eileen Gallo, Assistant Secretary, LegalZoom.com, Inc., Organizer

Type or Print Name and Title

NOTES:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

CORPORATIONS DIVISION
(Revised January 2002)

P.O. Box 29622

RALEIGH, NC 27626-0622
(Form L-01)

[illegible]

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

David K. Mullen - Lawyer in Batesville, Indiana (IN) Ripley County -... <http://www.legaldirectories.com/Mullen-David-K-133387-Atty.aspx>

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LIMITED LIABILITY COMPANY ANNUAL REPORT

NAME OF LIMITED LIABILITY COMPANY: AVCON USA, LLC

SECRETARY OF STATE ID NUMBER: 1155004

STATE OF FORMATION: NC

REPORT FOR THE YEAR: 2017

Filing Office Use Only
E-Filed Annual Report
1155004
CA201703701038
2/6/2017 03:27

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: McCoy, Sara S

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED OFFICE STREET ADDRESS & COUNTY

120 Miller Street

Waynesville, NC 28786-3716 Haywood County

4. REGISTERED OFFICE MAILING ADDRESS

P.O. Box 1500

Waynesville, NC 28786-1500

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Construction Services

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 926-5059 x5

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS & COUNTY

120 Miller Street

Waynesville, NC 28786-3716

5. PRINCIPAL OFFICE MAILING ADDRESS

P.O. Box 1500

Waynesville, NC 28786-1500

SECTION C: COMPANY OFFICIALS (Enter additional Company Officials in Section E.)

NAME: Sara Stalnaker McCoy

NAME: George E McLaughlin

NAME: _____

TITLE: Member

TITLE: Member

TITLE: _____

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

133 Montana Stone Trail ✓

80 Winding Waters Drive

Waynesville, NC 28785

Moneta, VA 24121

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Sara Stalnaker McCoy

2/6/2017

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of this form.

Sara Stalnaker McCoy

Member

Print or Type Name of Company Official

Print or Type The Title of the Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Corporations Division, Post Office Box 29525, Raleigh, NC 27626-0525



Avcon USA, LLC, 120 Miller Street, Waynesville, NC 28786

**CERTIFIED BID TABULATION
JOHNATHAN CREEK SOIL RECLAMATION PROJECT
HAYWOOD COUNTY**

				Avcon USA LLC 120 Miller Street Waynesville, NC 28786		Custom Paving, Inc. 814 Hyatt Creek Road Waynesville, NC 28786	
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization/General Requirements	1	LS	\$630.00	\$630.00	\$14,500.00	\$14,500.00
1a	Clearing and Grubbing	1	LS	\$16,800.00	\$16,800.00	\$61,671.00	\$61,671.00
2	Skimmer Sediment Basin	1	LS	\$18,900.00	\$18,900.00	\$24,000.00	\$24,000.00
3	Permanent Diversion Ditch	1,050	LF	\$31.50	\$33,075.00	\$5.00	\$5,250.00
4	Slope/Ditch Matting	1,200	SY	\$7.50	\$9,000.00	\$4.00	\$4,800.00
5	Erosion Control Maintenance for County Installed Measures	1	LS	\$840.00	\$840.00	\$18,000.00	\$18,000.00
6	Earthwork	35,000	CY	\$3.15	\$110,250.00	\$6.00	\$210,000.00
7	Undercut Excavation, Remain Onsite	1,500	CY	\$3.15	\$4,725.00	\$50.00	\$75,000.00
8	Select Backfill	750	CY	\$5.25	\$3,937.50	\$20.00	\$15,000.00
9	Washed Stone for Base Stabilization	1,215	TON	\$28.35	\$34,445.25	\$35.00	\$42,525.00
10	Geogrid for Base Stabilization	2,250	SY	\$2.00	\$4,500.00	\$5.00	\$11,250.00
11	Seeding	1	LS	\$26,880.00	\$26,880.00	\$18,000.00	\$18,000.00
TOTAL					\$263,982.75		\$499,996.00



This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 8th day of December 2017, in the Haywood County Historic Courtroom, Town of Waynesville, North Carolina and that said bids were accompanied by acceptable certified checks or bidder's bonds in the amount of 5% of the bid.

Project #17.00158
Page 1 of 1

Bid Tabulation, on McGill letterhead.